

SCHEDULE 2

Article 45

REQUIREMENTS

Interpretation

1. In this Schedule—

“approved details” means the design drawings and sections certified under article 43 by the Secretary of State for the purposes of this Order;

“commence” means begin to carry out a material operation, and any derivative of “commence” shall be construed accordingly;

“material operation” means a material operation as defined in section 155 of the 2008 Act (when development begins) which is comprised in or carried out for the purposes of the authorised development, or any part of the authorised development, but does not include any remediation, environmental (including archaeological) investigation, site or soil survey, erection of contractors’ work compound, erection of site office, erection of fencing to site boundaries or marking out of site boundaries; and

“stage” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to requirement 3.

Time Limits

2. The authorised development must be commenced within 5 years of the date of this Order.

Stages of authorised development

3. The authorised development shall not commence until a written scheme setting out all the stages of the authorised development has, after consultation with the relevant highway authority and Lee Valley Regional Park Authority, been submitted to and approved by the relevant planning authority.

In accordance with approved details

4. The authorised development shall be carried out in accordance with the approved details unless otherwise agreed by the relevant planning authority.

Landscaping

5.—(1) No stage of the authorised development shall commence until a written landscaping scheme for that stage has, after consultation with the Lee Valley Regional Park Authority where the scheme refers to any land within the boundary of the Lee Valley Regional Park, been submitted to and approved by the relevant planning authority.

(2) Each landscaping scheme submitted under requirement 5(1) shall reflect the environmental measures set out in the environmental measures document.

(3) Where submitted for land in the designated Enfield Lock Conservation Area, a landscaping scheme submitted under requirement 5(1) shall include measures that preserve the character and appearance of the Enfield Lock Conservation Area, to the satisfaction of the relevant planning authority.

(4) Each landscaping scheme submitted under requirement 5(1) shall include details of—

(a) retained landscape features;

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- (b) location, number, species, size and planting density of any proposed planting;
- (c) cultivation, importing of materials and other operations to ensure plant establishment;
- (d) implementation timetables for all landscaping;
- (e) temporary fencing that complies with current best practice to protect trees and hedgerows adjacent to the works;
- (f) the dimensions and materials for new sections of pedestrian or cycle paths where applicable; and
- (g) the colour of permanent security fencing around infrastructure.

Implementation and maintenance of landscaping

6.—(1) All landscaping work shall be carried out in general accordance with the relevant landscaping scheme and implementation timetable approved under requirement 5.

(2) Any tree or shrub planted as part of a landscaping scheme approved under requirement 5 that, within a period of five 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 otherwise approved by the relevant planning authority.

Highway accesses

7.—(1) No stage of the authorised development shall commence until for that stage written details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has, after consultation with the relevant highway authority, been submitted to and approved by the relevant planning authority.

(2) The highway accesses must be constructed in accordance with the approved details unless otherwise agreed with the relevant planning authority.

(3) No stage of the authorised development shall commence until for that stage, a written access management scheme for the arrangements for the use and maintenance of highway accesses during construction of that stage has been submitted to and approved by the relevant highway authority.

(4) The access management scheme must be carried out in accordance with the approved details unless otherwise agreed with the relevant highway authority.

Public rights of way

8.—(1) No authorised development that would affect footpath V at Angel Road North Circular Road, London N18 3SB shall commence until a written implementation plan and specification for the making up of an alternative right of way has been submitted to and approved by the relevant highway authority.

(2) The alternative footpath between FP74 and FP76 via FP75 as shown on Sheet 8 of the access/rights of way plans shall be implemented in accordance with the approved plan and specification unless otherwise agreed with the relevant highway authority.

Construction traffic management plan

9.—(1) No stage of the authorised development shall commence until a construction traffic management plan for that stage has been submitted to and approved by the relevant highway authority. The construction traffic management plan for that stage shall include—

- (a) construction vehicle routing plans;

- (b) site access plans;
- (c) means of managing shared use routes, including pedestrian and cycling safety measures where applicable;
- (d) proposals for the scheduling and timing of movements of delivery vehicles;
- (e) proposals for assessing the existing condition of affected highways;
- (f) proposals for the making good of any incidental damage to highways by construction traffic associated with that stage of the authorised development including street furniture, structures, drainage features, highway verge and carriageway surfaces; and
- (g) construction laydown area details affecting highways.

(2) Each construction traffic management plan shall be implemented as approved unless otherwise agreed with the relevant highway authority.

Surface water drainage

10.—(1) No stage of the authorised development shall commence until for that stage, written details of the surface and foul water drainage system (including means of pollution control) have, after consultation with the sewerage and drainage authority, been submitted to and approved by the relevant planning authority.

