

SCHEDULES

SCHEDULE 2

Article 4

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“Bolder Mere mitigation and enhancement area” means the area within which environmental mitigation and enhancement measures will be undertaken, to prevent any deterioration in the classification status of Bolder Mere as a surface water body and to ensure compliance with relevant environmental objectives in accordance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(1), (as provided for by Work No.55 in Schedule 1 (authorised development));

“CEMP” means any construction environmental management plan prepared and approved under requirement 3;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of non-intrusive investigations and surveys, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“common land” has the same meaning as “common” in sections 131 and 132 of the 2008 Act and “open space” has the same meaning as in those sections;

“completed” in relation to a relevant part of the authorised development, means the relevant part of the authorised development is completed and fully open for traffic and “completion” is to be construed accordingly;

“County Archaeologist” means the individual appointed as such by Surrey County Council;

“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);

“Habitats Regulations Assessment” means the report of that description certified under article 45 (certification of documents, etc.);

“HEMP” means the Handover Environmental Management Plan prepared by the undertaker;

(1) [S.I. 2017/407](#).
(2) [S.I. 2017/1012](#).

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“Landscape and Ecology Management and Monitoring Plan” means the plan contained in Appendix 7.20 of the Environmental Statement certified under article 45 (certification of documents, etc.);

“Outline CEMP” means the outline construction environmental management plan certified under article 45 (certification of documents, etc.);

“pre-construction ecological mitigation” means any non-intrusive preparatory works of an environmental character;

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

“REAC” means the Register of Environmental Actions and Commitments certified under article 45 (certification of documents, etc.);

“replacement land” means the replacement land identified in Part 4 of Schedule 10;

“requirement consultee” means a body that is specified in any requirement within this Schedule as a body to be consulted prior to the undertaker making an application to discharge the relevant requirement;

“RHS Tree Protection Plan” means the plan of that description certified under article 45 (certification of documents, etc.);

“Scheme Layout Plans” means the plans of that description certified under article 45 (certification of documents, etc.);

“SPA Management and Monitoring Plan” means the document of that name which forms part of the environmental statement;

“suitably qualified and experienced ecologist” means an ecologist who is a full member of the Chartered Institute of Ecology and Environmental Management and having at least 10 years of relevant experience;

“Thames Basin Heaths Special Protection Area (SPA) compensation land” means the land outside the existing SPA boundary and which is to be acquired or used for the purposes of creating compensatory habitat to offset the loss of existing SPA habitat (as provided for by Work No.57 in Schedule 1 (authorised development));

“Thames Basin Heaths Special Protection Area (SPA) enhancement area” means the area within the existing SPA boundary and within which compensatory ecological enhancement measures will be implemented to offset other potential adverse effects on the SPA (as provided for by Work No.58 in Schedule 1 (authorised development));

“Water Framework Directive Assessment Report” means the report of that description certified under article 45 (certification of documents, etc.).

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 and handover environmental management plans

3.—(1) No part of the authorised development is to commence until a CEMP, substantially in accordance with the outline CEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority.

(2) The CEMP must be written in accordance with the principles of ISO14001 and reflect the commitments made in the REAC and mitigation measures detailed in the Environmental Statement, to avoid, reduce or mitigate environmental effects or risks during construction. The CEMP must—

- (a) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the authorised development, including an environmental constraints map;
- (b) require adherence to the workings hours of 07:30 to 18:00 on Mondays to Fridays and 08:00 to 19:00 on Saturdays, except for—
 - (i) night-time closures for bridge demolition and installation or other works requiring the full or partial closure of, or otherwise adversely affecting the operation of the M25 and A3 carriageways;
 - (ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;
 - (iii) the provision of services at compounds, including CCTV and vehicle recovery;
 - (iv) works associated with the diversion of existing utilities;
 - (v) junction tie-in works;
 - (vi) works associated with traffic management and signal changes;
 - (vii) cases of emergency; and
 - (viii) as otherwise agreed by the relevant planning authority or local highway authority in advance.
- (c) include the following management plans and method statements for undertaking the authorised development—
 - (i) an arboricultural method statement setting out details of the trees to be retained and measures for their protection during construction;
 - (ii) the control of noise and vibration;
 - (iii) the control of dust, odour and smoke;
 - (iv) construction site artificial lighting;
 - (v) the management of materials;
 - (vi) the management and storage of topsoil;
 - (vii) the management of site waste;
 - (viii) the protection and drainage of surface water and groundwater;
 - (ix) the protection of ecological habitats and species;
 - (x) the control of invasive species; and
 - (xi) pollution prevention plan and procedures for dealing with any unexpected environmental emergencies;
- (d) set out the arrangements for monitoring and recording compliance with environmental commitments during construction; and
- (e) contain a community relations strategy.

