

SCHEDULES

SCHEDULE 2

Article 3

REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means the construction environmental management plan, being the EMP as approved prior to the construction of the authorised development;

“EMP” means the environmental management plan referred to in paragraph 4(1);

“environmental statement” means the document certified as the environmental statement under article 34 (certification of plans, etc.) for the purposes of this Order;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010(1); and

“HEMP” means the handover environmental management plan, being the EMP to be developed towards the end of the construction of the authorised development to contain—

- (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 mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme; and
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies including Natural England.

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.

Detailed design

3.—(1) The authorised development must be carried out in accordance with the scheme design shown on the works plans, the structure drawings, the junction design drawings, the lighting drawings, the car parking drawings and the engineering drawings and sections, unless otherwise agreed in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its statutory powers, and provided the development so altered falls within the limits of deviation and within the envelope of the environmental statement referred to in article 34(1)(f) (certification of plans, etc.).

(2) Natural England must be consulted on the design of any structures that serve to mitigate or compensate for impacts on protected species referred to in paragraph 9.

(1) [S.I. 2010/490](#), to which there are amendments not relevant to this Order.

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Environmental management plan

4.—(1) An EMP must be prepared and implemented for the purpose of managing the environmental effects of the authorised development.

(2) The EMP must include—

- (a) a written scheme for the investigation of areas of archaeological interest;
- (b) management and maintenance information on cultural heritage assets;
- (c) a site waste management plan;
- (d) a materials management plan;
- (e) a landscape management plan;
- (f) a resources management plan; and
- (g) an ecological management plan.

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

(4) No authorised development must commence until a CEMP has been submitted to and approved in writing by the Secretary of State, in consultation with Natural England to the extent that it relates to protected species or protected sites and the relevant planning authority to the extent that it relates to methods for the control of nuisances and pollution.

(5) The CEMP must reflect the mitigation and compensation measures included in the environmental statement, and must include—

- (a) outline plans to address each of the matters to be included in the EMP;
- (b) measures to address control of noise, fumes, light, vibration and dust during construction;
- (c) measures to address site waste management;
- (d) restrictions on carrying out construction works close to the Rostherne Mere site of special scientific interest or the Rostherne Mere Ramsar site during the wintering bird season from the beginning of September to the end of February;
- (e) action plans, working methods and mitigation measures for each of the topics covered in the environmental statement; and
- (f) any additional mitigation or compensation measures relating to nationally or European protected species or habitats that are subsequently agreed with Natural England, which includes working methods and mitigation or compensation measures agreed through any protected species licence applications.

(6) The construction of the authorised development must be carried out in accordance with the CEMP.

(7) The Secretary of State may modify the CEMP at any time after the authorised development has commenced and must notify Natural England of any modifications as far as they relate to protected species or protected sites.

(8) Before the end of the construction of the authorised development the CEMP must be converted into the HEMP.

(9) The authorised development must be operated and maintained in accordance with the HEMP.

Implementation and maintenance of landscaping

5.—(1) The authorised development must be landscaped in accordance with a landscaping scheme that 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 included in the environmental statement and set out details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) details of existing trees to be retained, with measures for their protection during the construction period;
- (g) retained historic landscape features and proposals for restoration, where relevant; and
- (h) implementation timetables for all landscaping works.

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

(4) The landscaping works must be carried out in accordance with implementation timetables referred to in sub-paragraph (2).

(5) Any tree or shrub planted as part of the landscaping scheme that, within a period of two years after planting, dies or becomes, in the opinion of the Secretary of State, seriously 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 gives written consent to any variation.

Fencing

6. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Highways Agency's Manual of Contract Documents for Highway Works, Volume 1 – Specification for Highway Works (consolidated edition, November 2005, as amended as at May 2014), except where any departures from that manual are agreed in writing by the Secretary of State.

Ecological mitigation

7. Ecological mitigation of the authorised development with respect to protected species, including the provision of any mammal underpasses or tunnels, must be provided in accordance with the principles of guidance from the Highways Agency's Design Manual for Roads and Bridges, Volume 10, Section 4 (Volume 10, October 1994, as amended as at May 2014), as supported by additional guidance from the Institute of Ecology and Environmental Management, published ecological literature, and consultation with statutory and non-statutory nature conservation bodies, except where any departures from that guidance are agreed in writing by the Secretary of State, following consultation with Natural England.

Contaminated land and groundwater

8.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported immediately to the relevant planning authority and the Environment Agency, and the Secretary of State must complete a risk assessment of the contamination.

(2) Where the Secretary of State determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose, must

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be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency.

(3) Remediation must be carried out in accordance with the approved scheme.

Protected species

9.—(1) No authorised development is to commence until 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 relevant works or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Where a protected species is shown to be, or where there is a reasonable likelihood of it being, present, the relevant parts of the relevant works must not begin until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State after consultation with Natural England.

(3) The relevant works must be carried out in accordance with the approved scheme, and under licence where necessary, unless otherwise agreed by the Secretary of State, after consultation with Natural England.

(4) Monitoring of impacts on protected species and habitats prior to, during and after construction, together with the monitoring and management of mitigation measures, must be carried out as far as required to meet the licence requirements.

(5) In the event that any protected species are found at any time when carrying out the authorised development which were not previously identified in the environmental statement—

- (a) the finding must be reported immediately to Natural England; and
- (b) no activities requiring a protected species licence are to continue until a scheme of protection and mitigation measures for the protected species has been submitted in writing to, and approved in writing by, Natural England and the Secretary of State.

Surface water drainage

10.—(1) No authorised development is to commence until written details of the surface and foul water drainage system, reflecting the mitigation measures in the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details.

Archaeological remains

11.—(1) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be investigated and recorded and reported to the Secretary of State by means of a technical report identifying the location for the housing of any finds.

(2) No construction operations are to take place within 10 metres of such remains for a period of 14 days from the date of such notification unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority.

(3) If the Secretary of State is of the view that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details first submitted in writing to, and approved in writing by, the Secretary of State.

Buildings at risk

12. No authorised development is to commence in the vicinity of any buildings assessed to be at risk in the environmental statement or in the opinion of the relevant planning authority without first notifying the relevant planning authority.

Traffic management

13.—(1) No authorised development is to commence until a traffic management plan has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

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

14. Work No. 4 must not be brought into use until the traffic authority, or the Secretary of State under the powers conferred by article 37 (traffic regulation), has carried out consultation on a proposed order under section 1 of the 1984 Act (traffic regulation orders outside Greater London) to restrict access by motorised vehicles to Work No. 4(b).

15. The headroom within the non-motorised user underpass at Old Hall Lane must not be less than 3 metres.

Air quality

16. The speed limit referred to in Part 5 of Schedule 3 (classification of roads, etc.) must remain in place until the results of air quality monitoring indicate that air quality has improved sufficiently to allow the speed limit to be raised to 70mph, pursuant to a monitoring strategy developed in consultation with the relevant planning authority.

Amendments to approved details

17. With respect to any requirement which requires the authorised development to 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 writing.