(2) The surface and foul water drainage system must be constructed in general accordance with the details approved in accordance with requirement 10(1) unless otherwise agreed with the relevant planning authority.

Contaminated land and groundwater

11.—(1) No stage of the authorised development shall 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 by the relevant planning authority.

(2) Each scheme submitted under requirement 11(1) shall include an investigation and assessment plan and relevant reports, prepared by a specialist consultant approved by the relevant planning authority in consultation with the Environment Agency, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out immediate and long-term remedial measures with respect to any contaminants found to be remaining on the site. The plan shall include a scheme of post-remedial monitoring, as necessary to demonstrate that the remediation works have been carried out appropriately and site remediation criteria have been met.

(3) Remedial measures must be carried out in general accordance with the scheme approved in accordance with requirement 11(1) unless otherwise agreed with the relevant planning authority. Where provided for in the scheme, post-remedial monitoring must be carried out to demonstrate that the remediation works have been carried out appropriately and the site remediation criteria have been met.

Ecological Management Strategy

12.—(1) No stage of the authorised development shall commence until a written ecological management strategy applicable to that stage, reflecting the ecological measures included in the environmental measures document, has after consultation with the Environment Agency, Natural England and, where it refers to any land within the boundary of the Lee Valley Regional Park, Lee Valley Regional Park Authority, been submitted to and approved by the relevant planning authority.

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(2) Each ecological management strategy prepared in accordance with requirement 12(1) shall include an implementation timetable and must be carried out as approved unless otherwise agreed with the relevant planning authority.

Construction environmental management plan

13.—(1) No stage of the authorised development shall commence until a construction environmental management plan for that stage specifying measures to be used to minimise the impacts of construction works, such as means of minimising pollution from dust, noise, vibration and lighting, wheel cleansing facilities, routes for construction traffic and working hours and reflecting the measures included in the environmental measures document has, after consultation with the Lee Valley Regional Park Authority where it refers to any land within the boundary of the Lee Valley Regional Park, been approved by the relevant planning authority.

(2) All construction works shall be undertaken in accordance with the construction environmental management plan prepared in accordance with requirement 13(1), unless otherwise agreed by the relevant planning authority.

Archaeology

14.—(1) No stage of the authorised development shall commence until for that stage, a written scheme for the investigation of areas of archaeological interest (as identified in the environmental measures document) has, after consultation with the Historic Buildings and Monuments Commission for England, been approved by the relevant planning authority.

- (2) Each scheme submitted under requirement 14(1) shall identify areas where one or more of—
- (a) field work; and
 - (b) a watching brief

are required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works or watching brief carried out under the scheme submitted under requirement 14(1) must be by a suitably qualified person or body.

(4) Any archaeological works or watching brief must be carried out in general accordance with the scheme approved under requirement 14(1) unless otherwise agreed with the relevant planning authority.

Flood Storage

15.—(1) Work No. 7A and 7B shall not commence until a written scheme for compensatory flood storage has been submitted to and has, after consultation with the Environment Agency, been approved by the Enfield London Borough Council.

- (2) The compensatory flood storage shall be constructed in accordance with the approved scheme.
- (3) The written scheme of flood compensation shall include—
- (a) a schedule of staging and timing relating to the construction of Work No. 7A, 7B and the compensatory flood storage;
 - (b) flood storage up to and including the modelled 1 to 100 chance in any year including a 20% allowance for climate change flood level; and
 - (c) no increase in flood risk off site.

Works within the Lee Valley Regional Park

16. Where an application for consent or agreement is required under requirements 12, 13 or 14 and the application relates to land within the boundary of the Lee Valley Regional Park, the undertaker must give written notice to the Lee Valley Regional Park Authority that an application has been submitted.

Approvals given

17.—(1) Any approval or agreement which is given by the relevant planning authority or relevant highway authority under these requirements must be given in writing.

(2) Where the words “unless otherwise approved by the relevant planning authority” or “unless otherwise agreed with the relevant planning authority” or “unless otherwise agreed with the relevant highway authority” are used in these requirements such approval or agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or relevant highway authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Amendments to approved details

18.—(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 relevant highway authority, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or relevant highway authority.

(2) Where any amendments are proposed to approved details in relation to any requirement in this Schedule and that requirement requires prior consultation with a third party the undertaker shall consult with that third party prior to submitting an application to amend the approved details.

(3) Where amendments are proposed to approved details in relation to any requirement in this Schedule they must be submitted in writing to the relevant planning authority or relevant highway authority.