

## SCHEDULE 1

### AUTHORISED DEVELOPMENT AND REQUIREMENTS

## PART 2 REQUIREMENTS

### Interpretation

**1.** In this Part—

“county council” means the county planning authority for the area in which the land to which the provisions of this Order apply is situated (Staffordshire County Council or Derbyshire County Council, as the case may be);

“European protected species” has the meaning given in Part 3 of the Conservation of Habitats and Species Regulations 2010(1);

“flood risk area” means the 1 in 100 year flood plain of the River Dove as identified in the Willington C Gas Pipeline flood risk assessment submitted to the Secretary of State in accordance with article 33(e) (certification of plans, etc.) and the addendum to that assessment (WCGP 030.013, version 2, April 2014);

“local highway authority” has the same meaning as in the Highways Act 1980(2);

“stage” means a defined section or part of the authorised development (including maintenance), the extent of which is shown in a scheme submitted to and approved, in writing, by the relevant planning authority pursuant to Requirement 3 (stages of authorised development).

### Time limits

**2.** The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force or such longer period as the Secretary of State may hereafter direct in writing.

### Stages of authorised development

**3.** No authorised development must commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved, in writing, by the relevant planning authority.

### Detailed design approval

**4.—(1)** No stage of the authorised development must commence until details of the layout, scale and external appearance of the following works within that stage (including any consultation responses from the Environment Agency, for those parts of the authorised development within the flood risk area and from the county council for the area of Works No.7 (the Yoxall Temporary Works Compound)) have been submitted to and approved, in writing, by the relevant planning authority—

(a) Works No.3 (the Yoxall AGI);

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(1) S.I. 2010/490. “European protected species” is defined in regulation 40(2).

(2) “Local highway authority” is defined in section 329.

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- (b) Works No.7 (the Yoxall Temporary Works Compound), Works No.8 (the Carriers Road Temporary Works Compound) and Works No.9 (the Willington Power Station Temporary Works Compound), lay down and storage areas and facilities;
- (c) the detailed pipeline route alignment; and
- (d) the construction corridor, including additional working areas.

(2) The works described in sub-paragraph (1)(a) to (d) must be carried out in accordance with the approved details or any subsequent revisions that have been submitted to and approved, in writing, by the relevant planning authority.

### **Landscaping**

5.—(1) The construction of the Works No.3 (the Yoxall AGI) must not commence until a landscaping scheme, including an implementation timetable, in relation to that work has been submitted to and approved, in writing, by the relevant planning authority. The landscaping scheme must include details of all proposed hard and soft landscaping works and be based on the draft landscaping plan contained in the environmental statement.

(2) All landscaping works must be carried out in accordance with the approved landscaping scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

(3) Any tree or shrub planted as part of the approved 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 otherwise approved, in writing, by the relevant planning authority.

### **Hedgerows and trees**

6.—(1) No construction or diversion of the authorised development, involving the felling or lopping of trees or shrubs authorised under article 32 (felling or lopping of trees, etc.), must commence until (in relation to the relevant works) a written hedgerow and tree management plan for the management of the removal and (where appropriate) reinstatement or protection of affected hedgerows and trees within the works limits has been approved, in writing, by the relevant planning authority.

(2) The plan must identify root protection areas and construction exclusion zones and detail the methods of protection for hedges and trees. The plan must have regard to the standards contained in BS 5837:2012 (trees in relation to design, demolition and construction).

(3) The plan must identify affected hedges where mitigation measures are to be taken and include information, where appropriate, on the protection of retained sections, the enhancement of species-poor hedgerows and a detailed reinstatement and after-care plan.

(4) The plan must identify trees within and overhanging the construction area and provide a management and protection plan for those to be retained and a replanting plan for those to be removed.

(5) The removal, protection and reinstatement of the hedgerows and trees must be carried out in accordance with the approved plan except to the extent that a variation to the plan is approved by the relevant planning authority in writing.

(6) Hedges and trees must be reinstated in the first planting season following the completion of construction unless otherwise approved, in writing, by the relevant planning authority.

(7) Any hedge or tree planting which is part of an approved reinstatement plan that, within a period of 5 years after planting, is removed, dies or (in the opinion of the relevant planning authority)

becomes seriously damaged or diseased, must be replaced in the first available planting season with planting material of the same specification as that originally planted unless otherwise approved, in writing, by the relevant planning authority.

(8) This Requirement does not apply to the cutting and lopping of trees and vegetation carried out in relation to the operation or maintenance of the authorised development.

### **Construction traffic and highway accesses**

7.—(1) No stage of the authorised development (including the removal of roadside hedges) must commence until, for that stage, a written plan based on the transport statement section of the environmental statement has been submitted to and approved, in writing, by the relevant planning authority. The plan must include details of construction traffic and highway access arrangements and include copies of and take account of any consultation responses from the local highway authority.

(2) The plan must contain details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic.

(3) The plan must if required by the local highway authority include details of the management measures to be employed at the highway accesses and construction car parking.

