

SCHEDULES

SCHEDULE 3

Articles 2 and 3

REQUIREMENTS

Interpretation

1.—(1) In this Schedule unless the context requires otherwise—

“Ancient Woodland Easement Management Plan” means a plan prepared for each easement that is within Kemberland Wood and Lynne Wood Ancient Woodland, describing the woodland management to be undertaken by National Grid within that easement;

“bird flight diverter” means a protective measure to reduce bird collisions with overhead lines;

“commence” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), comprised in or carried out for the purposes of the authorised development, but does not include any engineering investigation, environmental (including archaeological) investigation and monitoring, site or soil survey, environmental mitigation measures, erection of temporary amphibian or reptile fencing, erection of temporary stock fencing to site boundaries or temporary demarcation fencing marking out site boundaries;

“Concept Mitigation Planting Plan” means the plan referred to in Requirement 8(1) identifying locations for planting for proposed mitigation (Document 8.11(A));

“Drainage Management Plan” means a plan prepared in accordance with Requirement 6(1)(b) and the principles set out in sections 4.4 and 4.5 of the CEMP;

“Emergency Response Plan for Flood Events” means the plan prepared in accordance with Requirement 6(1)(e) detailing emergency procedures in the event of a flood as outlined in section 4.5 of the CEMP;

“Lighting Scheme” means the scheme prepared in accordance with Requirement 6(1)(d) and in accordance with section 3.6 of the CEMP;

“Pollution Incident Control Plan” means the plan prepared in accordance with Requirement 6(1)(c) detailing remedial measures in the event of an incident and in accordance with section 2.13 of the CEMP;

“the relevant drainage authority” means, in any given Requirement, the drainage authority or the Lead Local Flood Authority for the area to which the Requirement relates;

“Site Waste Management Plan” means the detailed plan for the collection, segregation, treatment and disposal of waste prepared in accordance with Requirement 6(1)(f) and the measures set out in the Outline Waste Management Plan;

“Soil and Aftercare Management Plan” means the plan prepared in accordance with Requirement 6(1)(a) and section 4.4 of the CEMP describing how works should be undertaken to minimise effects on the nature and quality of soil and agricultural land;

“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to Requirement 4;

“start up and close down activities” means general works that will not create an audible disturbance to local residents, including but not restricted to—

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- (a) arrival and departure of workforce and staff at site and movement to and from places of work (staff to remain considerate of neighbours, no loud music or raised voices);
- (b) general refuelling of plant;
- (c) site inspections and safety checks;
- (d) site meetings (daily briefings and quiet inspections/walkovers);
- (e) site clean-up (site housekeeping that does not require the use of plant);
- (f) general site maintenance; and
- (g) low key maintenance and safety checking of plant and machinery (provided this does not require or cause loud hammering or banging);

“travel plan” means the plan prepared in accordance with Requirement 6(1)(h) and section 5.19 of the Construction Traffic Management Plan describing the travel arrangements of the contractor; and

“the tree and hedgerow protection strategy” means the plan detailing the trees, groups of tree and hedgerows to be retained during the construction of the authorised development prepared in accordance with Requirement 6(1)(g).

(2) Where under any of the Requirements the approval or agreement of the highway authority or the relevant planning authority is required, that approval must be given in writing.

(3) Where an approval is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the highway authority or the relevant planning authority such approval or agreement may only be given if the changes are minor or immaterial and where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(4) Where any Requirement which requires the authorised development to be carried out in accordance or general accordance with the details approved by the highway authority or by the relevant planning authority, the approved details are to be taken to include any amendments that may subsequently be approved in writing by the highway authority or by the relevant planning authority.

Time Limits

- 2. The authorised development must be commenced within 5 years of the date of this Order.

Design drawings

3.—(1) Subject to Requirement 21, the authorised development must be carried out in general accordance with the design drawings.

(2) Notwithstanding Requirement 21, the authorised development will not be in general accordance with the design drawings to the extent that any departure from the design drawings gives rise to any materially new or different environmental effects from those assessed in the Environmental Statement.