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

(4) The undertaker must prepare a HEMP by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP.

(5) The HEMP must address the matters set out in the approved CEMP that are relevant to the operation and maintenance of the authorised development, and must contain—

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- (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 design and mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and
 - (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.
- (6) The authorised development must be operated and maintained in accordance with the HEMP.

Traffic management during construction

4.—(1) No part of the authorised development comprising the alteration or improvement of the M25 or A3 is to commence until a traffic management plan relevant to that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority.

(2) The authorised development must be constructed in accordance with the traffic management plan approved under sub-paragraph (1).

Detailed design

5.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans, the Scheme Layout Plans and the engineering drawings and sections, unless otherwise agreed in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those described in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to supersede the corresponding drawings and plans certified under article 45 and the undertaker must make those amended details available in electronic form for inspection by members of the public and undertake the works in accordance with the approved amended details.

Landscaping

6.—(1) The authorised development must be landscaped in accordance with a landscaping scheme which sets out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be substantially in accordance with the Scheme Layout Plans and the Landscape and Ecology Management and Monitoring Plan. It must reflect the results of any arboricultural walkover surveys undertaken in accordance with British Standard 5837:2012 and requirement 3.

- (3) The landscaping scheme prepared under sub-paragraph (1) must include details of—
- (a) location, number, species mix, size and planting density of any proposed planting;
 - (b) cultivation, importing of materials and other operations to ensure plant establishment;
 - (c) existing trees to be retained, with measures for their protection during the construction period;
 - (d) proposed finished ground levels;

- (e) hard landscaping and materials, minor structures and street furniture associated with any new public right of way or upgraded public right of way proposed to support sustainable travel movement along the A3 corridor or for the purposes of providing improved access to the replacement land; and
- (f) a timetable for the implementation of the landscaping works.

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

(5) Any tree or shrub planted as part of the authorised development that, within a period of 10 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 the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.

Design, layout and implementation of Replacement Land

7.—(1) No part of the authorised development comprising the creation of an area of replacement land (Work No.59) is to commence until for that part details of the layout and design of the land have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and with the prospective owner of the replacement land. The details must include—

- (a) a landscaping scheme for the replacement land in accordance with requirement 6;
- (b) the extent, methods and timing of any tree felling or other vegetation clearance required within the boundary of the replacement land to render the land suitable for public recreational access;
- (c) measures for the management and protection of any ancient woodland, veteran trees or trees which are the subject of a tree preservation order, if present within the boundary of the relevant part of the replacement land;
- (d) the location and extent of any translocation of ancient woodland soils if proposed within the relevant part of the replacement land;
- (e) the detailed alignment and surface treatment of any proposed new paths or public rights of way to be created through the replacement land;
- (f) any measures, including street furniture and signage to be provided for the purposes of supporting, promoting and managing non-motorised public access to the land;
- (g) boundary treatment measures, including details of any new fencing, gates and barriers necessary to manage public access both within the replacement land and to restrict access to other adjoining land;
- (h) timetable for the implementation, completion and opening of the replacement land for public access; and
- (i) a scheme for the maintenance and management of the replacement land, including details of any environmental monitoring measures.

(2) The authorised development must be carried out, maintained, managed and monitored in accordance with the details approved under sub-paragraph (1).

Thames Basin Heaths Special Protection Area (SPA) Compensatory Habitat Creation and Enhancement Measures

8.—(1) Details of the compensatory habitat creation and enhancement measures to be undertaken in respect of the Thames Basin Heaths SPA (on the compensation land (Work No.57) and in the

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enhancement areas (Work No.58)) must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, Surrey County Council and Natural England. The details must be substantially in accordance with the preliminary Scheme design shown on the Scheme Layout Plans and must reflect the measures set out in the Environmental Statement, the REAC and in the Habitats Regulations Assessment. The details must include—

- (a) existing vegetation to be retained and any new planting species proposed within the Thames Basin Heaths SPA compensation land, including details of establishment methods;
- (b) the extent, methods and timing of any tree felling and stump removal required within the SPA enhancement areas;
- (c) the extent and depth of any topsoil removal necessary for the purposes of re-establishing heathland habitat;
- (d) measures for the protection of habitats and species within the SPA to be adopted during the enhancement works;
- (e) measures to support and manage public recreational access within the compensation land and enhancement areas which comprise common land or open space, including any new signage, gates, styles where proposed and consistent with ecological conservation management objectives;
- (f) a timetable for the completion of the environmental mitigation and enhancement works (Work Nos. 57 and 58); and
- (g) a scheme for the maintenance, management and monitoring of the compensatory habitat creation and enhancement measures in respect of the Thames Basin Heaths SPA that reflects the measures set out in the SPA Management and Monitoring Plan.

