

SCHEDULES

SCHEDULE 2

Article 3

REQUIREMENTS

Interpretation

1. In this Schedule—

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development excluding permitted preliminary works and the words “commencement” and “commenced” and cognate expressions shall be construed accordingly;

“the design objectives statement” means the design objectives contained within the summary of design objectives at chapter 2 of the design and access statement;

“illustrative cross sections drawing” means the illustrative cross sections through planting strip adjacent to canal drawing with drawing number 5105324-MEA-DRG-086 Rev 0 dated 24 September 2015 that was submitted as an appendix to Document 10.7 (Applicant’s comments on the Local Impact Report) dated 22 October 2015;

“illustrative foul and surface water drainage plan” means the illustrative foul and surface water drainage strategy plan with reference number 2.5.5 and submitted with the application and regulation 5(2)(o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽¹⁾;

“illustrative landscaping plan” means the illustrative landscaping plan with reference number 2.7.2 and submitted with the application under regulation 5(2)(o) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009;

“permitted preliminary works” means the intrusive ground investigation works carried out pursuant to requirement 6 (ground investigation); and

“start-up and shut-down” means the periods of 30 minutes before the opening up of construction sites (start-up) and 30 minutes following the end of the working day (shut-down), during which the arrival of workers, changing into and out of work wear, pre-job briefing and leaving the site prior to closing and securing the site take place.

Time limits

2. The authorised development must be commenced within five years of the date that this Order is made.

Detailed design

3.—(1) The authorised development must be carried out in accordance with—

(a) the approved plans listed in Table 1 below inclusive of any limits of deviation; and

(1) S.I. 2009/2264, as amended by S.I. 2014/2381.

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- (b) any other plans, drawings, documents, details, schemes, statements or strategies which are approved by the relevant planning authority pursuant to any requirement (as the same may be amended by approval of the relevant planning authority pursuant to requirement 19(1))

Table 1

works plans	Submission document reference number 2.3
access rights of way plan	Submission document reference number 2.4

(2) The authorised development must not exceed the maximum parameters specified in Table 2 and Table 3 below (as the same may be amended by approval of the relevant planning authority under requirement 19(1))—

Table 2

(1) <i>Element of authorised development</i>	(2) <i>Maximum height (metres) above a site level of approximately 99 metres AOD</i>	(3) <i>Maximum width (metres)</i>	(4) <i>Maximum length (metres)</i>	(5) <i>Other parameters</i>
Gas turbine building (part of numbered work 1A)	25 metres	45 metres	60 metres	Maximum height 124m AOD
Each Heat Recovery Steam Generator Building (part of numbered work 1A)	35 metres	13 metres	25 metres	Maximum height AOD 134 metres
Each exhaust gas emission flue stack (part of numbered work 1A)	50 metres	—	—	Maximum height AOD 149 metres Maximum diameter 6.5 metres
Steam turbine building (part of numbered work 1A)	21 metres	26 metres	45 metres	—
Air cooled condenser (part of numbered work 1A)	26 metres	48 metres	48 metres	—

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(1) <i>Element of authorised development</i>	(2) <i>Maximum height (metres) above a site level of approximately 99 metres AOD</i>	(3) <i>Maximum width (metres)</i>	(4) <i>Maximum length (metres)</i>	(5) <i>Other parameters</i>
Switchgear room (part of numbered work 1A)	5 metres	10 metres	15 metres	–
Raw/fire water storage tank (part of numbered work 1B)	20 metres	–	–	Maximum diameter 15 metres
Each water storage tank (part of numbered work 1B)	20 metres	–	–	Maximum diameter 5 metres
Water treatment system (part of numbered work 1B)	10 metres	25 metres	20 metres	–
Workshop (part of numbered work 1B)	10 metres	20 metres	30 metres	–
Natural gas pressure regulating installation (PRI) (part of numbered work 1B)	5 metres	25 metres	35 metres	–
Administration/control building (part of numbered work 1C)	10 metres	10 metres	20 metres	–
Heat network interface building (part of numbered work 1C)	15 metres	20 metres	30 metres	–
Each transformer compound (part of numbered work 1D)	8 metres	15 metres	15 metres	–

