

SCHEDULES

SCHEDULE 2

Article 5

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means the construction environmental management plan;

“contaminated land” has the same meaning as that given in section 78A(1) (preliminary) of the Environmental Protection Act 1990;

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(2);

“HEMP” means the handover environmental management plan, being the CEMP, to be developed towards the end of the construction of the authorised development which is to contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development;
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies; and
- (d) the ongoing commitments and obligations in the LEMP;

“LEMP” means the landscape and ecological management plan, including a reptile mitigation strategy and mitigation measures for Schedule 1 birds;

“priority species” has the same meaning given by Article 1(h) of Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora(3);

“protected species” means species which are subject to protection under the laws of England or which are European protected species;

(1) Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25).

(2) [S.I. 2017/1012](#).

(3) OJ No. L 206, 22.7.1992, p.7, as last amended by Council [Directive 2013/17/EU](#) (OJ No. L 158, 10.6.2013, p.193).

Status: This is the original version (as it was originally made).

“Schedule 1 birds” means those birds listed within Schedule 1 (birds which are protected by special penalties) to the Wildlife and Countryside Act 1981;

“Somerset County Council’s archaeological advisor” means the individual appointed as such by the relevant planning authority;

“written” includes shown in the form of a plan, section, drawing or any similar material which is submitted in compliance with any requirement.

Time limits

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

Construction Environmental Management Plan

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

(2) The CEMP must—

- (a) be substantially in accordance with the CEMP section of the outline environmental management plan and, in particular, must provide for compliance with the environmental commitments set out in Table 3.1 (record of environmental actions and commitments) of the outline environmental management plan;
- (b) contain a record of all the sensitive environmental and cultural heritage features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the relevant measures detailed in the environmental statement;
- (d) include information on the control measures required to mitigate and reduce potential impacts which reflect the relevant mitigation measures included in the environmental statement;
- (e) require adherence to working hours of 07:00 to 18:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays, except for—
 - (i) works requiring the full or partial closure of, or otherwise adversely affecting the operation of, the A303 highway;
 - (ii) works associated with the diversion of existing utilities;
 - (iii) works associated with traffic management and signal changes;
 - (iv) works associated with tie-ins to existing highways;
 - (v) deliveries of abnormally large or indivisible loads; and
 - (vi) any emergency works;
- (f) include management plans, working methods and mitigation measures for each of the topics covered in the environmental statement, including—
 - (i) Arboricultural Method Statement;
 - (ii) Archaeological Written Scheme of Investigation;
 - (iii) Japanese Knotweed Management Plan;
 - (iv) Materials Management Plan;
 - (v) Soil Handling and Management Plan;
 - (vi) Site Waste Management Plan;

- (vii) Community Relations Strategy;
- (viii) Groundwater Monitoring Strategy;
- (ix) Construction Lighting Plan;
- (x) Asbestos Management Plan;
- (xi) Pollution Incident Control Plan;
- (xii) Noise and Vibration Monitoring Strategy; and
- (xiii) Bird Hazard Management Plan.

(3) The authorised development must be constructed in accordance with the approved CEMP.

(4) Upon completion of construction of the authorised development the CEMP and LEMP must be converted into the HEMP, and the authorised development must be operated and maintained in accordance with the HEMP.

Landscape and ecological management plan

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

(2) Where the LEMP to be submitted under sub-paragraph (1) relates to or includes reference to any part of the Hazlegrove Registered Park and Garden, consultation must be undertaken with the Historic Buildings and Monuments Commission for England in addition to the consultees set out in sub-paragraph (1).

(3) The LEMP must—

- (a) be substantially in accordance with the LEMP section of the outline environmental management plan;
- (b) contain a record of all the sensitive environmental and cultural heritage features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the relevant measures detailed in the environmental statement; and
- (d) include information on the control measures required to mitigate and reduce potential impacts which reflect the mitigation measures included in the environmental statement.

(4) The authorised development must be constructed in accordance with the approved LEMP.

(5) Upon completion of construction of the authorised development, the ongoing commitments and obligations in the LEMP must be incorporated into the HEMP required under requirement 3(4) of this Part of this Schedule.

