

SCHEDULES

SCHEDULE 11

Article 5

REQUIREMENTS

1. In this Schedule—

“environmental statement” means the statement submitted under regulation 5(2)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽¹⁾, together with the shadow Habitats Regulations Assessment report, statements of common ground concluded with Natural England, the MMO and the Environment Agency and the following documents submitted by the undertaker and certified under article 55 (certification of plans etc)—

<i>Reference</i>	<i>Title</i>
EX 3.1	Able Humber Port Northern Area Planning Committee Meeting Notes Feb 2012
EX 7.7	AMEP Material Management Plan
EX 7.8	Able Marine Energy Park Dredging Strategy
EX 8.5	Validation of 3D Flow and Sediment Models used for Assessment of Impacts of AMEP on Fine Sediment Transport
EX 8.6	Maintenance Dredge Variability
EX 8.7A	Modelling of Final Quay Design (Supplement to Annex 8.1 of the ES)
EX 8.8	Update to Longer Term Morphology Predictions in the Region of the Centrica and E.ON intakes and outfalls
EX 8.9	Historical Review of Morphological Change North of HIT (2001–2010)
EX 8.10	Long-term Morphological Change at Embayment South of Quay
EX 8.11	Water Framework Directive – Compensation Site
EX 8.12	Water Framework Directive – Project Wide
EX 8.12A	Water Framework Directive
EX 8.13	IOTA Dredge Appropriate Assessment
EX 8.14	Hydraulic & Sediment Regime – Piled Structures
EX 8.15	Effect of Moored Vessels on Flows
EX 8.16	Chapter 8 Signposting Document
EX 9.7	Assessment of the effects of relocations of the E.ON and Centrica outfalls on thermal recirculation

⁽¹⁾ S.I. 2009/2264.

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<i>Reference</i>	<i>Title</i>
EX 10.4	Effect of Dredged Material Disposal on 1) Subtidal and Intertidal Features and 2) Aquatic Ecology
EX 10.5	Supporting Information on Harbour Porpoises in the Humber Estuary
EX 10.6	Impact of Berthing Pocket Construction
EX 10.7	Soft Start and Seals
EX 10.8	Disposal Site Characterisation and Impact Assessment
EX 10.9	Environmental Management and Monitoring Plan: 1. Marine Works (Draft)
EX 11.14	Biotopes of the Intertidal and Subtidal Sediments around the AMEP site, in the Humber Estuary
EX 11.16	Assessment Update for Breeding Birds
EX 11.17	AMEP Vascular Plant Surveys
EX 11.18	Sensitive Months for Birds Using Intertidal
EX 11.19	AMEP Bat Surveys Supplementary Note
EX 11.20	Draft Great Crested Newts Licence Application – acknowledgement of receipt
EX 11.22	The Impact of SPMTs and Cranes on the Operational Buffer
EX 11.23	Immediate Habitat Losses Within the Designated Site
EX 11.24	Medium and Long Term Losses Within the Designated Site
EX 11.26	Pumping Station
EX 11.26A	Water Vole Mitigation
EX 11.27	Killingholme Phase 2 Survey
EX 11.27A	Breeding Bird Mitigation
EX 11.28	Great Crested Newt Survey (2006)
EX 11.29	Water Vole Survey (2009)
EX 11.30	Location of Replacement Ponds for Great Crested Newts
EX 11.31	M456 Invertebrate Survey
EX 11.32	Draft Environmental Monitoring and Management Plan: 2. Terrestrial Habitat – Killingholme
EX 11.33	In combination Effects on Curlew
EX 13.2	Addendum to Flood Risk Assessment
EX 14.4	Simulation Videos and Stills
EX 15.3	A160 Killingholme Humber Port Access, Stage 1 Road Safety Audit
EX 15.4	A160 Killingholme Humber Port Access, Stage 1 Road Safety Audit Designer's Response
EX 15.5	Additional Junction RSA