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(1) <i>Element of authorised development</i>	(2) <i>Maximum height (metres) above a site level of approximately 99 metres AOD</i>	(3) <i>Maximum width (metres)</i>	(4) <i>Maximum length (metres)</i>	(5) <i>Other parameters</i>
132kV switchyard (part of work numbered 1D)	10 metres	42 metres	72 metres	–
Perimeter fencing (part of numbered work 1E)	2.5 metres	–	770 metres	–

Table 3

(1) <i>Element of authorised development</i>	(2) <i>Maximum height (metres) above the existing site level</i>	(3) <i>Maximum width (metres)</i>	(4) <i>Maximum length (metres)</i>	(5) <i>Other parameters</i>
Above Ground Installation (numbered work 2A)	2.5 metres	13 metres	13 metres	–
Pipeline inspection gauge facility (part of numbered work 2A)	1.6 metres	1 metre	5.5 metres	–
Perimeter fencing (part of numbered work 2A)	2.5 metres	–	52 metres	–
Pipeline support plinth including crown of pipe (part of numbered work 2B)	2 metres	0.8 metres	1.4 metres	–

(3) To the extent that design objectives relating to any numbered work are set out in the design objectives statement, that numbered work must be designed substantially in accordance with the relevant design objective set out therein.

(4) Numbered works 1, 2 and 4 may not commence until, for that numbered work, written details have been submitted to and approved by the relevant planning authority (in consultation with the

National Trust regarding the external appearance and the colour of all permanent buildings and structures) concerning—

- (a) the siting, design, external appearance, dimensions and floor levels of all permanent buildings and structures; and
- (b) the colour, materials and surface finishes of the pipeline and all permanent buildings and structures.

(5) The details to be submitted for approval under sub-paragraph (4) must include appropriately scaled plans and sectional drawings.

Provision of and implementation and maintenance landscaping

4.—(1) No authorised development may commence until a landscaping scheme incorporating a written statement and plans has been submitted to and approved by the relevant planning authority. The landscaping scheme must be substantially in accordance with the illustrative landscaping plan and the illustrative cross sections drawing and 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) site restoration cultivation, importing of materials including topsoil and subsoil handling and storage in accordance with BS 3882:2007 and other landscape reinstatement operations in accordance with BS 4428 Code of Practice for general Landscape Operations, and the earthworks specification to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) an arboricultural method statement including details of existing trees and tree groups identified for retention, management and reinforcement with the type and extent of protection to be in accordance with BS 5837: 2012;
- (h) implementation timetables for all landscaping works;
- (i) a 10 metre screening vegetation buffer as shown on the indicative landscaping plan;
- (j) surface water attenuation pond designed to incorporate native marginal planting;
- (k) the locations of low fertility (where applicable) for invertebrates; and
- (l) butterfly bank planting.

(2) The landscaping works must be carried out in accordance with the approved landscaping scheme.

(3) The landscaping works must be carried out in accordance with implementation timetables approved under sub-paragraph (1).

(4) Any tree or shrub planted as part of the 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 otherwise approved by the relevant planning authority.

(5) The landscaping works must be managed and maintained throughout the life of the MEC to ensure the long term adequacy of the approved landscaping scheme.

