

SCHEDULES

SCHEDULE 2

Article 4

REQUIREMENTS

Interpretation

1. In this Schedule—

“arboricultural survey report” means the report dated April 2020 included as appendix 2 of the indicative landscape strategy;

“biodiversity protection plan” means the detail set out in part 6 of the biodiversity strategy;

“coming into operation” or “come into operation” mean the date on which the authorised development first receives commercial deliveries of fuel after commissioning;

“commissioning” means the process of assuring that all systems and components of the authorised development are tested, to verify that they function and are operable in accordance with the design objectives, specifications and operational requirements of the undertaker, prior to the authorised development coming into operation;

“indicative biodiversity mitigation and enhancement plan” means the detail set out in part 8 of the biodiversity strategy;

“the outline drainage strategy” means the outline drainage strategy included as appendix 14B of the environmental statement;

“the permitted preliminary works” means—

- (a) within the area of Work No. 1 works consisting of the removal of existing structures, and site clearance works; and
- (b) within the areas of Work No.s 1, 2, 3, 4 and 5 works consisting of biodiversity management, mitigation and enhancement works, providing these are in accordance with the biodiversity protection plan or any details approved pursuant to requirement 11, wheel cleaning facilities, the installation and diversion of utility services, surveys, and temporary contractors’ facilities; and

references to “Work No. 1” in this Schedule include Work No. 1A and Work No. 1B;

“Royal Mail” means Royal Mail plc (Company No. 08680755) whose registered office is at 100 Victoria Embankment, London EC4Y 0HQ; and

“SCANNER” means Surface Condition Assessment for the National Network of Roads.

Commencement of the authorised development and notices

2.—(1) The authorised development must not be commenced after the expiration of five years from the date this Order comes into force.

(2) Unless such event has already occurred prior to the date of the undertaker’s notice under article 5, the undertaker must notify the relevant planning authority within seven days of each of the following events occurring—

- (a) the start of commissioning of the authorised development; and

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- (b) the coming into operation of the authorised development.

Approved details and amendments to them

3.—(1) All relevant details submitted for the approval of the relevant planning authority pursuant to these requirements must be in accordance with the following dimensions—

- (a) maximum main building height – 59 metres AOD (including 2 metre parapet wall on boiler house);
- (b) maximum main building footprint – 210 metres x 110 metres;
- (c) stack height – 102 metres AOD;
- (d) maximum stack diameter – 3 metres per combustion stream; and
- (e) bunker base maximum depth – -8 metres AOD.

(2) Where a requirement requires the authorised development to be constructed in accordance with details approved by the relevant planning authority, the approved details are taken to include any amendments subsequently approved by the relevant planning authority.

Requirement for written approval

4. Where under any of the requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be provided in writing.

Detailed design (position and scale)

5.—(1) In relation to any part of the authorised development comprised in Work No. 1 no development of that part may commence, save for the permitted preliminary works, until details of the final position, finished floor levels, elevations and floor plans of all new permanent buildings and structures have been submitted to and approved by the relevant planning authority. The authorised development must be carried out in accordance with the approved details.

(2) No part of the authorised development may have more than three occupied storeys save for Work No. 1B.

Detailed design (appearance)

6. In relation to any part of the authorised development comprised in Work No. 1 no development of that part may commence, save for the permitted preliminary works, until details of the external appearance, including the colour, materials and surface finishes, of all new permanent buildings and structures have been submitted to and approved by the relevant planning authority. The authorised development must be carried out in accordance with the approved details.

Retained trees

7.—(1) All trees located within Work No. 3 must be retained throughout the construction and operation of the authorised development unless replaced under sub-paragraph (2) or otherwise agreed with the relevant planning authority.

(2) Any tree within Work No. 3 that is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, during the construction or operation of the development must be replaced in the first available planting season with a specimen of the same species unless otherwise agreed with the relevant planning authority.

Means of enclosure and hard landscaping

8.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until the details and position of means of enclosure, circulation areas, hardstandings and all other hard landscaping for that part have been submitted and approved by the relevant planning authority.

(2) The details submitted under sub-paragraph (1) in respect of Work No. 1 must include details of a 2.5 metre high close board fence along the southern and eastern boundary of Work No. 1, as set out in section 7 and illustrated in figure 1 of the biodiversity strategy.

(3) The details submitted under sub-paragraph (1) in respect of Work No. 5 must include details of a 2.5 metre high close board fence along the eastern boundary of Work No. 5 to the extent that it is coincidental with the Order limits.