(2) The compensatory habitat creation and enhancement measures must be carried out and maintained, managed and monitored in accordance with the details approved under sub-paragraph (1).

(3) Unless otherwise approved by the Secretary of State in writing, following consultation with Natural England, the compensatory habitat creation measures on the proposed Thames Basin Heaths SPA compensation land must be begun before any part of the authorised development within the boundary of the SPA may commence.

(4) No trees may be felled or other preparatory works undertaken within the SPA enhancement areas (Work No.58) until the methods and timing for such works have been approved in writing by the Secretary of State under sub-paragraph (1).

Cockcrow Green Bridge

9.—(1) No part of the authorised development comprising the construction of the replacement Footpath 17 Cockcrow Bridge (Work No.35(b)) is to commence until details of the bridge design features, substantially in accordance with the preliminary design shown on the Engineering Drawings and Sections have been approved in writing by the Secretary of State, following consultation with the relevant planning authority, Natural England and the local highway authority.

(2) Work No.35(b) must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed by the Secretary of State.

(3) Notwithstanding sub-paragraphs (1) and (2), the Secretary of State may approve under this requirement a bridge design excluding any soft verge wildlife crossing.

Bolder Mere Mitigation and Enhancement Area

10.—(1) No part of Work No.5(c) is to commence until details of the environmental mitigation and enhancement measures to be undertaken in the Bolder Mere mitigation and enhancement

area (Work No.55) have been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency, Natural England, Surrey County Council and the relevant planning authority. The details must substantially accord with the measures described in the environmental statement and in the Water Framework Directive Assessment Report and must include—

- (a) details of any vegetation to be removed to improve the hydrosere of the shore of Bolder Mere;
- (b) the extent, shape and species composition of the replicate marginal vegetation to be provided alongside the proposed retaining wall, including the method of implementation;
- (c) a timetable for the completion of the environmental mitigation and enhancement works (Work No.55); and
- (d) a scheme for the maintenance, management and environmental monitoring of the mitigation and enhancement measures at Bolder Mere.

(2) The environmental mitigation and enhancement works must be carried out, maintained, managed and monitored in accordance with the details approved under sub-paragraph (1) and must be begun before any part of Work No.5(c) may commence.

(3) No part of Work No.5(c) is to commence until details of the surface water drainage and pollution control measures for that part of the A3 southbound carriageway adjoining the proposed Bolder Mere retaining wall, reflecting the results of a detailed drainage survey, have been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency, Natural England, Surrey County Council and the relevant planning authority.

(4) The authorised development must be constructed in accordance with the detailed drainage scheme approved under sub-paragraph (3).

Buxton Wood Environmental Mitigation Area

11.—(1) No part of the authorised development comprising Work No.25 (improvement, realignment and widening of the M25 eastbound off-slip at M25 junction 10) is to open to traffic until details of the mitigation measures to be undertaken as part of Work No.60 have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) Details to be approved under sub-paragraph (1) must be substantially in accordance with the measures described in the environmental statement and the REAC. The details must include—

- (a) a landscaping scheme in accordance with requirement 6;
- (b) a timetable for the completion of the mitigation works; and
- (c) a scheme for the maintenance, management and monitoring of the mitigation measures.

(3) The authorised development must be carried out, maintained, managed and monitored in accordance with the details approved under sub-paragraph (1) unless otherwise agreed by the Secretary of State following consultation with the relevant planning authority.

Stratford Brook Environmental Mitigation Area

12.—(1) No part of the authorised development comprising Work No.33(b) (the new Stratford Brook underbridge) or Work No.54 (environmental mitigation works on land adjoining Stratford Brook) is to commence until details of the mitigation measures to be undertaken have been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency and the relevant planning authority.

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(2) Details to be approved under sub-paragraph (1) must be substantially in accordance with the measures described in the environmental statement, the REAC and the Water Framework Directive Assessment. The details must include—

- (a) a timetable for the completion of the mitigation works; and
- (b) a scheme for the maintenance, management and monitoring of the mitigation measures.