Stages of authorised development

4.—(1) The authorised development may not commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved by the relevant planning authority following consultation with the highway authority.

(2) Written notice of the commencement and completion of each stage of the authorised development and the operational use of that stage of the authorised development must be given to

the relevant planning authority within ten business days prior to the commencement of that stage or operational use of that stage or within 10 business days of completion of that stage.

Construction Environmental Management Plan

5.—(1) All construction works for the authorised development must be carried out in accordance with the CEMP, unless otherwise agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(2) The CEMP, which specifies measures to be used to minimise the impacts of construction works, includes the following approved plans, scheme and strategy—

- (a) Outline Waste Management Plan;
- (b) Biodiversity Mitigation Strategy;
- (c) Archaeological Mitigation Written Scheme of Investigation;
- (d) Construction Traffic Management Plan;
- (e) Public Rights of Way Management Plan; and
- (f) Noise and Vibration Management Plan.

(3) Any works carried out in accordance with the approved plans, scheme and strategy referred to in sub-paragraph (2) must be carried out in accordance with those approved plans, scheme or strategy, unless agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(4) The plans, scheme and strategy referred to in sub-paragraph (2) must be implemented as approved, unless agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(5) In relation to the Biodiversity Mitigation Strategy implementation must be after consultation with Natural England.

Approval and implementation of construction mitigation plans

6.—(1) No stage of the authorised development may commence until, for that stage, the following plans, scheme and strategy to minimise the impacts of construction works have been submitted to and approved by the relevant planning authority after consultation with any of the relevant sewerage authority, the relevant drainage authority, Natural England and the Environment Agency, as may be appropriate to the relevant plan, scheme or strategy concerned—

- (a) Soil and Aftercare Management Plan;
- (b) Drainage Management Plan;
- (c) Pollution Incident Control Plan;
- (d) Lighting Scheme;
- (e) Emergency Response Plan for Flood Events;
- (f) Site Waste Management Plan;
- (g) Tree and Hedgerow Protection Strategy; and
- (h) Travel Plan.

(2) The construction works for each stage of the authorised development and mitigation works to minimise the impact of construction must be carried out in accordance with the approved plans, scheme and strategy referred to in sub-paragraph (1) or with any amended plans, scheme or strategy that may subsequently be approved by the relevant planning authority.

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Construction hours

7.—(1) Subject to sub-paragraphs (2), (3) and (4) work may only take place between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours).

(2) Working on a consecutive Saturday and Sunday may only take place on two out of any four alternate weekends in each relevant local authority area.

(3) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (b) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (c) any highway works requested by the highway authority to be undertaken on a Saturday or a Sunday or outside the core working hours;
- (d) security monitoring;
- (e) the testing or commissioning of any electrical plant installed as part of the authorised development; and
- (f) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities.

(4) The specified construction activity at locations identified in Table 1.3 (Construction activities/ locations subject to restricted working hours) of the Noise and Vibration Management Plan (Document 8.8(B)) may only take place between 0800 and 1800 Mondays to Fridays (the restricted working hours).

(5) The restricted working hours referred to in sub-paragraph (4) include start up and close down activities up to 1 hour either side of the restricted working hours.

Mitigation planting

8.—(1) No stage of the authorised development may commence until, for that stage, a scheme for the planting of trees, hedgerows, shrubs, climbing plants, wild flower and grass seeding that accords with the Arboricultural Impact Assessment report (Document 5.4.3I) and its Addendum (Document 5.4.3I.1(A)) and the Biodiversity Mitigation Strategy (Document 5.4.3E(C)) and reflects the Concept Mitigation Planting Plan (Document 8.11(A)) has been submitted to and approved by the relevant planning authority, unless otherwise agreed with the relevant planning authority.