Details of consultation

5.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule after consultation by the undertaker with another party, the details submitted must be accompanied by—

- (a) a report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation; and
- (b) copies of all consultation responses received.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The undertaker must ensure that any consultation responses which request alterations to the details proposed by the undertaker are addressed in the details submitted to the Secretary of State for approval under this Schedule, however the undertaker must amend the details proposed in response to consultation only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(4) Where the requests made in consultation responses are not incorporated in the details submitted to the Secretary of State for approval, the undertaker must state in the report referred to under sub-paragraph (1) the reasons why any requests made in consultation responses have not been included in the submitted details. At the same time as sending that report to the Secretary of State for approval the undertaker must send a copy of that report by electronic transmission to any consultee who made representations on that matter.

Landscaping

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

(2) Where the written landscaping scheme to be submitted under sub-paragraph (1) relates to or includes reference to any part of the Hazlegrove Registered Park and Garden, consultation must be undertaken with the Historic Buildings and Monuments Commission for England and the Gardens Trust in addition to the consultees set out in sub-paragraph (1).

(3) No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard 5837:2012 or other recognised codes of good practice, have been undertaken to identify any significant constraints posed by trees.

(4) The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental statement and the results of the surveys undertaken under sub-paragraph (3), and must be in accordance with the LEMP.

(5) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—

- (a) surveys, assessments and method statements as guided by BS 5837:2012 and the Hedgerows Regulations 1997(4);
- (b) location, species, size and planting density of any proposed planting;
- (c) cultivation, importing of materials and other operations to ensure plant establishment;
- (d) proposed finished ground levels and profiles of any proposed bunds and cuttings;
- (e) hard surfacing materials, including surfacing of access tracks and roads and surfacing or facing materials of bunds;
- (f) details of existing trees to be retained, with measures for their protection during the construction period;
- (g) details of boundary treatments, environmental barriers, stone walls, fencing, gates and stiles, and
- (h) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

7.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 6.

(4) [S.I. 1997/1160](#).

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

(3) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Land and groundwater contamination

8.—(1) No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced which is to include details of—

- (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;
- (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and
- (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,

and the assessment has, after consultation by the undertaker with the Environment Agency, been submitted to and approved by the Secretary of State.

(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.

(3) In the event that contaminated land or material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State, the Environment Agency and the relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

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

(5) Remedial measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) No part of the authorised development is to commence until a written scheme of investigation for the investigation and mitigation of areas of archaeological interest for each area and/or each phase in that part, has been prepared by the undertaker in consultation with the relevant planning authority and the local highway authority, agreed with Somerset County Council's archaeological advisor and submitted to and approved in writing by the Secretary of State. The written scheme of investigation must reflect the mitigation measures included in the environmental statement and the outline written heritage scheme of investigation, and include provision for sub-schemes for specific works, areas or locations, which may include evaluation, detailed excavation or archaeological monitoring plans.

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(2) The authorised development must be carried out in accordance with the archaeological framework strategy and written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and written schemes of investigation referred to in sub-paragraph (1) must be agreed with Somerset County Council's archaeological advisor and implemented within a timescale agreed with Somerset County Council's archaeological advisor and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be subject to appropriate mitigation as set out in the archaeological framework strategy and mitigation agreed with Somerset County Council's archaeological advisor.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date they are identified unless otherwise agreed in writing by the Secretary of State.

(6) No later than the expiry of the period of 10 working days beginning with the first working day after the completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with Somerset County Council's archaeological advisor.

Ecology, Priority and Protected species

10.—(1) No part of the authorised development may be undertaken unless the ecological effects are supervised by an appropriately qualified person appointed by the undertaker, which person may be the Ecological Clerk of Works.

(2) In the event that any protected or priority species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.

(3) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within the evidenced zone of likely disturbance of the nest for that species until birds have fledged and the nest is no longer in use. Specific mitigation measures for Schedule 1 birds recorded within the proposed development site, comprising barn owl and hobby, must be set out in the LEMP. The LEMP will state that appropriate buffer zones for any other nesting bird species found during construction works will be determined by the Ecological Clerk of Works, dependent on the nesting bird species and nature of works in proximity to the nest.

(4) The undertaker must implement the written scheme prepared under sub-paragraph (3) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.

Traffic management

11.—(1) No part of the authorised development is to commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the outline traffic management plan, has, after consultation by the undertaker with the local highway authority and South Somerset District Council, been submitted to and approved in writing by the Secretary of State.