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Construction and Environment Management Plan

5.—(1) No authorised development may commence until a construction and environment management plan has been submitted to and approved by the relevant planning authority. The construction and environment management plan must be substantially in accordance with the draft construction environment management plan set out in appendix 17.1 to volume 4 of the environmental statement and must include the following—

- (a) the mechanism for ensuring that all relevant environmental controls and mitigation are incorporated into a construction method statement;
- (b) confirmation that no explosive blasting will be carried out during any demolition;
- (c) environmental objectives and targets;
- (d) environmental monitoring;
- (e) roles and responsibilities;
- (f) means of communication, record keeping, reporting, auditing and review;
- (g) complaints procedures;
- (h) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, lighting, noise and vibration);
- (i) details of construction lighting to protect potential foraging/commuting features;
- (j) habitats protection measures, including fencing to delineate the Trent and Mersey Canal Local Wildlife Site, protection zones for retained trees and bat roosts, means of escape for badgers and other small mammals;
- (k) measures to minimise the spread of invasive species;
- (l) site waste management plan;
- (m) surface and ground water protection measures (including bunding potential contaminate sources);
- (n) construction drainage strategy;
- (o) pre-construction works otter survey to be undertaken beneath Canal Bridge 101 (Malkin's Bridge);
- (p) methodology for using harvested water where possible;
- (q) ecology, landscape and visual impact mitigation (covering protection of trees to be retained and minimising visual intrusion of construction works); and
- (r) protocol in the event that unexpected contaminated land is identified during ground investigation or construction.

(2) The construction works must be undertaken in accordance with the approved construction environment management plan unless otherwise agreed with the relevant planning authority.

(3) The undertaker may submit for approval by the relevant planning authority a construction and environment management plan for each of numbered work 1, numbered work 2, numbered work 3, numbered work 4, numbered work 5, numbered work 6 and numbered work 7 individually, and, in such a case, only those parts of the authorised development forming the numbered work the subject of the construction and environment management plan may be commenced following the approval of such a construction and environment management plan.

Ground investigation

6.—(1) Numbered work 1 may not commence until an intrusive ground investigation has been undertaken.

(2) A geo-environmental interpretative report detailing all investigative works and sampling undertaken pursuant to this requirement, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy (if required) must be submitted to the relevant planning authority for approval prior to any remediation commencing.

(3) If during any works, contamination is encountered which has not previously been identified under sub-paragraph (1) then the additional contamination must be fully assessed and an appropriate remediation scheme submitted to and approved by the relevant planning authority.

(4) Upon completion of the works, a closure report must be submitted to and approved by the relevant planning authority, such closure report to include the following—

- (a) details of the remediation works;
- (b) details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria; and
- (c) any necessary documentation detailing what waste materials have been removed from site.

(5) Any remediation strategy approved under sub-paragraph (2) and any remediation scheme approved under sub-paragraph (3) must be implemented in accordance with the approved details.

Piling

7.—(1) No piling may commence until a piling strategy has been submitted to and approved by the relevant planning authority, such strategy to include a piling risk assessment, the results of such assessment and the piling techniques to be used in carrying out the authorised development.

(2) Piling must be carried out in accordance with an approved strategy under paragraph (1).

Fencing and other means of enclosure

8.—(1) No authorised development may commence until details of the proposed means of enclosure for the authorised development have been submitted to and approved by the relevant planning authority.

(2) Fencing and other means of enclosure must be carried out in accordance with the approved details.

(3) The undertaker may submit for approval by the relevant planning authority details of the proposed means of enclosure for each of numbered work 1E, numbered work 2A, numbered work 2B, numbered work 5A and numbered work 5B individually and, in such a case, only those parts of the authorised development forming the numbered work the subject of the details of the proposed means of enclosure may be commenced following the approval of such details.

Habitat management plan

9.—(1) No authorised development may commence until a written habitat management plan, reflecting the survey results and ecological mitigation and enhancement measures, together with ecological monitoring and management included in the environmental statement, has been submitted to and approved by the relevant planning authority.

(2) The habitat management plan must include an implementation timetable and must be carried out as approved.

(3) The undertaker may submit for approval by the relevant planning authority a written habitat management plan for each of numbered work 1E, numbered work 5B, numbered work 6 and numbered work 7 individually and, in such a case, only those parts of the authorised development forming the numbered work the subject of the written habitat management plan may be commenced following the approval of such a written habitat management plan.