(4) The details approved under this requirement must be implemented during the construction of the authorised development and then maintained throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

(5) In this requirement, “means of enclosure” means fencing, walls or other means of boundary treatment and enclosure.

Lighting scheme

9.—(1) The authorised development may not come into operation until a scheme for all permanent external lighting to be installed (with the exception of any aviation warning lighting required under requirement 30) has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must be in accordance with the principles of the indicative lighting strategy and include measures to minimise and otherwise mitigate any artificial light emissions during the operation of the authorised development.

(3) The scheme must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Soft landscaping

10.—(1) The permitted preliminary works may start but the authorised development may not come into operation until a scheme of soft landscaping and planting has been submitted to, and approved by, the relevant planning authority.

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

- (a) materials, and the number, species, sizes and planting positions of any planting;
- (b) measures to protect any existing shrub and tree planting that is to be retained;
- (c) an implementation plan; and
- (d) a future maintenance plan.

(3) The scheme must be implemented within a period of 12 months beginning with the coming into operation of the authorised development and maintained as approved during the operation of the authorised development, unless otherwise agreed with the relevant planning authority.

Biodiversity protection

11.—(1) The biodiversity protection plan must be implemented during the construction of the authorised development, unless otherwise agreed by the relevant planning authority.

(2) No later than 18 months from the commencement of the authorised development a report by a qualified ecologist verifying the implementation of the relevant parts of the biodiversity protection plan and setting out implementation measures for the remaining parts of the biodiversity protection plan must be submitted to the relevant planning authority for approval, unless otherwise agreed by the relevant planning authority. The implementation measures for the remaining parts of the biodiversity protection plan must be implemented as approved, unless otherwise agreed by the relevant planning authority.

Biodiversity mitigation and enhancement

12.—(1) No later than 12 months from submission of the details under requirement 11(2) a biodiversity mitigation and enhancement plan must be submitted to the relevant planning authority for approval.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in the indicative biodiversity mitigation and enhancement plan, and must include an implementation timetable, including monitoring and maintenance activities.

(3) The plan approved under sub-paragraph (1) must be implemented in full by the end of the second planting season after the plan is approved and maintained during the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Surface water drainage

13.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until the undertaker has consulted with Anglian Water on details of the permanent surface water drainage systems, including a future maintenance plan, the undertaker has then submitted the details to the relevant planning authority and the relevant planning authority has approved those details.

(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in sections 2, 4 and 6 of the outline drainage strategy.

(3) The scheme approved under sub-paragraph (1) must be implemented as approved prior to the development coming into operation and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.

Foul water drainage

14.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the permanent foul water drainage systems, including a future maintenance plan, have been submitted to and, after consultation with Anglian Water and the Environment Agency, approved by the relevant planning authority.

(2) The details submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in sections 2 and 5 of the outline drainage strategy.

(3) The scheme approved under sub-paragraph (1) must be implemented as approved prior to the development coming into operation and maintained as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Construction environmental management plan

15.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with appendix 5A of the environmental statement and the biodiversity protection plan and incorporate—

- (a) visitor and contractor parking areas;
- (b) a materials management plan;
- (c) materials storage areas;
- (d) wheel cleaning facilities;
- (e) noise, vibration and dust mitigation measures;
- (f) lighting details;
- (g) fence installation (including a timetable for installation) and its retention throughout construction in accordance with paragraph 7.1.1 of the biodiversity strategy;
- (h) tree protection measures throughout construction in accordance with sections 6.6 to 6.8 of the arboricultural survey report;
- (i) waste management in accordance with chapter 16 of the environmental statement; and
- (j) pollution control.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.

Construction traffic management and travel planning

16.—(1) No part of the authorised development may commence until the undertaker has consulted with Network Rail on a construction traffic management plan for that part, submitted the plan to the relevant planning authority, and the relevant planning authority has approved the plan.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with the framework construction traffic management plan.

(3) The plan submitted and approved under sub-paragraph (1) for Work No. 1 must include—

- (a) details of the routes to be used for the delivery of abnormal indivisible loads and procedures for the notification of these to the local highway authority, Royal Mail and, if the route includes railway assets, Network Rail; and
- (b) a construction worker travel plan (which must be in accordance with the framework construction worker travel plan included as annex 27 of appendix 9A of the environmental statement).

(4) The plan must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.