(4) The plan must include details of all routes designated for construction delivery vehicles and must include details of a scheme for the signing of these routes. The designated routes must be based on those described in the transport statement within the environmental statement.

(5) Throughout the period of the construction of the authorised development, vehicle wheel washing facilities must be provided as a minimum at the sites of Works No.7 (the Yoxall Temporary Works Compound) and of Works No.8 (the Carriers Road Temporary Works Compound). The written plan approved under sub-paragraph (1) must require that all construction vehicles must have their wheels cleaned before leaving the sites.

(6) Subject to sub-paragraph (7), the construction traffic and highway access arrangements plan must be implemented as approved except to the extent that a variation to the plan is approved by the relevant planning authority in writing. Any submission to vary the approved plan must include copies of and take account of any consultation responses from the local highway authority.

(7) Urgent works necessary on highway safety grounds, which would require a variation to the approved plan, may proceed following the sole approval, in writing, of the local highway authority.

### **Public rights of way**

8.—(1) No stage of the authorised development that would affect Staffordshire County Council Footpath 59 must commence until a written implementation plan and specification for the making up of an alternative right of way in accordance with article 11 (public rights of way) and as described in the public rights of way management strategy document of the environmental statement has been submitted to and approved, in writing, by the relevant planning authority. The plan must include copies of and take account of any consultation responses from the local highway authority.

(2) The alternative right of way must be implemented in accordance with the approved plan and specification except to the extent that a variation to the plan and specification is approved by the relevant planning authority in writing. Any submission to vary the approved plan and specification must include copies of and take account of any consultation responses from the local highway authority.

(3) No stage of the authorised development that would affect any public right of way (other than that referred to in sub-paragraph (1)) must commence until a written plan (based upon the public rights of way management strategy document of the environmental statement numbered WCGP 14.2.13.1) for the temporary closure and, where appropriate, diversion of the right of way has been

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submitted to and approved, in writing, by the relevant planning authority. The plan must include copies of and take account of any consultation responses from the local highway authority.

(4) Any temporary closure or diversion referred to in sub-paragraph (3) must be carried out in accordance with the approved plan except to the extent that a variation to the plan is approved by the relevant planning authority in writing. Any submission to vary the approved plan must include copies of and take account of any consultation responses from the local highway authority.

### **Temporary fencing and other means of enclosure**

9.—(1) No stage of the authorised development must commence until details of all proposed temporary fencing or other means of enclosure for that stage have been submitted to and approved, in writing, by the relevant planning authority. The details must include copies of and take account of any consultation responses from the Environment Agency in relation to any temporary fencing that is within a flood risk area.

(2) Temporary fencing and other means of enclosure must be used in accordance with the approved details except to the extent that a variation to the details is approved by the relevant planning authority in writing. Any submission to vary the approved details must include copies of and take account of any consultation responses from the Environment Agency in relation to any temporary fencing that is within a flood risk area.

(3) Works No.3 (the Yoxall AGI), Works No.11 (Temporary construction and maintenance works for the authorised development), Works No. 7, 8, and 9 (the Yoxall, Carriers Road and Willington Power Station Temporary Works Compounds) and any construction sites must remain enclosed with fencing at all times while they are being used for the construction, reinstatement or restoration of the authorised development.

(4) Any temporary fencing of the areas in sub-paragraph (3) must be removed when those areas cease to be used for the construction, reinstatement or restoration of the authorised development unless otherwise approved, in writing, by the relevant planning authority.

### **Surface water drainage and water discharge**

10.—(1) No stage of the authorised development must commence until, for that stage, details of the surface water drainage system (including means of pollution control) for both temporary and permanent works have been submitted to and approved, in writing, by the relevant planning authority. The details must include copies of and take account of any consultation responses from the Environment Agency.

(2) The surface water drainage system must be constructed in accordance with the approved details except to the extent that a variation to the details is approved by the relevant planning authority in writing. Any submission to vary the approved details must include copies of and take account of any consultation responses from the Environment Agency.

(3) No discharge of water used under article 14 (discharge of water) must be made until written details of the location and rate of discharge have been submitted to and approved, in writing, by the relevant planning authority. The details must include copies of and take account of any consultation responses from the Environment Agency.

### **Contaminated land and groundwater**

11.—(1) No stage of the authorised development must commence until a written scheme, applicable to that stage, to deal with the contamination of any land (including groundwater) within the works limits that is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved, in writing, by the relevant planning

authority. The scheme must include copies of and take account of any consultation responses from the Environment Agency.

(2) The scheme must include an investigation and assessment report to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose.

(3) Remedial measures must be carried out in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing. Any submission to vary the approved scheme must include copies of and take account of any consultation responses from the Environment Agency.

### **Soil handling and restoration**

**12.**—(1) No stage of the authorised development must commence until a written scheme, applicable to that stage, to deal with the management of soil within the works limits has been submitted to and approved, in writing, by the relevant planning authority.

(2) The scheme must include an investigation and assessment report giving details of the soil types and appropriate measures relating to the stripping, storage, handling, reinstatement and restoration of soils.