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<i>Reference</i>	<i>Title</i>
EX 19.1	Lighting Lux Plans
EX 20.3	Additional Landscape Masterplan
EX 28.1	Compensation Site Interim Report on Detailed Design
EX 28.2	Old Little Humber Farm: Wet Grassland Creation, Management and Monitoring Plan
EX 28.3	Final Compensation Proposals, Parts 1–10
EX 31.5	Re-Use of In Situ Material at CCS (Inc. Cherry Cobb Sands Phase 2 Site Investigation)
EX 31.5A	Factual Report on Geo–Environmental Ground Investigation, Cherry Cobb Sands
EX 34.2	An Assessment of Temporal Variation of Benthic Invertebrate Communities in the Humber Estuary
EX 35.12	Farmland Disturbance at Cherry Cobb Sands
EX 35.13	Badger Bait–Marking Survey
EX 35.14	Cherry Cobb Sands Compensation Site: Bird Survey Results August 2010 to April 2011
EX 36.2	North Bank Flood Defence Crest Height
EX 36.3	Residual Flood Risk to Property on North Bank
EX 36.4	Embankment Inspection and Maintenance Report
EX 44.1	Supplementary In-Combination Assessment
EX 44.2	Addendum to EX 44.1

; and

“the water framework directive” means [Directive 2000/60/EC](#) of the European Parliament and of the Council of 23rd October 2010 establishing a framework for Community action in the field of water policy⁽²⁾.

Time limits

2. The authorised development must be begun within 7 years of the date on which this Order comes into force.

Stages of the development

3. No part of the authorised development is to commence until a written scheme setting out all the stages of the authorised development has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(2) O.J. No L327, 22.12.2000, p. 1-73.

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Cargo restriction

4.—(1) The cargo for which the authorised development is authorised to handle the embarkation and disembarkation is restricted to items associated with offshore renewable energy infrastructure and any cargo that is incidental or ancillary to such items.

(2) The development described at paragraph 3(b) of Schedule 1 (authorised development) is restricted to items associated with components and parts for offshore renewable energy infrastructure.

Detailed design approval

5. Except where the authorised development is carried out in accordance with the drawings listed in paragraph 6, no authorised development may commence until details of the layout, scale and external appearance of the authorised development so far as they do not accord with the drawings listed in paragraph 6 have been submitted to and approved by the relevant planning authorities, and the authorised development must be carried out in accordance with the approved details.

6. The authorised development must be carried out in accordance with the drawings listed below, unless otherwise approved by the relevant planning authority in accordance with paragraph 5 and the altered development falls within the Order limits and has no significant environmental effects beyond those assessed in the environmental statement—

- (a) the application drawings, being those drawings with reference TR030001/APP/23a comprising—
 - (i) drawing “AME-02006”;
 - (ii) drawing “AME-02007”;
 - (iii) drawing “AME-02008”;
 - (iv) drawing “AME-02009”;
 - (v) drawing “AME-02010”;
 - (vi) drawing “AME-02011”;
 - (vii) drawing “AME-02012”;
 - (viii) drawing “AME-02013”;
 - (ix) drawing “AME-02014”;
 - (x) drawing “AME-02016”;
 - (xi) drawing “AME-02017”; and
 - (xii) drawing “AME-02018”;
- (b) the design drawings, being those drawings with reference TR030001/APP/23b comprising—
 - (i) drawing “AMEP_P1D_D_001”;
 - (ii) drawing “AMEP_P1D_D_002”;
 - (iii) drawing “AMEP_P1D_D_005”;
 - (iv) drawing “AMEP_P1D_D_006”;
 - (v) drawing “AMEP_P1D_D_007”;
 - (vi) drawing “AMEP_P1D_D_009”;
 - (vii) drawing “AMEP_P1D_D_101”;
 - (viii) drawing “AMEP_P1D_D_102”;

- (ix) drawing “AMEP_P1D_D_103”;
- (x) drawing “AMEP_P1D_D_104”;
- (xi) drawing “AMEP_P1D_D_105”;
- (xii) drawing “AMEP_P1D_D_106”;
- (xiii) drawing “AMEP_P1D_D_107”;
- (c) the sections, being those drawings with reference TR030001/APP/23b comprising—
 - (i) drawing “AMEP_P1D_D_003”;
 - (ii) drawing “AMEP_P1D_D_004”.