Piling

17.—(1) No part of the authorised development comprised within Work No. 1 may commence, save for the permitted preliminary works, until the undertaker has consulted the Environment Agency on a written specification of the type of piling to be used to support the building and structures, the undertaker has submitted that specification to the relevant planning authority, and the relevant planning authority has approved that specification.

(2) The written specification submitted and approved under sub-paragraph (1) must include a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which must include seasonal piling restrictions and/or the use of continuous flight auger piling as each of those are described in section 7 of the biodiversity strategy) and a scheme to mitigate the effects of the

piling with regard to groundwater resources (which must be in accordance with the results of the site investigation carried out, and any remediation strategy submitted, pursuant to requirement 19).

(3) All piling works must be carried out in accordance with the approved written specification unless otherwise agreed with the relevant planning authority.

Temporary halting of development on finding unexpected contamination

18. If at any point during construction contamination is found that is not expected in the scheme submitted and approved under sub-paragraph (1) of requirement 19, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the relevant planning authority in writing until requirement 21 has been complied with in relation to the unexpected contamination.

Investigation and remediation of contamination

19.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until the undertaker has consulted with the Environment Agency on a scheme for an investigation of the nature and extent of any contamination on the site, whether or not it originates on the site, the undertaker has submitted this scheme to the relevant planning authority, and the relevant planning authority has approved the scheme.

(2) The scheme submitted and approved under sub-paragraph (1) must be in accordance with the principles set out in chapter 12 and appendix 12A of the environmental statement and must be undertaken by competent persons.

(3) The scheme submitted and approved under sub-paragraph (1) must include—

- (a) a survey of the extent, scale and nature of contamination;
- (b) a risk assessment taking into account—
 - (i) human health;
 - (ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - (iii) adjoining land;
 - (iv) groundwaters and surface waters;
 - (v) ecological systems; and
 - (vi) archaeological sites and ancient monuments (if applicable); and
- (c) an appraisal of the need for remediation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and (if applicable) historical environment.

(4) If the appraisal under sub-paragraph (3)(c) identifies the need for remediation then a remediation scheme must be submitted together with the scheme submitted pursuant to sub-paragraph (1).

(5) Any scheme submitted under sub-paragraph (4) must contain an appraisal of the remedial options available and a description of the proposed remediation works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(6) The schemes submitted under sub-paragraphs 1 and 4 (in the event a remediation scheme under sub-paragraph (4) is required) and approved under sub-paragraph (1) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Implementation of remediation scheme

20.—(1) In the event that a remediation scheme under requirement 19(4) is required, the relevant part of the authorised development must not commence, save for the permitted preliminary works, until any scheme approved under requirement 19(4) has been implemented as approved, unless otherwise agreed by the relevant planning authority.

(2) Following implementation under sub-paragraph (1) (in the event sub-paragraph (1) applies), the undertaker must consult the Environment Agency on a verification report that demonstrates the effectiveness of the remediation scheme which must be submitted to, and approved by, the relevant planning authority prior to the development coming into operation.

Procedure in cases of unexpected contamination

21.—(1) At any time during construction or operation, in the event that contamination is found that was not expected in the scheme submitted and approved under sub-paragraph (1) of requirement 19, the unexpected contamination must be notified in writing to the relevant planning authority before the end of the following working day.

(2) Within three months of the notification made under sub-paragraph (1) all details required by sub-paragraphs (1) and (4) of requirement 19 must be submitted to the relevant planning authority in respect of the unexpected contamination, and the relevant planning authority must consult with the Environment Agency in respect of those details.

(3) Within three months of the approval by the relevant planning authority of the schemes submitted under sub-paragraph (2), the schemes must be implemented as approved unless otherwise agreed by the relevant planning authority.

(4) Within three months of the implementation of the schemes under sub-paragraph (3) a verification report must be prepared in accordance with the requirements of requirement 20 and submitted to the relevant planning authority for approval after consultation with the Environment Agency.

Flood risk mitigation

22.—(1) No part of the authorised development may be commissioned until a scheme for the mitigation of flood risk during operation has, for that part, been submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must be in accordance with the flood risk assessment unless otherwise agreed by the relevant planning authority in consultation with the Environment Agency.

(3) The scheme submitted and approved under sub-paragraph (1) must provide for critical equipment assets to be elevated to no lower than 4.60m AOD or, alternatively, adequately protected through flood resistance and resilience measures, and a place of safe refuge to be provided at a level no lower than 4.60m AOD.