(3) The authorised development must be carried out, maintained, managed and monitored in accordance with the details approved under sub-paragraph (1) unless otherwise agreed by the Secretary of State following consultation with the Environment Agency, and under any necessary licences.

Contaminated land and groundwater

13.—(1) No part of the authorised development involving intrusive ground works is to commence until for that part a site investigation and risk assessment have been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency and the relevant planning authority.

(2) An investigation and assessment under sub-paragraph (1) must include—

- (a) details of 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 within the Order limits which is shown to be having significant unacceptable effects on the environment within the context of the proposed works.

(3) An investigation and assessment under sub-paragraph (1) must be carried out in accordance with the Department for Environment, Food and Rural Affairs' and the Environment Agency's 'Model Procedures for the Management of Land Contamination' Contaminated Land Report 11 document.

(4) The steps and measures identified as necessary for the purposes of carrying out the authorised development must be implemented in accordance with details approved under sub-paragraph (1).

(5) In the event that contaminated material, including groundwater, is found at any time when carrying out the authorised development, which was not previously assessed in the environmental statement or a risk assessment approved under sub-paragraph (1), the undertaker must cease construction in the vicinity of that contamination and undertake a risk assessment of the contamination in consultation with the Environment Agency and relevant planning authority.

(6) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be undertaken must be submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency and the relevant planning authority.

(7) Remedial measures must be carried out in accordance with the scheme approved under sub-paragraph (6).

Archaeology

14.—(1) No part of the authorised development is to commence until for that part a written scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures set out in the environmental statement and REAC, has been submitted to and

approved in writing by the Secretary of State, following consultation with the relevant planning authority and the County Archaeologist.

(2) A written scheme prepared under sub-paragraph (1) may include provision for further sub-written schemes of investigation if required (evaluation or detailed excavation or watching brief) for any area and any phase of the works, for which approval must be sought separately in accordance with sub-paragraph (1).

(3) A written scheme prepared under sub-paragraph (1) must contain details of the arrangements and timescales within which the undertaker and the County Archaeologist will agree the manner in which any further investigation and recording is to be carried out in the event of any archaeological remains, not previously identified, being revealed during construction.

(4) The authorised development must be carried out in accordance with the written scheme of investigation approved under sub-paragraph (1).

(5) In the event of any archaeological remains, not previously identified, being revealed when carrying out the authorised development, the said remains must be retained in situ and reported to the County Archaeologist as soon as is reasonably practicable from the date they are identified. No construction operations are to take place within 10 metres of the remains for a period of 14 days from the date on which the County Archaeologist is notified, unless otherwise agreed in writing by the County Archaeologist. Any revealed remains must be subject to appropriate mitigation to be determined in consultation with the County Archaeologist, in accordance with the written scheme approved under sub-paragraph (1) and within the timescales agreed under sub-paragraph (3).

(6) If having been notified under sub-paragraph (5) the County Archaeologist determines in writing that the archaeological remains require further investigation, no construction operations may resume within 10 metres of the remains until provision has been made for the further investigation and recording of the remains, in accordance with details to be approved in writing by the County Archaeologist within the timescales agreed under sub-paragraph (3).

(7) Where the undertaker or the County Archaeologist is of the view that the revealed remains referred to in sub-paragraph (5) may be of national significance the findings must be reported to Historic England. No construction operations may resume within 10 metres of the remains until the significance of the remains has been determined in consultation with Historic England and suitable provision is made for their analysis and recording in accordance with a scheme to be agreed in writing by Historic England.

(8) On completion of the authorised development suitable resources and provisions for the long-term storage of the archaeological archive will be agreed with the County Archaeologist.

(9) A copy of any analysis, reporting or publication required as part of the written scheme of investigation approved under sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within three years of the date of completion of the authorised development or such other period as may be agreed in writing by the County Archaeologist.

Protected species

15.—(1) No part of the authorised development is to commence until for that part, final pre-construction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by any part of the authorised development.

(2) In the event that a European or other protected species or nesting birds not previously identified in the environmental statement are found at any time when carrying out the authorised development, the undertaker must cease construction of the relevant part of the works near their location, or any works within 10m of nesting birds, and report it as soon as practicable to the Ecological Clerk of Works.

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- (3) Construction of the relevant part of the works must not resume until either—
 - (a) the nesting birds, if relevant, have fledged and the nest is no longer in use; or
 - (b) a suitably qualified and experienced ecologist, holding the relevant and appropriate licence for the species in question, determines that the relevant works do not require a protected species licence, or
 - (c) any necessary licences for the protection and mitigation of the species have been obtained from Natural England.