(2) The planting scheme submitted under sub-paragraph (1) must include details of—

- (a) the location of planting and a schedule noting quantities, species, size and planting density of all proposed planting or seeding and the location of any areas for natural regeneration where appropriate;
- (b) cultivation, importing of materials, stock provenance, protection measures for planting and other operations to ensure plant and seed establishment;
- (c) the five year maintenance regime including monitoring and management; and
- (d) opportunities for early mitigation planting during and after implementation of the authorised development.

Implementation of mitigation planting

9.—(1) All mitigation planting works referred to in Requirement 8 must be implemented at the earliest opportunity and no later than by the first available planting season after the stage of the

authorised development to which the mitigation planting works apply is first brought into operational use and in relation to the removal of the existing 132kV overhead line, the implementation of mitigation planting works must be implemented at the earliest opportunity and no later than the first available planting season after completion of the removal of that line.

(2) All mitigation planting works referred to in Requirement 8 must be carried out in accordance with specification set out in the NBS Landscape Specification for Planting (Document 5.4.6D) and the relevant mitigation scheme for that stage of the authorised development, and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard or other recognised codes of good practice.

(3) Any tree or shrub planted as part of an approved mitigation planting 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.

Retention and protection of existing trees and hedgerows

10.—(1) No stage of the authorised development may commence until, for that stage, a Tree and Hedgerow Protection Strategy (THPS) as referred to in Requirement 6(1)(g) and prepared in accordance with the Arboricultural Impact Assessment report (Document 5.4.3I) and its Addendum, Figures 3I.2a to 3I.2v of the Arboricultural Impacts Plan (Document 5.4.3I.1(A)) and BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the relevant planning authority.

(2) The THPS referred to in sub-paragraph (1) must include—

- (a) Tree Protection Plans detailing the alignment of temporary physical tree protection measures according to BS 5837:2012 and, where practicable, including a minimum 5 metres stand-off from hedges;
- (b) a schedule of all proposed tree and hedgerow removal and management with annotated plans;
- (c) specifications for temporary physical protection for trees and hedgerows; and
- (d) details of an auditable system of compliance with the approved protection measures.

(3) The trees, groups of trees and hedgerows identified in the THPS referred to in sub-paragraph (1) must not be felled or otherwise removed in connection with the construction of the authorised development.

(4) The relevant stage of the authorised development must not commence until the approved protection measures referred to in sub-paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.

Bird flight diverters

11.—(1) Bird flight diverters must be fitted to the 400kV overhead line in the vicinity of—

- (a) Monkton between pylons PC41 and PC43; and
- (b) Ash Levels between pylons PC51 and PC60,

during its construction and must thereafter be retained, unless otherwise agreed by the relevant planning authority, after consultation with Natural England.

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Reinstatement schemes

12.—(1) Subject to sub-paragraph (2), any land within the Order limits which is used temporarily for construction is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within six months of completion of the construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

(2) The requirement to reinstate the land to its former condition is subject to the provisions of article 28 (temporary use of land by National Grid) and article 29 (temporary use of land by UK Power Networks).

Contamination of land or groundwater and controlled waters

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

(2) The scheme must accord with the approach set out in the Environmental Statement Appendix 14A Land Contamination Desk Study (Document 5.4.14A(A)), to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, should remedial measures be required then the implementation and validation of these will be documented in a verification report, to be submitted to the relevant planning authority.

(3) If during any stage of the authorised development, contamination not identified in Document 5.4.14A or addressed in the scheme prepared in accordance with sub-paragraph (1) is found to be present within the Order limits and which is likely to cause a significant possibility of significant harm to persons or pollution of controlled waters or the environment then, except in the case of emergency, no further development in the vicinity of the contamination may be carried out until a written scheme to deal with the associated risks has been submitted to and approved by the relevant local planning authority, following consultation with the Environment Agency.

(4) Remediation measures must be carried out in accordance with the approved scheme referred to in sub-paragraph (1) or (3) as appropriate.