(4) The scheme approved under sub-paragraph (1) must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.

(5) In this article, “the flood risk assessment” means the flood risk assessment included as appendix 14A of the environmental statement.

Flood warning and evacuation plan

23.—(1) The authorised development must not be occupied until a flood warning and evacuation plan has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must include provisions to secure the subscription of the authorised development to the Environment Agency's floodline warnings direct service or equivalent service.

(3) The flood warning and evacuation plan submitted and approved under sub-paragraph (1) must be implemented as approved prior to the authorised development coming into operation and remain in place throughout the operation of the development unless otherwise agreed by the relevant planning authority.

Delivery and servicing plan

24.—(1) The authorised development must not come into operation until the undertaker has consulted Network Rail on an operational delivery and servicing plan for all operational HGVs entering and leaving the site, the undertaker has submitted that plan to the relevant planning authority, and the relevant planning authority has approved that plan.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with the operational delivery and servicing plan within annex 26 of appendix 9A of the environmental statement unless otherwise agreed by the relevant planning authority.

(3) The plan approved under sub-paragraph (1) must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Operational travel plan

25.—(1) The authorised development must not come into operation until an operational travel plan has been submitted to and approved by the relevant planning authority.

(2) The plan submitted and approved under sub-paragraph (1) must be in accordance with business travel plan guidance published by the local highway authority and in accordance with the framework operational travel plan within annex 7 of appendix 9A of the environmental statement unless otherwise agreed by the relevant planning authority.

(3) The plan approved under sub-paragraph (1) must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Visibility splays

26.—(1) The authorised development must not come into operation until details of the visibility splays at the proposed new highway access have been submitted to and, after consultation with the local highway authority, approved by the relevant planning authority.

(2) The details submitted to and approved under sub-paragraph (1) must be in accordance with the access and rights of way plan and swept path analysis plan unless otherwise agreed by the relevant planning authority.

(3) The details approved under sub-paragraph (1) must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development, and nothing erected or allowed to grow above 1.05 metres higher than the carriageway level of the adjoining highway within the visibility splays unless otherwise agreed by the relevant planning authority.

New highway access

27.—(1) The authorised development must not come into operation until details of the proposed new highway access and highway drainage system have been submitted to and, after consultation with the local highway authority, approved by the relevant planning authority.

(2) The details submitted to and approved under sub-paragraph (1) must include the proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway which must be in accordance with the access and rights of way plan and swept path analysis plan unless otherwise agreed by the relevant planning authority or any details in respect of this new entrance that have been approved under articles 11 or 12.

(3) The details approved under sub-paragraph (1) must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development.

Parking

28.—(1) The authorised development must not come into operation until details of the proposed location, type and number of permanent vehicle and bicycle parking spaces have been submitted to and approved by the relevant planning authority.

(2) The details approved under sub-paragraph (1) must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development.

Road condition survey

29.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a survey of the condition of the adopted section of South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the relevant planning authority.

(2) The details submitted to and approved under sub-paragraph (1) must include the results of a survey comprising SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m, contained in a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

(3) Within six months of the authorised development coming into operation a report must be submitted to the relevant planning authority for approval.

(4) The report submitted and approved under sub-paragraph (3) must contain the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted after the coming into operation of the authorised development and must include information on actual HGV tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under sub-paragraph (1).

(5) In the event that the report shows the actual HGV tonnage and volumes using the road is in exceedance of the theoretical capacity, and the exceedance can reasonably be attributed to the authorised development, the undertaker must within three months of an approval under sub-paragraph (3), submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for its approval.

(6) The scheme of improvement approved under sub-paragraph (5) must be implemented by the undertaker as approved.

Air safety

30.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the information that is required by the Defence Geographic Centre of the Ministry of Defence to chart the authorised development for aviation purposes for that part have been submitted to and approved by the relevant planning authority.