Provision of landscaping

7. No stage of the authorised development, other than tidal works, is to commence until a written landscaping scheme has been submitted to and approved by the relevant planning authority after consultation with National Grid. The landscaping scheme must include details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) proposed and existing functional services above ground, including drainage, power and communications cables and pipelines and supports;
- (h) details of existing trees to be retained, with measures for their protection during the construction period;
- (i) retained historic landscape features and proposals for restoration, where relevant; and
- (j) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

8.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 7 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2) The landscaping works must be carried out in accordance with implementation timetables approved under requirement 7.

(3) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives written consent to any variation.

Trees

9. No stage of the authorised development, other than tidal works, is to commence until written details of any proposed tree planting and the proposed times of planting have been approved by the relevant planning authority after consultation with National Grid; and all tree planting must be carried out in accordance with those details and at those times.

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Highway access

10.—(1) No stage of the authorised development is to commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a public highway to be used by vehicular traffic, or any alteration to an existing means of access to a public highway used by vehicular traffic, has, after consultation with the relevant highway authority, Royal Mail Group Ltd and Centrica plc, been submitted to and approved by the relevant planning authority.

(2) The undertaker must have regard to any consultation responses received.

(3) The public highway accesses must be constructed, or, as the case may be, altered, in accordance with the approved details.

(4) No stage of the authorised development is to commence until for that stage, a written scheme (the “Access Management Scheme”) has, after consultation with the relevant highway authority, been submitted to and approved by the relevant planning authority.

(5) The Access Management Scheme must be carried out in accordance with the approved details.

Public rights of way

11.—(1) No stage of the authorised development is to commence that would affect North Lincolnshire Footpath 50 or East Riding of Yorkshire Paull Footpath 6 until a written implementation plan and specification for the making up of an alternative right of way has, after consultation with the relevant highway authority, been submitted to and approved by the relevant planning authority.

(2) The alternative Footpath 50 and Paull Footpath 6 must be implemented in accordance with the relevant approved plan and specification.

Fencing and other means of enclosure

12.—(1) No stage of the authorised development is to commence until, for that stage, written details of all proposed permanent and temporary fences, walls or other means of enclosure have been submitted to and approved by the relevant planning authority.

(2) Any temporary fencing must be removed on completion of the authorised development.

(3) Any approved permanent fencing of the authorised development must be completed before the authorised development is brought into use.

Surface water drainage

13.—(1) No stage of the authorised development is to commence until a detailed surface water drainage strategy (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and including means of pollution control and funding arrangements) for that stage has been submitted to and approved by the local planning authority, after consultation with the Environment Agency, Anglian Water, E.ON and Centrica plc.

(2) The undertaker must have regard to any consultation responses received.

(3) The authorised scheme must be constructed in accordance with the approved surface water drainage strategy including any timetable embedded within it.

Foul water drainage

14.—(1) No stage of the authorised development is to commence until a detailed foul water drainage strategy (including means of pollution control and funding arrangements) for that stage has been submitted to and approved by the relevant local planning authority, after consultation with the Environment Agency, Anglian Water, E.ON and Centrica plc.

(2) The undertaker must have regard to any consultation responses received.

(3) The authorised scheme must be constructed in accordance with the approved foul water drainage strategy including any timetable embedded within it.

River basin management

15.—(1) The authorised development must not commence until a monitoring and management strategy document has been submitted to and approved by the Environment Agency, the purpose of such strategy document being to ensure that the authorised development is carried out in compliance with the water framework directive.

(2) The monitoring and management strategy document must in particular consider the spatial and temporal extent of the impact of the approved scheme on—

(a) those “biological elements” and “ecological potential elements” as defined in the Humber River Basin Management Plan for the Humber Middle and Humber Lower Water Bodies (GB53040269201 and GB30402609202), to include, but not limited to—

- (i) macro algae,
- (ii) angiosperms,
- (iii) macrophytes,
- (iv) benthic/macro invertebrates, and
- (v) fish; and

(b) those biological and ecological elements defined as “water-dependent habitats or species for which the Protected Area was designated” as defined in Annex D of the Humber River Basin Management Plan.

(3) The authorised scheme must be constructed and managed in accordance with the approved strategy document and the monitoring detailed in the approved strategy document must be implemented.

Contaminated land

16.—(1) No stage of the authorised development is to commence until a written scheme applicable to that stage, to deal with the contamination of any land, including groundwater and ground gas, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The scheme must include an investigation and assessment report, prepared by a suitably qualified person, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) Remediation must be carried out in accordance with the approved scheme and the management plan.