(5) In this Requirement, “controlled waters” has the same meaning as in Part 3 of the Water Resources Act 1991(1).

Inspection of temporary watercourses

14.—(1) No stage of the authorised development may commence until a written scheme for the inspection and clearance of debris from any temporary watercourse required in connection with that stage has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency and the relevant drainage authority.

(2) The approved scheme must be implemented for each temporary watercourse during the construction of that stage of the authorised development until such time as the temporary watercourse has been removed.

Removal of temporary bridges and culverts

15. Any temporary bridge or culvert required in connection with any stage of the authorised development must be removed within twelve months of completion of the construction of that stage of authorised development for which it was required, or such further time as may be approved by the

(1) 1991 c. 57.

relevant planning authority, after consultation with the Environment Agency or the relevant drainage authority as appropriate.

Highway works

16.—(1) No work to construct or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of the design and layout of that means of access has been submitted to and approved by the highway authority.

(2) The highway accesses must be constructed in accordance with the details approved under sub-paragraph (1).

(3) The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard HD 19/15 of the Department for Transport’s Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must, to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.

Clearance over the tidal River Stour

17. No part of any 400kV overhead electric line shall be installed or maintained directly above the tidal River Stour at a height of less than 10 metres above the mean high water level of that river.

Removal of UK Power Networks Works

18. Any existing UK Power Networks infrastructure to be removed as part of the UK Power Networks works must be removed no later than 36 months after the 400kV overhead line (Work No.1 of Schedule 1 (authorised development)) is first brought into operational use.

Decommissioning

19.—(1) In the event that, at some future date, the authorised development, or any part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works.

(2) The approved scheme must be implemented as approved following the decommissioning of the authorised development or relevant part of it.

(3) This Requirement does not apply to the authorised development and associated development described in Schedule 1 (authorised development) for the dismantling and removal of existing infrastructure or apparatus.

Ancient Woodland Easement Management Plan

20.—(1) An Ancient Woodland Easement Management Plan (AWEMP) prepared in accordance with the Arboricultural Impact Assessment (Document 5.4.3I) and its Addendum (Document 5.4.3I.1A); Biodiversity Mitigation Strategy (Document 5.4.3E(C)), BS 5837:2012 (Trees in relation to design, demolition and construction recommendations), and BS 3998: 2010 (Tree works recommendations) must be submitted for approval by the relevant planning authority, following consultation with Natural England and the Woodland Trust, no later than the end of the 5 year maintenance period relating to that part of the 400 kV overhead line (Work No.1 of Schedule 1 (authorised development)) crossing over Kemberland Wood and Lynne Wood Ancient Woodland.

(2) Once the relevant planning authority approves the AWEMP under this requirement the undertaker must cease to carry out mitigation maintenance measures in relation to Kemberland Wood and Lynne Wood Ancient Woodland in accordance with Requirement 8 (Mitigation Planting) and

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Requirement 10 (Retention and protection of existing trees and hedgerows) in relation to that part of the authorised development covered by the AWEMP and must from that point carry out woodland management operations in compliance with the AWEMP.

(3) Notwithstanding paragraph (2), the undertaker may discharge any requirement in relation to that part of the authorised development covered by the AWEMP at any time prior to or following the submission of the AWEMP under paragraph (1).

(4) All woodland management operations in relation to that part of the authorised development covered by the AWEMP must be carried out in accordance with the AWEMP, following consultation with Natural England and the Woodland Trust.

Location of Pylon PC10

21. Subject to article 5, as limited by paragraph 15 of Part 5 of Schedule 14, Pylon PC10 must be located as set out in National Grid Drawing Ref PDD-21497-2-OHL-0434 Version B (REP8-021, Sheet 4L of 21).

Exercise of powers of compulsory acquisition by National Grid

22. Powers of compulsory acquisition under this order, including the imposition of restrictions, as set out in the Book of Reference, may only be exercised reasonably, taking into account the rights of other persons with an interest in the land subject to the exercise of the power of compulsory acquisition.