(2) The information submitted to and approved under sub-paragraph (1) must include—

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- (a) location of development;
 - (b) date of commencement of construction;
 - (c) anticipated date of completion of construction of tall structures including the emissions stacks;
 - (d) height above ground level of tall structures including the emissions stacks;
 - (e) maximum extension height of any construction equipment; and
 - (f) details of aviation warning lighting to be fitted to the tall structures, which must include fitting the emissions stacks with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.
- (3) The aviation warning lighting details submitted to and approved under sub-paragraph (2)(f) must be implemented in full before the construction of the emissions stacks is complete unless otherwise agreed by the relevant planning authority.
- (4) At the earliest opportunity prior to the date of completion of the construction of the stacks, the anticipated date of construction completion must be submitted to the relevant planning authority.
- (5) All details submitted to and approved under this requirement must be implemented as approved and maintained throughout (to the extent relevant) the construction of the authorised development and the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Fuel type

31. Only refuse derived fuel comprising of processed waste from municipal, household, commercial and industrial sources may be used in the combustion system in Work No. 1, except for purposes of start-up or support firing when gas or fuel oil may be used.

Fuel storage

32. With the exception of the diesel tank, fuel for the energy recovery facility must not be stored outside of the main building at any time.

Decommissioning

33.—(1) Within two years of the date that the undertaker decides to end commercial operation of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning plan, including a timetable for its implementation and a decommissioning environmental management plan.

(2) The plan submitted to and approved under sub-paragraph (1) must be implemented as approved unless otherwise agreed with the relevant planning authority.

Amendments agreed by the relevant planning authority

34.—(1) Where the words “unless otherwise agreed by the relevant planning authority” appear in the requirements—

- (a) whenever the undertaker requests that the relevant planning authority provides its agreement in accordance with those words, the undertaker must provide the relevant planning authority with information on compliance with any document listed in the relevant requirement and any other relevant certified document; and
- (b) any such approval or agreement may only be given in relation to non-material amendments and where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought will not give rise to any materially new

or materially different environmental effects from those assessed in the environmental statement.

(2) In cases where the requirement or the relevant sub-paragraph requires consultation with specified persons, any such approval or agreement must not be given without the relevant planning authority having first consulted with those persons.

Combined heat and power

35.—(1) No part of Work No. 1 may be commissioned until a scheme for the provision of steam or hot water pass-outs has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted under sub-paragraph (1) must as a minimum comply with the conditions relating to steam and hot water pass-outs within any environmental permit granted in respect of the authorised development.

(3) No part of Work No. 1 may be commissioned until a scheme for the provision of reserve space, suitable for the future provision of water pressurisation, heating and pumping systems for potential off-site users of process or space heating and the later connection of Work No. 1 to such systems, has been submitted to and approved by the relevant planning authority.

(4) The scheme submitted under sub-paragraph (3) must demonstrate that the reserve space is suitable to accommodate the future installation of a pipeline connection of at least 400 millimetres in diameter.

(5) The schemes approved under sub-paragraphs (1) and (3) must be implemented as approved prior to the coming into operation of the authorised development and maintained throughout the operation of the authorised development.

(6) Prior to the installation of any steam or hot water pipeline in the reserve space identified within the scheme approved under sub-paragraph (3), details of the diameter and specification of the pipelines and a timetable for their installation must be submitted to and approved by the relevant planning authority and which must demonstrate that the diameter and specification of the pipelines are suitable for the connection of Work No. 1 to the identified off site users of process or space heating.

(7) The details approved under sub-paragraph (6) must be implemented as approved and maintained, unless otherwise agreed by the relevant planning authority.

Anticipatory steps towards compliance with any requirement

36.—(1) If before this Order comes into force the undertaker or any other person takes any steps intended to be steps towards compliance with any provision of this Schedule, those steps must 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.

(2) Any document submitted to the relevant planning authority which the undertaker considers may constitute a step referred to at sub-paragraph (1) must include a statement that it is likely to engage sub-paragraph (1).

Heavy goods vehicle prohibition

37. The plans submitted pursuant to requirements 16, 24 and 33 must not provide for the use of South Marsh Road (west of Hobson Way, also known as South Marsh Lane Bridleway) by heavy goods vehicles accessing to or egressing from the authorised development.

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Development consent obligation

38.—(1) Construction of Work No. 1 must not start until a development consent obligation pursuant to section 106 of the 1990 Act has been secured between the relevant planning authority, the undertaker, EP SHB Limited, and Lloyds Bank plc (or any successor in title to the charge).

(2) The development consent obligation required by sub-paragraph (1) must reflect the obligations as secured by the section 106 agreement.

(3) Lloyds Bank plc (or any successor in title to the charge) is not required to enter into the development consent obligation required by sub-paragraph (1) where the charge has been discharged and no longer applies to any land within the Order limits and evidence of this has been provided to the satisfaction of the relevant planning authority.