

## SCHEDULES

### SCHEDULE 3

Article 2

### REQUIREMENTS

#### Interpretation

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

“commence” means the carrying out of a material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out for the purposes of the authorised development, but does not include any pre-commencement works;

“the core working hours” means the core hours within which construction works may be undertaken as described in paragraphs (1) and (2) of requirement 7 (construction hours).

“mean high water level” means the average height of the high water level over a period of time;

“pre-commencement works” means

- (a) archaeological investigations and mitigation works;
- (b) environmental surveys and monitoring;
- (c) environmental mitigation works;
- (d) investigations for the purpose of assessing and monitoring ground conditions and levels;
- (e) remedial work in respect of any contamination or other adverse ground conditions;
- (f) erection of any temporary means of enclosure;
- (g) temporary hard standing;
- (h) receipt and erection of construction plant and equipment;
- (i) diversion and laying of underground apparatus and utilities;
- (j) protection works comprising utilities protection works or fencing and protection slabs;
- (k) site clearance;
- (l) temporary construction compound set-up; and
- (m) the temporary display of site notices or advertisements;

“relevant drainage authority” means the drainage authority or the Lead Local Flood Authority for the area to which the relevant works relate;

“stage” means a defined stage of the authorised development, as described in a scheme submitted to the relevant planning authority pursuant to requirement 4 (stages of authorised development);

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

- (a) arrival and departure of workforce and staff at site and movement to and from places of work;
- (b) general refuelling of plant;
- (c) site inspections and safety checks;

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- (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; and

“Travellers’ Encampment” means plots E7-34 and E7-40 as shown on the land plan to the extent and for the duration that these plots are occupied as a travellers’ encampment.

(2) Where under this Schedule 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 this Schedule or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved”, “unless otherwise agreed” or “that may subsequently be approved” by the highway authority or the relevant planning authority such approval or agreement may only be given 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 this Schedule 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.—(1) The authorised development must be commenced within 5 years of the date of this Order.

(2) If any proceedings are begun to challenge that validity of this Order, the period specified in sub-paragraph (1) is extended by—

- (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
- (b) if shorter, one year.

(3) An application is not finally determined for the purposes of subsection (2)(a) if an appeal in respect of the application—

- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
- (b) has been made and not withdrawn or finally determined.

#### **Design drawings**

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

(2) 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 materially 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 the stages of the authorised development has been submitted to the relevant planning authority, which scheme may subsequently be amended from time to time as notified to the relevant planning authority.

(2) The authorised development must be constructed in accordance with the written scheme setting out the stages of the authorised development submitted under paragraph (1).

### **Construction management plans**

5.—(1) All construction works for the authorised development must be carried out in accordance with the construction management plans referred to in paragraph (2), 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 construction management plans, which specify the measures to be used to minimise the impacts of construction works, are the following plans, schemes and strategies—

- (a) the code of construction practice;
- (b) the archaeological written scheme of investigation;
- (c) the biodiversity mitigation strategy;
- (d) the construction traffic management plan;
- (e) the public rights of way management plan; and
- (f) the noise and vibration management plan.

(3) For the avoidance of doubt, all pre-commencement works must be carried out in accordance with the construction management plans and the outline soil management plan.

### **Construction management plans to be approved**

6.—(1) No stage of the authorised development may commence until, for that stage, the following plans, schemes and strategies as relevant to that stage to minimise the impacts of construction works have been submitted to and approved by the relevant planning authority—

- (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; and
- (g) tree and hedgerow protection strategy.

(2) The plans, schemes and strategies referred to in paragraph (1) to be submitted for approval must accord with the relevant plans, schemes and strategies referred to in requirement 5 (construction management plans) and in the case of the soil and aftercare management plan must be substantially in accordance with the outline soil management plan.

(3) 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, schemes and strategies referred to in paragraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority.

