

SCHEDULES

SCHEDULE 2

Article 3

REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means construction environmental management plan;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010(1); and

“the undertaker” means the person who has the benefit of the Order in accordance with article 6 (benefit of Order).

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

Construction Environmental Management Plan

3.—(1) No part of the authorised development is to commence until a CEMP has been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

(2) The construction of the authorised development must be carried out in accordance with the approved CEMP.

(3) The CEMP must reflect the mitigation measures included in chapters 6 to 15 of the environmental statement.

(4) The CEMP must incorporate the following plans and programmes—

(a) Site Environmental Control Plans as detailed below—

(i) air pollution prevention;

(ii) water pollution prevention;

(iii) light pollution prevention;

(iv) noise, vibration and other nuisances;

(v) natural environment;

(vi) archaeological management; and

(vii) use of local road network;

(b) Soil Management Plan, including—

(i) soil resource plan, including protection of in situ soils, handling and storage codes of practice;

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- (ii) on site re-use criteria and measures; and
 - (iii) borrow pit plan;
 - (c) Site Waste Management Plan, including—
 - (i) management of excavated material and other waste arising;
 - (ii) waste minimisation;
 - (iii) hazardous waste management; and
 - (iv) material re-use, or disposal;
 - (d) Materials Management Plan, including—
 - (i) material classification;
 - (ii) on site re-use criteria and measures; and
 - (iii) disposal measures; and
 - (e) Change Control Process.
- (5) Each Site Environmental Control Plan detailed in sub-paragraph (4)(a) must incorporate the following—
- (a) responsibilities;
 - (b) consent requirements;
 - (c) client requirements;
 - (d) general control measures;
 - (e) specific control measures;
 - (f) monitoring and measurement; and
 - (g) in the event of an emergency.
- (6) The CEMP must require—
- (a) adherence to the relevant Environment Agency Pollution Prevention Guidelines PPG1, PPG5, PPG6, PPG21 and PPG22; and
 - (b) adherence to working hours of 7:30 am to 6:00 pm on Mondays to Fridays and 7:30 am to 1:00 pm on Saturdays, except for—
 - (i) work associated with the installation of the new rail bridge;
 - (ii) work associated with the bridge decks for the Town Street and Brocklesby bridges;
 - (iii) works in the carriageway that due to network constraints cannot be completed during normal working hours; and
 - (iv) extended working hours in the summer months for the earthworks to take advantage of the weather and daylight.
- (7) The CEMP must include measures to ensure that the part of Work No. 28 that is on or to the east of Rosper Road can only be undertaken during the months of April to October inclusive.
- (8) The plans and programmes listed in sub-paragraph (4) must include measures to address the event that the authorised development coincides with any other major projects in the area which may impact those matters, following consultation with the relevant planning authority.

Landscaping

4.—(1) No part of the authorised development is to commence until a written landscaping scheme for that part has been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

(2) The landscaping scheme prepared under requirement 4(1) must reflect the measures shown in appendix 2.1 of the environmental statement.

(3) The landscaping scheme prepared under requirement 4(1) must include details of 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) details of existing trees to be retained, with measures for their protection during the construction period; and
- (f) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

5.—(1) The landscaping scheme prepared under requirement 4 must be implemented as part of the authorised development in accordance with a timetable prepared in consultation with the relevant planning authority and submitted to and approved in writing by the Secretary of State.

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(3) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 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 Secretary of State in consultation with the relevant planning authority gives written consent to any variation.

Fencing

6. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Highways Agency's Manual of Contract Documents for Highway Works Volume 1 – Specification for Highway Works (consolidated edition, November 2005, as amended as at May 2014), except where any departures from that manual are agreed in writing by the Secretary of State.

Contaminated land and groundwater

7.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contaminated land and must report it immediately in writing to the Secretary of State, the Environment Agency and relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination.

(2) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency.

(3) No remedial work constituting a material operation (as defined in section 155 (when development begins) of the 2008 Act) in respect of contamination of any land, including groundwater, within the Order limits is to be carried out until the scheme for remediation has been approved under sub-paragraph (2).