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Construction traffic

10.—(1) No authorised development may commence until a construction traffic management plan has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. The construction traffic management plan must be substantially in accordance with the draft construction traffic management plan set out in appendix 7.11 to volume 4 of the environmental statement and must include the following—

- (a) details of a plan to encourage car sharing between construction workers travelling to the site;
- (b) construction vehicle routing plans and the reasonable mechanisms to be put in place to enforce compliance;
- (c) details of a HGV vehicle booking management system;
- (d) site access plans and 24 hour access arrangements;
- (e) proposals for the management of junctions to and crossings of highways and other public rights of way;
- (f) proposals for the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads together with the staggering of construction workers start and finish times;
- (g) route assessment is undertaken before abnormal indivisible loads are brought to the site to assess the need for street furniture removal, if required, and its reinstatement and that pre-notification of deliveries involving abnormal indivisible loads and details of where police escorts would be required;
- (h) proposals for temporary warning signs and banksman and police escort details;
- (i) details of the on-site parking arrangements for construction plant and vehicles; and
- (j) proposals for traffic management controls (such as temporary signals), diversion routes and signage required during construction of the authorised development.

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

(3) The undertaker may submit for approval by the relevant planning authority a construction traffic management plan for and, in such a case, only those parts of the authorised development forming the numbered work the subject of the construction traffic management plan may be commenced following the approval of such a construction traffic management plan.

(4) During the operation of the generating station no abnormal indivisible loads may be transported into or out of the site without the prior written approval of the relevant planning authority in consultation the relevant highways authority.

Travel plan during operational phase

11.—(1) Prior to the date of final commissioning a written operational travel plan must be submitted to and approved by the relevant planning authority. Such operational travel plan to include—

- (a) objectives and targets; and
- (b) measures and initiatives to promote sustainable travel.

(2) The operational travel plan must be carried out as approved.

Construction hours

12.—(1) Construction work for the authorised development must not take place outside the hours of—

- (a) 07:00 to 19:00 on Monday to Friday; and
- (b) 07:00 to 13:00 Saturdays,

except with the prior written approval of the relevant planning authority.

(2) Nothing in sub-paragraph (1) precludes a start-up period from 06:30 to 07:00 and a shut-down period from 19:00 to 19:30 on weekdays (excluding public holidays) and start-up period from 06:30 to 07:00 and a shut-down period from 13:00 to 13:30 on Saturdays.

Foul and surface water drainage

13.—(1) Numbered work 1 must not commence until written details of the surface and foul water drainage system and sustainable drainage systems, including the subsequent maintenance and management of the system for the operation of the authorised development has been submitted to and approved by the relevant planning authority. The surface and foul water drainage system must be substantially in accordance with the illustrative foul and surface water drainage strategy plan.

(2) The surface and foul water drainage system for the authorised development must be constructed in accordance with the approved details.

Artificial lighting

14.—(1) Prior to the date of final commissioning written details of the control of artificial lighting during maintenance and operation of the authorised development must be submitted to and approved by the relevant planning authority, such details to include measures to keep external lighting to the minimum necessary for operational safety and security reasons, incorporating cut-offs to reduce light pollution.

(2) The artificial lighting for the authorised development must be implemented in accordance with the approved details.

(3) The undertaker may submit for approval by the relevant planning authority written details of the artificial lighting during maintenance and operation of the authorised development for each of numbered work 1E, numbered work 5A and numbered work 5B individually forming the numbered work the subject of the written details of the control of artificial lighting and, in such a case, only those parts of the authorised development may be commissioned following the approval of such details.

(4) Prior to the date of final commissioning the exhaust gas emission flue stack(s) must be fitted, if reasonably required with infra-red light fitted at the highest practicable point of the structure.

(5) No authorised development may commence until the undertaker has notified the Defence Geographic Centre (or any successor organisation to the same) with the following information—

- (a) precise location of development;
- (b) date of commencement of construction;
- (c) anticipated date of completion of construction;
- (d) the height above ground level of the tallest structure;
- (e) the maximum extension height of any construction equipment; and
- (f) details of aviation warning lighting fitted to the structure(s).

