

SCHEDULE 1

AUTHORISED DEVELOPMENT

PART 2

Requirements

Interpretation

1. In this Part—

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

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

Time limits

2. The authorised development must commence no later than the expiration of five years beginning with the date that this Order comes into force.

Stages of authorised development

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

Detailed design approval

4.—(1) No stage of the authorised development below must commence until details of the layout, scale and external appearance of that stage have been submitted to and approved in writing by the relevant planning authority—

- (a) Work No. 4;
- (b) Work No. 5;
- (c) Work No. 6;
- (d) Work No. 7;
- (e) the detailed alignment of the pipeline works; and
- (f) the working width and temporary compounds.

(2) The works approved by the relevant planning authority under sub-paragraph (1) must be in accordance with the works plan (or relevant parts of the plan) and be within the Order limits.

(3) The authorised development must be carried out in accordance with the approved details.

Construction environmental management plan

5.—(1) No stage of the authorised development must commence until a written construction environmental management plan for that stage, based upon the outline construction environmental management plan and the mitigation measures included in the environmental statement, has been

(1) *S.I. 2010/490*. There are amendments to these Regulations which are not relevant to this Order. “European protected species” is defined in regulation 40(2).

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submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency, any relevant Internal Drainage Boards and the Canal and River Trust.

- (2) The construction environmental management plan must set out written details of—
- (a) relevant health, safety and environmental legislation and compliance;
 - (b) local community liaison responsibilities;
 - (c) any proposed temporary fences or other means of enclosure including any top or subsoil mounds in areas at high risk of flooding to be erected during the construction of that stage of the authorised development;
 - (d) any temporary external lighting to be installed at any of the construction sites during the construction of that stage, including measures to manage and mitigate artificial light emissions and prevent light spillage and measures to ensure that any temporary lighting does not distract drivers on roads in the vicinity of the Order limits;
 - (e) measures for the management of noise and vibration during the construction of that stage, to include details of noise attenuation measures to minimise noise resulting from the construction of the authorised development, including any noise limits, and a scheme for monitoring noise during the construction of the authorised development to ensure compliance with the noise limits and the effectiveness of the attenuation measures;
 - (f) measures for the management and mitigation of dust emissions during the construction of the authorised development;
 - (g) measures for the management, storage, handling and recycling of construction waste;
 - (h) measures for the restoration and reinstatement of land within the Order limits which is used temporarily for construction and which is not incorporated in permanent works or approved landscaping;
 - (i) measures for the management of water resources, including an assessment of the risks to controlled ground and surface waters and measures to mitigate such risks, including pollution incident control;
 - (j) measures for the handling, placing, compaction and management of soil;
 - (k) measures to allow plant to cross rivers, drains or any works within or around river or drain banks;
 - (l) a flood plan for the construction of the authorised development;
 - (m) measures to manage flood risk when drilling between defended and undefended areas;
 - (n) the crossing methods to be employed at each crossing, including the means by which the environmental and structural effects of that method will be controlled;
 - (o) measures for the management of construction vehicle movements around public footpaths within Burn airfield; and
 - (p) measures to ensure the security of land within and accesses to the Order limits during the construction of the authorised development;

and any other matters the relevant planning authority reasonably requires.

(3) The measures set out in the construction environmental management plan for each stage must be implemented as approved.

Construction traffic and temporary highway accesses

6.—(1) No stage of the authorised development must commence until a construction traffic management plan for that stage in accordance with the outline construction traffic management plan and the mitigation measures included in the environmental statement and containing details of

construction traffic and temporary highway access arrangements has been submitted to and approved in writing by the relevant planning authority in consultation with the relevant highway authority.

- (2) The construction traffic management plan for each stage must set out written details of—
 - (a) construction vehicle routing;
 - (b) site accesses;
 - (c) the management of junctions to, and crossings of, the public highway and other public rights of way;
 - (d) the scheduling and timing of movements, in particular the details of abnormal load movements;
 - (e) temporary warning signs;
 - (f) the marking and identification of construction vehicles;
 - (g) a workforce travel plan; and
 - (h) access routes along the highway network to construction compounds.
- (3) The construction traffic management plan for each stage must be implemented as approved.

Construction hours

7.—(1) Subject to sub-paragraph (2), construction work must not take place other than between 0700 hours and 1900 hours Monday to Friday, 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays.

- (2) Work outside of the days or times in sub-paragraph (1) may take place only if—
 - (a) it is associated with the hydrostatic pressure testing of the pipeline constructed as part of the authorised development;
 - (b) it is associated with the horizontal directional drilling of crossings in the locations assessed in the environmental statement;
 - (c) it is associated with an emergency; or
 - (d) it is carried out with the prior written approval of the relevant planning authority.