(4) The drainage management plan referred to in paragraph (1)(b) must contain written details of the surface and foul water drainage system (including means of pollution control and details of maintenance arrangements where required) for both permanent and temporary works, and any surface or foul water drainage system must be constructed and maintained in accordance with the details approved by the relevant planning authority under paragraph (1), following consultation with the relevant drainage authority.

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(5) The lighting scheme referred to in paragraph 1(d) must contain written details of the temporary and permanent external lighting to be installed, and any external lighting must be installed in accordance with the details approved by the relevant planning authority under paragraph (1).

### **Construction hours**

7.—(1) Subject to paragraphs (2) and (3) construction works may only take place between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays.

(2) Piling operations must take place only between 0800 and 1700 on Mondays to Fridays and 0900 to 1400 on Saturdays.

(3) The following operations may take place outside the core working hours referred to in paragraph (1) and (2)—

- (a) the jointing of underground cables, with the exception of cable cutting which must take place only during core working hours;
- (b) installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (d) any highway works requested by the relevant highway authority to be undertaken on a Saturday or a Sunday or outside the core working hours;
- (e) oil processing of transformers or reactors in substation sites;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development;
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;
- (h) start up and close down activities, which may take place one hour immediately prior to or one hour immediately after the core working hours; and
- (i) security monitoring.

### **Landscaping at Overton, Tadcaster and Monk Fryston**

8.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development in connection with the non-linear works at Overton, Tadcaster and Monk Fryston may commence until, where relevant for that stage, a landscape strategy that accords with the outline landscape mitigation strategy has been submitted to and approved by the relevant planning authority.

(2) The landscape strategy submitted under paragraph (1) must include details appropriate for the relevant stage, including—

- (a) the location of planting and a schedule of plants noting quantities, species, size and planting density of any proposed planting or seeding;
- (b) cultivation, importing of materials and other operations to ensure plant and seed establishment;
- (c) details of the five year maintenance regime, including monitoring and management, and the management regime for any woodland planting in years six to fifteen; and
- (d) details of the design of the proposed levels and slope profiles of any permanent earthworks.

(3) The landscape strategy referred to in paragraph (1) must be implemented as approved, by no later than the first available planting season after the authorised development is first brought

into operational use and carried out to a reasonable standard in accordance with the relevant recommendations of the appropriate British Standard or other recognised codes of good practice.

(4) Any landscape planting, including trees or shrubs planted as part of a landscape strategy 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**

9.—(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 (construction management plans to be approved) and prepared in accordance with the Arboricultural Impact Assessment report (Document 5.3.3I) and BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees and groups of trees to be retained during that stage has been submitted to and approved by the relevant planning authority.

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

- (a) tree protection plans detailing the alignment of temporary physical tree protection measures according to BS 5837:2012;
- (b) a schedule of all proposed tree and hedgerow removal and management;
- (c) specifications for temporary physical protection for trees; and
- (d) details of an auditable system of compliance with the approved protection measures.

(3) The relevant stage of the authorised development must not commence until the approved protection measures referred to in paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development unless otherwise agreed in writing with the relevant planning authority.

### **Replacement planting**

10.—(1) Subject to paragraph (2), unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, where relevant for that stage, a replacement planting scheme in accordance with the principles contained in the code of construction practice which replaces the trees and hedgerows identified to be removed in the tree and hedgerow protection strategy approved under Requirement 9, has been submitted to and approved by the relevant planning authority.

(2) Paragraph (1) does not apply in connection with the non-linear works at Overton, Tadcaster and Monk Fryston to the extent that replacement planting is included in the landscape strategy under Requirement 8.

(3) The scheme for replacement planting submitted under paragraph (1) must include details appropriate for the relevant stage, including—

- (a) the location of planting and a schedule of plants noting quantities, species, size and planting density of any proposed planting or seeding;
- (b) cultivation, importing of materials and other operations to ensure plant and seed establishment; and
- (c) details of the five year maintenance regime including monitoring and management.

