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## SCHEDULES

### SCHEDULE 6

#### PLANNING CONDITIONS

##### PART III

##### DEVELOPMENT IN ESSEX OR KENT

##### *District conditions: qualifying authority*

- 15 (1) To the extent that development consists of any operation or work mentioned in the left-hand column of the table in sub-paragraph (4) below, it shall be carried out in accordance with plans and specifications for the time being approved by the district planning authority at the request of the nominated undertaker.
- (2) The district planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the development to be submitted for approval.
- (3) Where the district planning authority exercises the power conferred by sub-paragraph (2) above, the plans and specifications in accordance with which the development is required under sub-paragraph (1) above to be carried out shall, as regards the specified respect, include a plan or specification showing the additional details.
- (4) The only ground on which the district planning authority may refuse to approve for the purposes of this paragraph plans or specifications of any operation or work mentioned in the following table is a ground specified in relation to it in the right-hand column of that table.

##### THE TABLE

Operation or work	Grounds
1. <i>Construction works</i> (a) The erection, construction, alteration or extension of any building (except for anything within (b) or (c) below or item 2 or 6) or road vehicle park. (b) The construction, alteration or extension of any terracing, cuttings, embankments or other earth works. (c) The erection, construction, alteration or extension of any fences, walls or other barriers (including bunds)	That the design or external appearance of the works ought to be modified— (a) to preserve the local environment or local amenity, (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or (c) to preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified.

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for visual or noise screening or dust suppression.

That the development ought to, and could reasonably, be carried out elsewhere within the limits of the land on which the works of which it forms part may be carried out under this Part of this Act.

*2.Minor construction works* The erection, construction, alteration or extension of any transformers, [F<sup>1</sup>electronic communications masts] or pedestrian accesses to the railway line.

That the design or external appearance of the works ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.

That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.

*3.Fences and walls* The erection, construction, alteration or extension of any fences or walls (except for anything within item 1(c) above).

That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.

*4.Highway access* The formation, laying out or alteration of any means of access to a highway used, or proposed highway proposed to be used, by vehicular traffic.

That the development ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and is reasonably capable of being so modified.

*5.Gantries and overhead line supports* The erection or construction of any gantries or overhead line supports for so much of the railway comprised in Work No. 13 as lies between 1,000 and 2,400 metres from its western end.

That the design or external appearance of the work ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.

*6.Artificial lighting* The erection, construction or installation of lighting equipment.

That the design of the equipment, with respect to the emission of light, ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.

That the development ought to, and could reasonably be, carried out elsewhere within the limits of land on which the works of which it forms part may be carried out under this Part of this Act.

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Note: 1. In the case of items 1(b) and (c) and 6, the second of the grounds specified does not apply in relation to development which forms part of a scheduled work.

2.Any reference in the left-hand column of the table to a description of works does not include works of that description of a temporary nature.

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- (5) Sub-paragraph (4) above shall apply in relation to the imposition of conditions on approval as it applies in relation to the refusal of approval.

#### Textual Amendments

- F1** Words in [Sch. 6 para. 15\(4\)](#) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 138](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

- 16 (1) Development shall be carried out in accordance with arrangements approved by the district planning authority at the request of the nominated undertaker with respect to the matters mentioned in the left-hand column of the table in sub-paragraph (2) below.
- (2) The only ground on which the district planning authority may refuse to approve for the purposes of this paragraph arrangements with respect to a matter mentioned in the following table is—
- (a) that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other permitted development which is to be carried out in the authority's area, or
  - (b) the ground specified in relation to the matter in the right-hand column of the table.

#### THE TABLE

Matters	Grounds
<i>1.Handling of re-useable spoil and top soil</i> Handling during removal, storage and re-use of any spoil or top soil removed during the course of carrying out the development.	That the arrangements ought to be modified to ensure that the spoil or top soil remains in good condition and are reasonably capable of being so modified.
<i>2.Storage sites</i> Sites on land within the relevant limits at which— (a) minerals, aggregates or other construction materials required for the development, or (b) spoil or top soil, are to be stored until used or re-used in carrying out the development or disposed of as waste.	That the arrangements ought to be modified— (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.
<i>3.Construction camps</i> Sites on land within the relevant limits which are to be used for the residential accommodation of persons engaged in carrying out the development.	As item 2.

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4. *Screening* Provision where necessary on land within the relevant limits of any screening for working sites on such land required for the purpose of carrying out the development. As item 2.

5. *Hours of working* The hours and days of the week during which work on the development on land within the relevant limits is to be carried out. That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.

6. *Artificial lighting* The use of artificial lighting on land within the relevant limits for the purpose of carrying out the development. As item 5.

7. *Suppression of noise, dust and vibration* The suppression of noise, dust and vibration caused by construction operations carried on on land within the relevant limits for the purpose of carrying out the development. As item 5.

8. *Mud on highway* Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying on the development. That the arrangements ought to be modified—  
(a) to preserve the local environment or local amenity, or  
(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.

9. *Highway access* The formation, laying out or alteration of any means of access to any highway used, or proposed highway proposed to be used, on a temporary basis by vehicular traffic to serve a construction site or camp. That the arrangements ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.

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- (3) The district planning authority may only impose conditions on approval for the purposes of this paragraph with the agreement of the nominated undertaker.
- 17 (1) No work to which this paragraph applies shall be brought into use without the approval of the district planning authority.
- (2) The works to which this paragraph applies are—
- (a) any scheduled work,
  - (b) any station constructed in exercise of the powers conferred by this Part of this Act, and
  - (c) any depot constructed in exercise of those powers for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes.

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- (3) The district planning authority shall, at the request of the nominated undertaker, grant approval for the purposes of sub-paragraph (1) above if—
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
  - (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.
- (4) The district planning authority shall not refuse to approve, nor impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (3)(b) above unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified—
- (a) to preserve the local environment or local amenity,
  - (b) to preserve a site of archaeological or historic interest, or
  - (c) in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.
- (5) In this paragraph, “railway vehicle” and “track” have the same meanings as in Part I of the <sup>M1</sup>Railways Act 1993.

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**Marginal Citations**

**M1** 1993 c. 43.

- 18 Where the district planning authority approves a scheme for the purposes of paragraph 17(3)(b) above, the nominated undertaker shall be required—
- (a) to carry out the scheme, and
  - (b) to comply with any condition subject to which the scheme is approved.

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