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

Detailed design

12.—(1) No part of the authorised development is to commence until the detailed design of that part has, after consultation with the Defence Infrastructure Organisation, the relevant planning authority and local highway authority on matters related to their functions, been approved in writing by the Secretary of State.

(2) The details to be approved under this requirement must include—

- (a) plans, with annotations where required, showing the limits of responsibility for the operational maintenance of any work and which person or body is responsible for maintaining any part;
- (b) a signage strategy for the authorised development, including two information boards in the vicinity of the authorised development and which are accessible by the public to set out the history of the road; and
- (c) the width and limitations of any public rights of way which are created or altered by this Order.

(3) Where protective works under article 21 are required to a listed building within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽⁵⁾, and such works would cause or require to be caused permanent change or alteration of the listed features in any manner which would affect its character as a building of special architectural or historic interest, the protective works must be set out in the detailed design submitted under sub-paragraph (1) and consultation on the relevant details must be undertaken with the Historic Buildings and Monuments Commission for England in addition to the bodies listed in sub-paragraph (1).

(4) Following approval of detailed design under sub-paragraph (1), the undertaker may, after further consultation with the relevant planning authority and local highway authority on matters related to their functions, submit in writing amended detailed design for any part of the authorised development to the Secretary of State.

(5) The details to be approved under sub-paragraph (1) or any subsequent amendment of those details approved under sub-paragraph (4) may depart from the preliminary scheme design shown on the works plans and the engineering section drawings only where the Secretary of State is satisfied that departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(6) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the approved details, corresponding works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public and must be notified by means of electronic transmission to the Environment Agency, the local highway authority, the relevant planning authority, and where works relate to the Hazlegrove House Registered Park and Garden, the Historic Buildings and Monuments Commission for England.

Surface water drainage

13.—(1) No part of the authorised development is to commence until, after consultation by the undertaker with the relevant planning authority, the lead local flood authority, the local highway authority and the Environment Agency, written details of the surface water drainage system,

(5) 1990 c. 9.

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reflecting the mitigation measures in the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State.

(2) Prior to consultation with the relevant planning authority, the lead local flood authority and the Environment Agency as required by sub-paragraph (1), the undertaker will carry out—

- (a) a CCTV survey of the location and condition of all drainage assets where—
 - (i) the existing A303 is to be de-trunked and retained; and
 - (ii) the existing A303 drainage is connecting into the proposed drainage network; and
- (b) a topographical and condition survey (i.e. visual inspection) of the extents of the ditches downstream of the proposed outfalls as follows—
 - (i) outfall from Pond 1: up to and including culvert at Farm Lane overbridge (SMIS reference: 6245, culvert registration ID: 13795);
 - (ii) outfall from Ponds 2 and 3: up to and including culvert at Royal Naval Air Station Yeovilton;
 - (iii) outfall from Pond 4: up to culvert north of Frog Lane, West Camel (DRN ID: EAEW1001000000172218); and
 - (iv) outfall from Pond 5 and 6: up to Dyke Brook; and
- (c) an assessment of the sustainability of the drainage proposals and of the opportunities to increase sustainable drainage provision.

(3) The undertaker will make the results of the surveys and assessments undertaken in accordance with this requirement available to the relevant planning authority, the lead local flood authority, the local highway authority and the Environment Agency when undertaking any consultation required by sub-paragraph (1).

(4) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless after consultation with the relevant planning authority, the local highway authority and the Environment Agency, otherwise agreed in writing by the Secretary of State.

(5) Runoff from natural catchments must be intercepted to prevent flooding of the carriageway in accordance with HA106/04.

(6) Highway drainage will be designed in accordance with HD 33/16 Design of Highway Drainage Systems and any subsequent design manuals amending or replacing that. The system as a minimum must achieve—

- (a) no surcharge of the drainage system during the 100% Annual Exceedance Probability (AEP) storm event;
- (b) no flooding from the drainage system during the 20% Annual Exceedance Probability (AEP) storm event;
- (c) design exceedance management during the 1% Annual Exceedance Probability (AEP) storm event;
- (d) an allowance for the effects of climate change by allowing for a 40% increase in rainfall intensity.

(7) The highway drainage system off-site discharge will be limited, up to and including the 1% annual probability (1 in 100 year event) plus a 40% allowance for climate change, to no greater than the undeveloped rate of run-off as determined by the calculation of Qbar or 2 l/s/ha.