(3) Soil management works must be carried out in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

### **Agricultural land drainage**

**13.**—(1) No stage of the authorised development must commence until a written scheme, applicable to that stage, to deal with agricultural land drainage within the works limits has been submitted to and approved, in writing, by the relevant planning authority.

(2) The purpose of the scheme is to ensure that, during and following construction, the efficiency of drainage is maintained within and outside the works limits.

(3) The scheme must include an investigation and assessment report giving details of existing drainage arrangements and requirements for pre-construction works and post-construction reinstatement.

(4) Works must be carried out in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

### **Archaeology**

**14.**—(1) No stage of the authorised development must commence until, for that stage, a written scheme for the investigation (“WSI”) of areas of archaeological interest (as identified in the draft WSI numbered WCGP 14.2.12.5 contained in the environmental statement) has been submitted to and approved, in writing, by the relevant planning authority. The scheme must include copies of and take account of any consultation responses from the county council and English Heritage.

(2) The scheme must be based on the draft WSI in the environmental statement and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) The WSI must identify a suitably qualified person or body that must carry out any archaeological works under the scheme.

(4) Any archaeological works must be carried out in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing. Any submission to vary the approved scheme must include copies of and take account of any consultation responses from the county council and English Heritage.

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### **Ecological management plan**

**15.**—(1) No stage of the authorised development must commence until a written ecological management plan for that stage reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement and including details of the appointment and duties of an environmental manager/clerk of works has been submitted to and approved, in writing, by the relevant planning authority.

(2) The ecological management plan must include an implementation timetable, and environmental management must be carried out in accordance with the approved plan except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

### **Temporary external lighting**

**16.**—(1) No stage of the authorised development must commence until details of any temporary external lighting to be installed at that stage, including measures to prevent light spillage, have been submitted to and approved, in writing, by the relevant planning authority.

(2) The details must include and take account of any consultation responses from the local highway authority.

(3) The temporary external lighting must be installed in accordance with the approved details except to the extent that a variation to the details is approved by the relevant planning authority in writing.

(4) Any submission to vary the approved details must include copies of and take account of any consultation responses from the local highway authority.

### **Control of noise during construction and maintenance**

**17.**—(1) No stage of the authorised development must commence until a written scheme for noise management during construction and maintenance of that stage has been submitted to and approved, in writing, by the relevant planning authority. The scheme must be based on the assessment and mitigation proposals contained in chapter 10 of the environmental statement with reference to BS5228 (code of practice for noise and vibration control at construction and open sites).

(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) the provision of mitigation and, where relevant, agreed compensation terms for noise disturbance.

(3) The construction and maintenance works must be undertaken in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

### **Construction hours**

**18.**—(1) Construction work must not take place outside the following hours—

- (a) 7 a.m. to 7 p.m. on Monday to Friday (excluding bank holidays); or
- (b) 7 a.m. to 5 p.m. on Saturday,

except if it—

- (c) is associated with an emergency;
- (d) is carried out with the prior written approval of the relevant planning authority;

- (e) does not cause night-time noise limits approved under Requirement 17 to be exceeded; or
  - (f) is required for the crossings of the River Dove, Carriers Road (A5132), A38, A515, Trent and Mersey Canal or railway lines and any other crossing locations approved, in writing, by the relevant planning authority.
- (2) Heavy commercial vehicular traffic associated with the construction of the authorised development must not enter or leave the construction site outside the following hours—
- (a) 7 a.m. to 7 p.m. on Monday to Friday (excluding bank holidays); or
  - (b) 8 a.m. to 4 p.m. on Saturday,
- except if such movement—
- (c) is associated with an emergency; or
  - (d) is carried out with the prior written approval of the relevant planning authority.

### **Control of dust emissions**

**19.**—(1) The authorised development must not commence until a written scheme for the management and mitigation of dust emissions has been submitted to and approved, in writing, by the relevant planning authority.

(2) The approved scheme for the management and mitigation of dust emissions must be implemented before and maintained during the construction of the relevant stage of the authorised development except to the extent that a variation to the scheme is approved by the relevant planning authority in writing.

### **European protected species**

**20.**—(1) No stage of the authorised development must commence until, for that stage, a scheme of protection and mitigation measures in compliance with all relevant licensing requirements for licensable activities in respect of European protected species within that stage has been submitted to and approved, in writing, by the relevant planning authority.

- (2) The scheme must also include details of the measures to be taken to avoid or minimise—
- (a) significant adverse impacts to great crested newts and their breeding habitats; and
  - (b) significant adverse impacts on bats and bat roosts in relation to the final route selection, the arrangement and management of construction working areas and the construction of the authorised development.

(3) The authorised development must be carried out in accordance with the approved scheme except to the extent that a variation to the scheme is approved by the relevant planning authority in writing, and any such variation must comply with sub-paragraphs (1) and (2).

### **Reinstatement of land used temporarily for construction**

**21.** Any land within the works limits that is used temporarily for construction must be reinstated to its former condition (or such condition as the relevant planning authority may approve in writing) within 6 months of completion of the authorised development unless otherwise approved, in writing, by the relevant planning authority.