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Archaeology

17.—(1) No stage of the authorised development is to commence until, for that stage, a written project design for the investigation of areas of archaeological interest as identified in chapters 18 and 40 of the environmental statement has been submitted to and approved by the relevant planning authority.

(2) The project design must accord with the evaluation results and mitigation measures included in the document *Able UK Ltd Marine Energy Park: Framework for archaeological investigation and mitigation strategies* prepared by AC Archaeology Ltd (ref: ACW283/3/1 revised June 2012), and the *Written Scheme of Investigation: Coastal and Marine* prepared by Wessex Archaeology (ref 79490.02 revised March 2012) and subsequent updates, to be agreed by the relevant planning authority.

(3) The project design must identify—

- (a) areas where fieldwork is required;
- (b) measures to be taken to identify, protect, record and recover any archaeological remains that may be found including artefacts and ecofacts;
- (c) methodologies for post-excavation assessment and analysis of artefacts and ecofacts;
- (d) arrangements for dissemination and publication of reports;
- (e) preparation of archive material and its deposition with recognised repositories;
- (f) an implementation timetable;
- (g) monitoring arrangements, including notification and commencement of work;
- (h) details of contractors involved in the implementation of archaeological works; and
- (i) proposals for publicity and community outreach work.

(4) Any archaeological works carried out under the scheme must be carried out by a suitably qualified person or body.

(5) Any archaeological works must be carried out in accordance with the approved scheme and timings, subject to any variation approved by the relevant planning authority.

Listed building

18.—(1) No stage of the authorised development is to commence until a written management plan for the Killingholme North Low Lighthouse ('the building') has been submitted to and approved by the relevant planning authority, including the following—

- (a) a structural survey to be submitted to and approved by the relevant planning authority;
- (b) implementation of mitigation measures;
- (c) a schedule of repair works that ensure the long-term survival of the building;
- (d) an implementation timetable for all stages of work including timings to ensure that the mitigation measures and repair work are undertaken and completed in accordance with the plan;
- (e) monitoring arrangements with the relevant planning authority, including notification of the commencement of work;
- (f) details of all contractors to be involved in implementation of works to the building; and
- (g) details of the use of the building including proposals for community access and interpretation.

(2) The management plan must be implemented as approved.

Environmental management and monitoring plans

19.—(1) The authorised development must not commence until the compensation environmental management and monitoring plan reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has been submitted to and approved by Natural England after consultation with the Environment Agency and the relevant planning authority.

(2) The authorised development must not commence until a marine environmental management and monitoring plan, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has been submitted to and approved by the MMO after consultation with the Environment Agency, Natural England and the relevant planning authority.

(3) The authorised development must not commence until a terrestrial environmental management and monitoring plan, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has been submitted to and approved by Natural England after consultation with the Environment Agency and the relevant planning authority.

20. The compensation environmental management and monitoring plan, marine environmental management and monitoring plan and terrestrial environmental management and monitoring plan must require any further surveys deemed necessary to be carried out and include an implementation timetable; the plans must be carried out as approved.

Programming of Works

21.—(1) The undertaker must not commence construction of the quay (Work No. 1) less than 7 months after commencing construction of the compensation site referred to in paragraph 4(a) of Schedule 1 (authorised development)).

(2) The undertaker must use all reasonable endeavours to create the Cherry Cobb Sands breach no more than 15 months after commencing construction of the quay (Work No. 1).

Code of construction practice

22.—(1) No stage of the authorised development is to commence until a code of construction practice for that stage has been submitted to and approved by the relevant planning authority.

(2) All construction works must be undertaken in accordance with the approved code.

Design of roads

23.—(1) No stage of the authorised development consisting of the construction or alteration of a street which is a trunk road, including any traffic management and control measures, is to commence until written details of the design of the street have been submitted to and approved by the Highways Agency, after consultation with Centrica plc and Royal Mail Group Ltd.

(2) The undertaker must have regard to any consultation responses received.

(3) The authorised development consisting of the construction or alteration of the street and any traffic management and control measures must be carried out in accordance with the approved design.