Emergency Access

15. The undertaker must not use the existing closed access (marked N-O on the access and rights of way plan) unless and until an emergency access strategy has been submitted to and approved by relevant planning authority, such strategy to include details of—

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- (a) how the existing closed access is to be secured at all times (save in an emergency event as outlined in (b)); and
- (b) how and when the existing closed access may be opened in the event of an emergency.

Bridge plinths

16.—(1) No pipeline support plinths forming numbered work 2B(b)(vi) must be installed on canal bridge 101 (Malkin’s Bridge) as marked on the works plans.

(2) The crown of the pipeline over canal bridge 101 must not protrude above the repaired parapet by more than 150mm in height.

(3) Numbered work 2B(c) may not commence until a method statement detailing the extent and nature of the repairs for the parapet of Canal Bridge 101 (Malkin’s Bridge) has been submitted to and approved by the relevant planning authority.

Highway works

17.—(1) For any highway work in a street for which the highway authority is the street authority, prior to the carrying out of any such work authorised pursuant to article 4 (maintenance of authorised development), article 10 (power to alter layout, etc. of streets) or article 11 (street works) of this Order, the undertaker must submit all necessary technical specifications required for that work for the prior approval of the highway authority.

(2) The highway work must be carried out in accordance with the approved technical specification.

Local economic benefit

18.—(1) No part of the authorised development must commence until a scheme for the promotion of local economic benefit from the authorised development in the area of Staffordshire has been submitted to and approved by the relevant planning authority. Such scheme must include—

- (a) a commitment on the undertaker to invite to tender companies with addresses in Staffordshire as the relevant planning authority may notify to the undertaker in writing;
- (b) a methodology for the use of local people and local businesses, where appropriate, in relation to the construction of the authorised development; and
- (c) a strategy for the provision of training opportunities for local companies (who are successful under sub-paragraph (a)) or local people who are employed to work on the authorised development under sub-paragraph (b).

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

Amendments to approved details

19.—(1) Save in respect of the approved plans specified in requirement 3(1), the undertaker may submit to the relevant planning authority for approval any amendments to the parameters in Tables 2 and 3 of requirement 3(2), plans, drawings, documents, details, schemes, statements or strategies which require approval by the relevant planning authority pursuant to any requirement (the “Approved Plans, Details or Schemes”). Following any such approval by the relevant planning authority the Approved Plans, Details or Schemes are to be taken to include the amendments approved pursuant to this sub-paragraph(1).

(2) Approval under paragraph 19(1) must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject-matter of the approval sought

is unlikely to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement).

Combined heat and power

20.—(1) Prior to the date of final commissioning, a review of potential opportunities for the use of heat from the authorised development must be submitted to and approved by the relevant planning authority.

(2) The review shall provide for the on-going monitoring and full exploration of potential opportunities to use heat from the authorised development and for the provision of subsequent reviews of such opportunities as necessary.

(3) Where viable opportunities for the use of heat are identified, a scheme for the provision of the necessary plant and pipework to the boundary of Work No. 1 shall be submitted to and approved by the relevant planning authority; any plant and pipework installed up to the boundary of Work No.1 to enable the use of heat shall be installed in accordance with the agreed details.

Decommissioning strategy

21.—(1) Subject to obtaining the necessary consents and unless otherwise agreed with the relevant planning authority, within twenty four months of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis), a scheme for the demolition and removal of Work No. 1 must be submitted to the relevant planning authority.

(2) The demolition and removal of Work No. 1 must be implemented in accordance with the approved scheme.

(3) On the one year anniversary of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis) the undertaker must notify the relevant planning authority of the same.

Requirements for written approval, etc.

22.—(1) Where under any of the above requirements the approval or agreement of the relevant planning authority or any other party is required, that approval or agreement must be provided in writing.

(2) Where under any of the above requirements a written scheme is required it shall be accompanied by such illustrations as are necessary and appropriate in the circumstances.