(4) The scheme for replacement planting referred to in paragraph (1) must be implemented as approved, by no later than the first available planting season after the authorised development is first brought into operation use and carried out to a reasonable standard in accordance with the relevant recommendations of the appropriate British Standard or other recognised codes of good practice.

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(5) Any replacement planting, including trees and hedgerows planted as part of an approved replacement 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.

### **Reinstatement schemes**

**11.**—(1) Subject to 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 twelve months of completion of 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 articles 36 (temporary use of land by National Grid), 37 (temporary use of land by NPG), 38 (temporary use of land by NGN) and article 39 (temporary use of land for maintaining the authorised development).

### **Contamination of land or groundwater and controlled waters**

**12.**—(1) If during any stage of the authorised development, contamination within the Order limits is identified as a result of the confirmatory ground investigations or unexpected contamination discovery procedures described in chapter 10, Geology and Hydrogeology, of the environmental statement (Document 5.4.10) and the code of construction practice, and this contamination is considered to present 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 identify the extent of the contamination and any mitigation or remedial measures to be taken to render the land fit for its intended purpose has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.

(2) Should mitigation or remedial measures be required then they must be carried out in accordance with the approved scheme referred to in paragraph (1) and, if remedial measures are required, their implementation and validation documented in a verification report submitted to the planning authority.

(3) In this requirement (contamination of land or groundwater and controlled waters), “controlled waters” has the same meaning as in Part 2A of the Environmental Protection Act 1990<sup>(1)</sup>.

### **Removal of temporary bridges and culverts**

**13.** 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 that may subsequently be approved by the relevant planning authority, after consultation with the Environment Agency or the relevant drainage authority as appropriate.

### **Highway works**

**14.**—(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 relevant highway authority.

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(1) 1990 c. 43.

(2) The highway accesses must be constructed in accordance with the details approved under paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

#### **Removal of existing overhead line**

15. All sections of existing overhead line to be dismantled must be removed no later than 12 months after the authorised development is first brought into operational use unless otherwise agreed in writing with the relevant planning authority.

#### **Decommissioning**

16.—(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 (decommissioning) 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.

#### **Clearance over the River Ouse**

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

#### **Approval of details having regard to the Design Approach to Site Specific Infrastructure**

18.—(1) Any permanent buildings (including relocated buildings) and the acoustic enclosures at—

- (a) Overton Substation; and
- (b) Monk Fryston Substation,

must not be commenced until details of the external colour and surface finish of the permanent buildings and the external colour of the acoustic enclosures have been submitted to and approved by the relevant planning authority.

(2) Any non-linear site permanent security fencing at—

- (a) Shipton Tee Cable Sealing End Compounds;
- (b) Overton Substation;
- (c) Tadcaster Tee Cable Sealing End Compounds; and
- (d) Monk Fryston Substation,

must not be commenced until details of the colour or type of the fencing, which must comply with Technical Specification TS2.10.02 Perimeter Security, has been submitted to and approved by the relevant planning authority.

(3) Any details to be approved under sub-paragraphs (1) and (2) must be produced having regard to the design approach to site specific infrastructure and must be implemented as approved.

#### **Site specific mitigation scheme**

19.—(1) No part of Work No. 10 that affects the Travellers' Encampment may commence until a scheme to mitigate the impacts of construction activities arising from those works, including noise,

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dust, vibration, and visual effects (including from lighting), has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme referred to in sub-paragraph (1) must include the approach to liaison for the Travellers' Encampment during the construction period.

(3) In the event that significant effects of noise or vibration are identified on receptors SEL16 and SEL17 as shown within the Noise and Vibration Figures (Document 5.4.14), the scheme referred to in sub-paragraph (1) must include mitigation measures to reduce the significant effects as far as practicable.

(4) The construction works for that part of Work No. 10 which affects the Travellers' Encampment must be carried out in accordance with the approved scheme referred to in sub-paragraph (1) above, unless otherwise agreed with the relevant planning authority.