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External lighting

24.—(1) No stage of the authorised development is to commence until written details of any external lighting to be installed at any of the construction sites within that stage, including measures to prevent light spillage, have, after consultation with the highway authority and Natural England, been submitted to and approved by the relevant planning authority; and any approved means of lighting must subsequently be installed and retained for the duration of the construction period, and removed within 6 months of the completion of construction.

(2) Sub-paragraph (1) is subject to any direction given to the undertaker by the harbour master or Trinity House.

(3) The authorised development must not be brought into use until written details of any external lighting to be installed for operational purposes, including measures to prevent light spillage, have, after consultation with the highway authority and Natural England, been submitted to and approved by the relevant planning authority; and any approved means of lighting must subsequently be installed and retained while the authorised development is in operation.

Construction traffic

25.—(1) No stage of the authorised development is to commence until a written transport statement, including any road condition survey, temporary speed limits, lay-bys and details of the preferred route for that stage to be used by construction traffic on public highways, after consultation with the highway authority, Royal Mail Group Ltd and Centrica plc, has been submitted to and approved by the relevant planning authority.

(2) The undertaker must have regard to any consultation responses received.

(3) Notices must be erected and maintained throughout the period of construction at every construction site exit to a public highway, indicating to drivers the route agreed by the relevant planning authority for traffic entering and leaving the site.

Control of noise during construction

26.—(1) No stage of the authorised development is to commence until a written scheme for noise management during construction and maintenance of that stage has been submitted to and approved by the relevant planning authority.

(2) The scheme must set out the particulars of—

- (a) the works, and the method by which they are to be carried out;
- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

(3) The approved noise management scheme must be implemented before and maintained during construction and maintenance of the relevant stage of the authorised development.

(4) The construction and maintenance works must be undertaken in accordance with the approved noise management scheme.

Control of noise during operation

27.—(1) The authorised development must not be brought into use until a written scheme for noise management during operation has been submitted to and approved by the relevant planning authority.

(2) The authorised development must be operated in accordance with the approved operational noise management scheme.

Control of emissions

28.—(1) No stage of the authorised development is to commence until a written scheme for that stage—

(a) for the management and mitigation of emissions from the authorised development of—

- (i) odour;
- (ii) artificial light;
- (iii) dust;
- (iv) smoke; and
- (v) steam; and

(b) to ensure the prevention of infestation or emanation of insects from the authorised development,

has been submitted to and approved by the relevant planning authority.

(2) The approved scheme must be implemented before and maintained during the construction, operation and decommissioning of the relevant stage of the authorised development.

(3) For the purposes of this requirement, “insects” excludes insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981⁽³⁾ (animals which are protected), unless they are included in respect of section 9(5) of that Act only.

Travel plan

29.—(1) No stage of the of the authorised development is to commence until, for that stage, after consultation with the highway authority, North East Lincolnshire Council, Royal Mail Group Ltd and Centrica plc, a construction travel plan, which must include details of the expected means of travel to and from the authorised development, road safety measures and any parking to be provided, has been submitted to and approved by the relevant planning authority.

(2) No part of the authorised development is to be brought into use until, after consultation with the highway authority and Royal Mail Group Ltd, a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.

(3) The plan approved under paragraph (1) must be implemented during the construction of the authorised development and the plan approved under paragraph (2) must be implemented within one month of the authorised development being brought into use and must continue to be implemented for as long as the authorised development is used.

(4) The undertaker must have regard to any consultation response received.

(5) The plans approved under paragraphs (1) and (2) must be reviewed at least once a year or such other period as is agreed by the relevant planning authority.

(3) 1981 c. 69.

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Traffic management plan

30.—(1) No stage of the of the authorised development is to commence until, for that stage, after consultation with the highway authority and North East Lincolnshire Council, a traffic management plan, which must include details of how traffic to and from the authorised development will be managed, has been submitted to and approved by the relevant planning authority.

(2) The plan approved under paragraph (1) must be implemented during the construction and operation of the authorised development and must be reviewed every 6 months or such other period as is agreed by the relevant planning authority, following consultation with the highway authority and North East Lincolnshire Council.

European protected species

31.—(1) No stage of the authorised development is to commence until it has been established by existing or further survey work whether any European protected species or nationally protected species is present.