(8) In this paragraph, “the lead local flood authority” has the same meaning as in the Flood and Water Management Act 2010(6).

(6) 2010 c. 29.

Noise mitigation

14.—(1) No part of the authorised development is to commence until, after consultation by the undertaker with the relevant planning authority, written details of proposed noise mitigation in respect of the construction, use and operation of that part of the authorised development have been submitted to and approved in writing by the Secretary of State.

(2) Either—

- (a) the written details referred to in sub-paragraph (1) must reflect the mitigation measures included in the environmental statement; or
- (b) where the mitigation proposed materially differs from the mitigation identified in the environmental statement, the undertaker must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the mitigation identified in it.

(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1) and must be retained thereafter.

Highway lighting

15.—(1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has, after consultation by the undertaker with South Somerset District Council and (in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article 14(2), the highway authority) the local highway authority, been submitted to and approved in writing by the Secretary of State.

(2) Either—

- (a) the standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the environmental statement; or
- (b) where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) The standard of the highway lighting must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

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

(5) Nothing in this requirement restricts the lighting of the authorised development during its construction or where temporarily required for maintenance.

Delivery approach plan

16.—(1) No part of the authorised development is to commence until a delivery approach plan for the construction of the authorised development has, after consultation by the undertaker with the local highway authority and relevant planning authority, been submitted to and approved in writing by the Secretary of State. The delivery approach plan must set how the authorised development will be delivered to ensure that mitigation works will be in place at the point when the works for which that mitigation is required are completed, which mitigation works include but are not limited to—

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- (a) the landscaping approved under requirements 6 and 7;
- (b) the surface water drainage approved under requirement 13;
- (c) the noise mitigation approved under requirement 14; and
- (d) the highway lighting approved under requirement 15.

(2) Where any requirement refers to any part of the authorised development and discharge is sought for a part, the delivery approach plan must set out how that part fits into the overall plan and why it is appropriate for that part to commence as a part.

Provision of non-motorised user route at western end

17. No part of the authorised development is to commence until details of a scheme for a bridleway connecting Eastmead Lane from the closure marked B1 on the rights of way and access plans with the southern side of the A303 by way of the Higher Farm Lane overbridge have, after consultation by the undertaker with Somerset County Council, been submitted to and approved in writing by the Secretary of State. The scheme submitted for approval must include an explanation of the mechanisms for delivery of the measures and works set out in it, and where any legal agreement is required, must include a copy of the agreement in terms agreed by the proposed parties.

No through road signs for Traits Lane and Gason Lane

18. Notwithstanding any provision in this Order, the existing junctions of Traits Lane and Gason Lane with the A303 must not be closed to traffic until a scheme securing the delivery of no through road signs to be installed at the southern junctions of these roads with Blackwell Road has, after consultation by the undertaker with the traffic authority, been submitted to and approved in writing by the Secretary of State.

Speed limit on B3151

19. Notwithstanding any provision in this Order, the existing junction of the B3151 with the A303 must not be reconfigured until a scheme securing the promotion of a traffic regulation order under the 1984 Act amending the speed limit of this road by Somerset County Council at the expense of the undertaker has been submitted to and approved in writing by the Secretary of State.

Traffic monitoring and mitigation in Sparkford

20.—(1) No part of the authorised development is to commence until written details of a traffic impact monitoring and mitigation scheme for Sparkford High Street has been submitted to and approved in writing by the local highway authority.

- (2) The traffic impact monitoring and mitigation scheme must include—
- (a) a before and after survey to assess the changes in traffic;
 - (b) the locations to be monitored and the methodology to be used to collect the required data;
 - (c) the periods over which traffic is to be monitored;
 - (d) the submission of survey data and interpretative report to the local highway authority; and
 - (e) a mechanism for the future approval of mitigation measures together with a programme for their implementation.
- (3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker

Approvals and amendments to approved details

21. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

22.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker, the relevant planning authority and the local highway authority of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 23; or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved,

then the application is taken to have been refused by the Secretary of State at the end of that period.

Further information

23.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

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(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 21 and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(7).

Register of requirements

24.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

25. If before this Order came into force the undertaker or any other person took any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

(7) 1971 c. 80.