Lighting management measures at the AGI site

8.—(1) The construction of the AGI site must not commence until written details of the permanent external lighting to be installed at the AGI site, measures to prevent light spillage and measures to regulate the times at which the permanent external lighting may operate have been submitted to and approved in writing by the relevant planning authority.

- (2) The authorised development must be operated in accordance with the approved details.

Provision of landscaping at the AGI site

9.—(1) The construction of the AGI site must not commence until a written landscaping scheme in relation to those works has been submitted to and approved in writing by the relevant planning authority. The landscaping scheme must include details of all proposed hard and soft landscaping works, including—

- (a) cultivation, importing of materials and other operations to ensure plant establishment;
- (b) proposed finished ground levels;
- (c) hard surfacing materials;
- (d) vehicular and pedestrian access, parking and circulation areas;

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- (e) minor structures such as furniture, refuse or other storage units, signs and lighting;
- (f) proposed and existing functional services above and below ground including drainage, power and communications cables and pipelines, manholes and supports;
- (g) details of existing trees to be retained with measures for their protection during the construction period;
- (h) implementation timetables for all landscaping works; and
- (i) future maintenance regimes.

(2) All landscaping works must be carried out in accordance with the landscaping scheme and the implementation timetables approved under sub-paragraph (1).

AGI site and highway accesses

10.—(1) The construction of the AGI site must not commence until written details of the siting, design and layout of the permanent means of access to Sandwith Lane to be used by vehicular traffic at the AGI site has, after consultation with the relevant highway authority, been submitted to and approved in writing by the relevant planning authority.

(2) The highway access to the AGI site must be constructed in accordance with the approved details.

Hedgerows and trees

11.—(1) For any stage of the authorised development that would affect any hedgerow or tree, no construction of the authorised development must commence until (for that stage and in relation to the relevant works within that stage) a written plan for the management of the removal and (where appropriate) reinstatement of all hedgerows and trees (as applicable) has been approved in writing by the relevant planning authority in consultation with the relevant highway authority. The written plan must be consistent with and have regard to the ecological management plan to be approved pursuant to Requirement 16.

(2) The plan must identify hedgerows and trees (as applicable) where mitigation measures are to be applied and include a detailed reinstatement and after-care plan.

(3) The removal and reinstatement of the hedgerows and trees (as applicable) must be carried out in accordance with the plan.

(4) Any hedgerows and trees (as applicable) which are to be reinstated must be reinstated in the first planting season following the completion of construction.

(5) Any hedgerow or tree planting which is part of an approved reinstatement plan that, within a period of five years beginning with the date of planting, is removed, uprooted, destroyed, dies or (in the opinion of the relevant planning authority) becomes seriously damaged or defective, must be replaced in the first available planting season with planting material of the same specification as that originally planted.

Public rights of way

12.—(1) No stage of the authorised development may commence that would affect any public right of way until, following consultation with the relevant highway authority, a written plan based upon the outline public rights of way plan for the temporary closure, diversion (where appropriate) and re-opening of the right of way has been submitted to and approved in writing by the relevant planning authority.

(2) The temporary closure, re-opening or diversion of the relevant right of way must be carried out in accordance with the approved plan.

Surface and foul water drainage

13.—(1) No stage of the authorised development must commence until for that stage, written details of the surface and (if any) foul water drainage system (including means of pollution control) for both temporary and permanent works have, in accordance with the flood risk assessment included in the environmental statement and the flood risk assessment addendum, been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency and the sewerage and drainage authority.

(2) The surface water drainage system for each stage must be constructed in accordance with the approved details.

(3) No discharge of water used under article 17 (discharge of water) must be made until details of the location and rate of discharge have been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency and the sewerage and drainage authority.

Contaminated land and groundwater

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

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

(3) Should any remediation be identified as necessary in the investigation and assessment report, such remediation must be carried out in accordance with the approved scheme.

(4) If during the construction of the authorised development further contamination not previously identified is found to be present at the site, then no further work must be carried out on that part of the site until—

- (a) a risk assessment has been carried out and the results of the risk assessment have been provided to the relevant planning authority; and
- (b) such additional mitigation measures (if any) as may be identified by the risk assessment have been incorporated into the approved scheme.

(5) In this Requirement “controlled waters” has the meaning given in Part 3 of the Water Resources Act 1991(2).

Archaeology

15.—(1) No stage of the authorised development must commence until for that stage a written scheme for the investigation of areas of archaeological interest as identified in the environmental statement has, after consultation with Doncaster Metropolitan Borough Council, East Riding of Yorkshire Council and their respective archaeological advisors or North Yorkshire County Council (as appropriate) and English Heritage, been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must identify areas where an agreed scheme of archaeological works is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include an implementation timetable.

(2) [1991 c.57](#).

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(3) Any archaeological works carried out under the scheme must be carried out by a suitably qualified person or body and approved by the relevant planning authority.