(2) Where a European protected species is shown to be present, that stage must only be commenced following appropriate consultation with Natural England and after any necessary licence has been obtained from Natural England pursuant to regulation 53 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2010(4).

(3) “European protected species” has the same meaning as in regulations 40 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2010.

Requirement for consent of Civil Aviation Authority and Ministry of Defence

32. No stage of the authorised development is to commence until for that stage, after consultation with the Civil Aviation Authority and the Ministry of Defence, written details for the operation of the authorised development and its effect on radar have been submitted to and agreed by the relevant planning authority.

Flood warning and evacuation plan

33.—(1) No building of the authorised development is to be occupied until, after consultation with the relevant planning authority, written details of a flood warning and evacuation plan, which must include details of expected means of evacuation or safe refuge during a tidal flood event with safe refuge areas at not less than 6.84 metres above Ordnance Datum Newlyn, has been submitted to and approved by the relevant planning authority.

(2) Unless otherwise agreed with the relevant planning authority, the finished floor level of all buildings must be set a minimum of 300 millimetres above the level of the external storage areas and the buildings must incorporate flood resistant and resilient design with their construction.

Listed buildings

34. No stage of the authorised development is to commence until a listed building management plan applicable to that stage, which must include details of protection of any building referred to from vibration damage and the renovation or re-use of the building, has been submitted to and approved by the relevant planning authority in consultation with English Heritage. The management plan must be implemented as approved.

(4) [S.I. 2010/490](#).

Tall structures

35. No structure is to be erected over 45 metres in height above finished ground level until written details of a lighting scheme applicable to that structure have been submitted to and approved by the relevant planning authority following consultation with the Civil Aviation Authority.

Cooling water intakes and outfalls

36.—(1) No development is to commence until a scheme for the monitoring of sedimentation along the lines of and in front of the Centrica and E.ON cooling intakes and outfalls has been submitted to and approved by the MMO, in consultation with the Environment Agency, Centrica plc and E.ON.

(2) The scheme must include—

- (a) details of monitoring proposals, including location and frequency; and
- (b) details of trigger levels and resultant actions or mitigation required if trigger levels are exceeded.

(3) Development must proceed in accordance with the approved scheme and any timetable contained in the scheme.

Piling

37. For any piling that is to take place above high water mark, the piling conditions at paragraphs 37 to 43 of Schedule 8 (deemed marine licence) apply as if references to the MMO were to the relevant local planning authority.

Sedimentation

38.—(1) No development is to commence until a scheme for the monitoring of the foreshore and sediment levels around the quay has been submitted to and agreed by the MMO, in consultation with the Environment Agency, C.RO and E.ON.

(2) Annual monitoring reports must be submitted to the MMO within 6 weeks of each anniversary of implementation up to 2033.

(3) The approved monitoring scheme must be implemented and complied with at all times.

39.—(1) No development is to commence until a scheme for the monitoring of sediment and siltation for Stone Creek has been submitted to and approved by the relevant planning authority, in consultation with the Stone Creek Boat Club and Sunk Island Parish Council, such scheme to include—

- (a) details of monitoring proposals, including location and frequency; and
- (b) details of trigger levels other pre-determined changes and remedial works required if these are exceeded or have taken place.

(2) The Environment Agency must be consulted when any remedial works are required as set out in sub-paragraph (1)(b).

(3) The methodology for any remedial works must be agreed with the Environment Agency in advance of any remedial works being undertaken where its operational activities or outfall structures at either Stone Creek or Keyingham Drain are shown by the monitoring results to have been affected.

(4) Development must proceed in accordance with the approved scheme and timetable contained in it.

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Contaminants and remediation

40.—(1) Prior to the commencement of the relevant stage of the authorised development, the following components of a scheme to deal with the risks associated with contamination of the site must each be submitted to, and approved by, the relevant planning authority:

- (a) a preliminary risk assessment which has identified—
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks arising from contamination at the site;
- (b) a site investigation scheme, based on sub-paragraph (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (c) the results of the site investigation and detailed risk assessment referred to in sub-paragraph (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in sub-paragraph (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(2) The scheme must be implemented as approved, and any changes to these components require the agreement of the relevant planning authority.