Fencing

16. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Manual of Contract Documents for Highway Works maintained by or on behalf of the undertaker except where any departures from that manual are agreed in writing by the Secretary of State.

Restoration and/or landscaping of land used temporarily for construction

17.—(1) Within three months of the authorised development being completed, a scheme for the restoration and/or landscaping of any Order land used temporarily for construction purposes, substantially in accordance with the Scheme Layout Plans and to include a programme for the said restoration and/or landscaping work, must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The restoration of the land subject to sub-paragraph (1) must be carried out, maintained, managed and where relevant monitored in accordance with the approved restoration scheme.

(3) In so far as the land used temporarily is land within the boundary of the Thames Basin Heaths Special Protection Area or within the boundary of the Ockham and Wisley Commons Site of Special Scientific Interest, the restoration scheme under sub-paragraph (1) must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, Surrey County Council and Natural England and must—

- (a) make suitable provision for habitat restoration measures to support the relevant site's qualifying species and features;
- (b) incorporate the measures described in the environmental statement and the Habitats Regulations Assessment where relevant;
- (c) demonstrate how opportunities have been taken to achieve biodiversity gains and support enhancement of the site's nature conservation value within the restoration proposals; and
- (d) include a scheme for the maintenance, management and monitoring of the said land.

(4) In so far as the land used temporarily is common land or open space, the restoration scheme under sub-paragraph (1) must make suitable provision for landscape and access measures to support use of the land as common land or open space and must include a scheme for the maintenance and management of the said land. The relevant details must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and Surrey County Council.

Protection of certain tree roots at RHS Garden Wisley

18. No soil level changes (excavation or filling), other works or access of any sort within the BS5837 and its provisions relating to root protection areas of the trees and as shown on the RHS Tree Protection Plan, are to be undertaken unless an arboricultural method statement describing the works or access and showing their location on a plan has been approved in writing by the Secretary of State

following consultation with the owner of RHS Garden Wisley. The works shall be undertaken in accordance with the approved arboricultural method statement.

Works in the village of Ripley

19.—(1) No part of the development comprising Work No.33 ('the Wisley Lane Diversion') is to open for traffic until a scheme for the management of traffic flows along the B2215 through the village of Ripley has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority and the local planning authority.

(2) Unless proposed by the undertaker and agreed in writing by the local highway authority, the scheme to be submitted to the Secretary of State must—

- (a) comprise two gateway features, two puffin crossings, speed cushions and speed tables, or similar measures, all to be provided along a 1km stretch of the B2215 that lies between the existing village entrance signs;
- (b) contain a cost estimate for the design and construction of the proposed works and specify arrangements by which either—
 - (i) the undertaker will provide funds to the local highway authority to cover the approved cost (being either the cost estimate as referred to above or if the Secretary of State considers that another figure is appropriate then that other figure) of the local highway authority designing and constructing the approved works; or
 - (ii) the undertaker will undertake the design and construction of the approved works at its own expense up to the value of the approved cost pursuant to an appropriate agreement with the local highway authority.

(3) The scheme to be submitted to the Secretary of State must include a timetable for implementation and completion of the approved scheme for the management of traffic flows along the B2215 through the village of Ripley and the works must be implemented and completed in accordance with the approved scheme.

Approvals and amendments to approved details

20. With respect to any requirement that stipulates the authorised development must 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 in accordance with the provisions of the relevant requirement.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

21.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker 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

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(c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraphs (3) and (4), 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 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 materially new or materially different environmental effects in comparison with those reported in the environmental statement,

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

(4) Sub-paragraph (2) does not apply to an application made to the Secretary of State under requirement 8 (Thames Basin Heaths Special Protection Area (SPA) Compensatory Habitat Creation and Enhancement Measures) and requirement 17(3) (restoration and/or landscaping of land used temporarily for construction).

(5) Where approval or agreement must be obtained under any of the requirements included in this Schedule, the request or submission for approval must be in writing and approval or agreement must be given in writing.

Pre-application consultation

22.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and an account as to how the undertaker has had regard to the responses received.

(2) At the time of submitting an application to the Secretary of State, the undertaker must provide a copy of the summary report to the requirement consultees referred to in the requirement under which approval is being sought.

(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but 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 consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Further information

23.—(1) In relation to any application to which this Schedule applies, or part of any application, 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.

(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 (applications made under requirements) and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday, which is not a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971⁽³⁾.

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 has taken 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.

(3) 1971 c. 80.