(4) Any archaeological works must be carried out in accordance with the approved scheme.

Ecological management plan

16.—(1) No stage of the authorised development must commence until a written ecological management plan for that stage reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, after consultation with Yorkshire Wildlife Trust and any relevant statutory body, has been submitted to and approved, in writing, by the relevant planning authority. The ecological management plan must be consistent with, and have regard to, the written management plan for hedgerows and trees to be approved pursuant to Requirement 11.

(2) The ecological management plan must include an implementation timetable and must be carried out as approved.

(3) Any ecological works carried out under the ecological management plan must be carried out by a suitably qualified person or body and approved by the relevant planning authority.

(4) The undertaker must replace with equivalent works at the earliest practicable opportunity any ecological works carried out in accordance with the approved ecological management plan that, within a period of five years beginning with the date of the implementation of the plan, become seriously damaged, destroyed or defective or are removed.

European protected species

17.—(1) No stage of the authorised development may commence until it has been established by existing or further survey work whether any European protected species is present on any of the land affected, or likely to be affected, by the authorised development.

(2) Where a European protected species is shown to be present, no authorised development of that stage may be begun until, after consultation with Natural England, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority; and the authorised development must be carried out in accordance with the approved scheme.

Operational noise

18.—(1) Operational noise from all fixed plant at the AGI site, measured at the façade of the nearest sensitive residential receptor, must be no higher than 26dB LAeq, 1 hr between the hours of 0700 and 2300 and no higher than 22dB LAeq, 15 mins between the hours of 2300 and 0700.

(2) A scheme of post-completion noise monitoring at the AGI site must be submitted to and agreed in writing with the relevant planning authority.

(3) The scheme of post-completion noise monitoring at the AGI site must be implemented as approved.

Decommissioning

19.—(1) Upon the cessation of commercial operation of the authorised development, a written scheme for the decommissioning of the authorised development and the final proposed condition of the relevant land, including a proposed timetable for decommissioning, must be submitted to and approved in writing by the relevant planning authority, in consultation with the Health and Safety Executive or any successor to its statutory functions.

(2) The scheme for decommissioning must be implemented as approved.

Written approval

20. Where under any of the above Requirements the written approval or agreement of the relevant planning authority or another person or authority is required, that approval or agreement must be given in writing.

Amendments to approved details

21.—(1) With respect to any Requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority or another approval authority, the approved details must be carried out as approved unless an amendment or variation is previously agreed, by the relevant planning authority or that other approval authority as specified in the relevant Requirement, in accordance with sub-paragraph (2) and in consultation with any body specified in the relevant Requirement.

(2) No amendments to or variations from the approved details may be approved if their likely significant effects on the environment are not assessed in the environmental statement, or have not been subject to such further assessment as the relevant planning authority or that other approval authority may require; provided that such approval must not be given except where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement).

(3) The approved details must be taken to include any amendments that may subsequently be approved by the relevant planning authority or that other approval authority.

Flooding mitigation

22.—(1) No stage of the authorised development must commence until for that stage there has been submitted to and approved in writing by (and deposited with) the relevant planning authority, in consultation with the Environment Agency and the relevant internal drainage board, a scheme for the mitigation of flood risk during the construction and operation of the authorised development prepared in accordance with the flood risk assessment included in the environmental statement, the flood risk assessment addendum and the outline construction environmental management plan.

(2) The approved scheme must be implemented fully and adhered to during the construction and operation of the relevant stage of the authorised development.

Local employment

23.—(1) No stage of the authorised development may commence until for that stage a written scheme for the promotion of local employment opportunities has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must set out the means by which the undertaker will work with local agencies, including the relevant planning authority, to secure as far as reasonably practicable the use of local labour, contractors, goods and services during the construction stage of the authorised development.

(3) The approved scheme must be implemented in full during the construction stage of the authorised development.

Burn airfield

24.—(1) The authorised development must not commence until a written scheme for the management of the interaction between the authorised development and gliding operations at Burn airfield has been submitted to and approved in writing by the relevant planning authority in consultation with Burn Gliding Club.

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- (2) The scheme must set out written details of—
 - (a) the layout and operation of Works No. 1, 2 and 3 adjacent to runway 07/25;
 - (b) the means by which a minimum 50 metre offset from Works No. 1, 2 and 3 to runway 07/25 will be achieved;
 - (c) the means by which the undertaker will manage activity within 100 metres of runway 07/25 on days on which runway 07/25 is operational for gliding;
 - (d) a communications and management strategy to ensure that operations in relation to Works No. 1, 2 and 3 do not conflict with gliding operations on runway 07/25; and
 - (e) a strategy for the provision to and use by Burn Gliding Club of new cables during winch launches to minimise the risk of cable breaks.
- (3) The approved scheme must be substantially in accordance with the pipe dump plan and must be implemented in full during the construction stage of the authorised development.