41.—(1) Prior to carrying out the licensed activity referred to in paragraph 8 (compensation site creation) of Schedule 8 (deemed marine licence), a verification report demonstrating completion of the works set out in the approved remediation strategy referred to in paragraph 40(1)(c) and the effectiveness of the remediation must be submitted to, and approved by, the relevant planning authority.

(2) The report must include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met, and must also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the relevant planning authority.

(3) The long-term monitoring and maintenance plan must be implemented as approved.

Mitigation site requirements

42.—(1) During the construction and operation of the authorised development, no storage, use of plant or other development is to take place—

- (a) at a height greater than 3 metres from ground level within 70 metres of the North Killingholme Haven Pits Site of Special Scientific Interest; or
- (b) at a height greater than 6 metres from ground level between 70 metres and 150 metres from the North Killingholme Haven Pits Site of Special Scientific Interest; or
- (c) at a height greater than 9 metres from ground level between 150 metres and 200 metres from the North Killingholme Haven Pits Site of Special Scientific Interest; or
- (d) at a height greater than 10 metres from ground level within the 60 metre operational buffer strip adjacent to Mitigation Area ‘A’ (identified in the terrestrial environmental monitoring and management plan),

unless otherwise agreed by the relevant planning authority in consultation with Natural England.

(2) Before any activity referred to in sub-paragraph (1) takes place on the Order land, the buffer areas referred to in sub-paragraph (1) must be clearly marked on-site (by pegs or otherwise) to the written satisfaction of the relevant planning authority.

(3) Noise resulting from the construction and operation of the authorised development must not exceed 65 dB (A) at the boundary of the North Killingholme Haven Pits Site of Special Scientific Interest, unless otherwise agreed by Natural England based on the findings of the monitoring programme and taking account of the noise level duration.

(4) Noise resulting from the construction and operation of the authorised development must not exceed 65 dB (A) anywhere in the core area of Mitigation Area 'A' (as specified in the terrestrial environmental monitoring and management plan), unless otherwise agreed by Natural England based on the findings of the monitoring programme and taking account of the noise level duration.

(5) The terrestrial environmental management and monitoring plan must include a monitoring programme to ensure compliance with the noise levels and the container storage locations and heights specified in this paragraph.

Environment Agency requirements

43.—(1) Following construction of the new flood defence embankment at Cherry Cobb Sands, the Cherry Cobb Sands breach must not be made in the existing flood defences without the prior written consent of the Environment Agency, in consultation with Natural England and the MMO.

(2) The Cherry Cobb Sands breach must not be made until the new embankment has had an adequate period of time (likely to be, but not limited to, one winter period (November to April inclusive)) in which to stabilise and for vegetation to become established on the embankment to ensure the integrity of the new flood defences.

(3) No development is to commence until a scheme to compensate for the impacts of piling noise on migratory salmon from the construction of the authorised development has been agreed with the Environment Agency. This must include, but is not limited to, a monitoring scheme to ensure the intended benefits of the scheme are realised and necessary actions are taken.

(4) No development is to commence until an assessment of the impacts on Stone Creek, Cherry Cobb Sands Creek and Keyingham Drain has been submitted to and agreed by the relevant planning authority, in consultation with the Environment Agency, together with an outline scheme of remedial action if the impacts on those locations should be greater than those assessed.

(5) Any remedial action must be carried out if the corresponding greater impacts occur.

44.—(1) No development is to commence until the detailed design of the Regulated Tidal Exchange (“RTE”) sluices has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency.

(2) The detailed design information must include the size and flow capacity of the sluices within the RTE scheme.

(3) No development is to commence until the detailed design of the channel leaving the Managed Realignment site and the invert level has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency, to include detailed design drawings, including dimensions.

(4) The discharge channel exiting the realignment site must be no larger than that currently presented and assessed in EX 28.3 Part 3 (11.6 metres bed width (invert level 1.5 metres AOD) with 1V:3H side slopes rising to an edge weir level of 2.0 metres AOD), unless otherwise agreed with the Environment Agency.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The invert level of the drainage channel must be no higher than that currently presented and assessed in EX28.3 Part 3, *Final Compensation Proposals, October 2012*, (1.5 metres AOD), unless agreed otherwise in writing with the Environment Agency.

Requirement for written approval

45. Where under any of the above requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.