- (4) Remediation must be carried out in accordance with the approved scheme.

Archaeology

8.—(1) No part of the authorised development is to commence until, for that part, a written scheme for the investigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 7 of the environmental statement, has been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).

(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme referred to in sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority and Secretary of State within 10 working days.

(5) No construction operations are to take place within 10 metres of such remains for a period of 14 days from the date of such notification unless otherwise agreed in writing by the Secretary of State.

(6) If the Secretary of State is of the view that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made, in consultation with the relevant planning authority, for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the Secretary of State.

Ecological management plan

9.—(1) No part of the authorised development is to commence until a written ecological management plan applicable to that part has been prepared, submitted to and approved in writing by the Secretary of State in consultation with the relevant planning authority and with Natural England in so far as relevant to protected species or protected sites.

(2) The ecological management plan prepared under sub-paragraph (1) must reflect—

- (a) the survey results and ecological mitigation measures included in chapter 9 of the environmental statement;
- (b) the monitoring proposals set out in table 9.15 of the environmental statement; and
- (c) the measures shown in appendix 2.1 of the environmental statement,

and must include a timetable for its implementation.

(3) The construction of the authorised development must be carried out in accordance with the ecological management plan.

(4) In the event that any European protected species is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement the undertaker must cease construction works within 10 metres of the location of that European protected species and report it immediately to Natural England and the relevant planning authority.

(5) The undertaker must prepare a written scheme for the protection and mitigation measures for any European protected species found when carrying out the authorised development, which was not previously identified in the environmental statement.

(6) The undertaker must implement the written scheme prepared under sub-paragraph (4) immediately and construction within 10 metres of the European protected species must not recommence until any necessary licences are obtained.

Water vole, badgers and bat roosts

10.—(1) No part of the authorised development is to commence until additional surveys have been undertaken to establish the position of water vole, badgers and bat roosts.

(2) Where the presence of water vole, badgers or bat roosts is found to pose a constraint to development, the undertaker must prepare a scheme of mitigation measures to be submitted to and approved in writing by the Secretary of State in consultation with the relevant planning authority and Natural England.

(3) The mitigation measures must be carried out in accordance with the approved scheme.

11.—(1) No part of the authorised development may be brought into operation until a method statement detailing the sensitive management of highway ditches for water voles reflecting paragraph 9.7.21 of the environmental statement has been prepared, submitted to and approved in writing by the Secretary of State in consultation with the relevant planning authority.

(2) The authorised development must be operated in accordance with the approved method statement.

Traffic management

12.—(1) No authorised development is to commence until a traffic management plan for the construction of the authorised development has been submitted and approved in writing by the Secretary of State, following consultation with the relevant highway authority.

(2) The authorised development must be constructed in accordance with the approved traffic management plan.

Detailed design

13. New or altered sections of carriageway must be constructed using low noise surfacing as defined in annex 4 of part 7 of volume 11, section 3 of the Design Manual for Roads and Bridges (HD213/11).

14. The authorised development must not be brought into use until the detailed design of any noise barriers to be erected as part of the scheme has been submitted and approved by the Secretary of State in consultation with the relevant planning authority, and those barriers have been constructed in accordance with the approved design.

15. The authorised development must be carried out in accordance with the scheme design shown on the engineering drawings and sections.

Surface and foul water drainage

16.—(1) No authorised development is to commence until written details of the surface and foul water drainage system, reflecting the mitigation measures in chapters 2, 9 and 15 of the environmental statement and including means of pollution control and design details of the pumping stations to be constructed as part of the associated development to manage surface run off, have been prepared, submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency.

(2) The drainage system must be constructed in accordance with the approved details referred to in paragraph (1).

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Approvals and amendments to approved details

17. With respect to any requirement which requires the authorised development, or any part of the authorised development, to be carried out in accordance with the details, plan or scheme approved under this Schedule, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the Secretary of State, in consultation with any other consultee specified in the requirement in question.