

SCHEDULES

SCHEDULE 2

Articles 5 and 49

Requirements

PART 1

Requirements

1. In this Part—

“Ashton Vale Road and Winterstoke Road Highway Works Plan” means the plan to be certified as the Ashton Vale Road and Winterstoke Road highway works plan by the Secretary of State for the purposes of this Order;

“Bridleway Extension under the Elevated M5 Plan” means the plan certified as the bridleway extension under the elevated M5 plan by the Secretary of State for the purposes of this Order;

“Cattle Creep Proposed General Arrangement drawing” means the plan certified at the Cattle Creep Proposed General Arrangement drawing by the Secretary of State for the purposes of this Order;

“Council’s archaeologist” means the chief archaeologist for the relevant planning authority;

“currently operational railway land” means any part of the existing operational national railway network owned and managed by Network Rail that is within the Order limits;

“environmental master plan” means the plans certified as the environmental master plan by the Secretary of State for the purposes of this Order;

“first commercial use” means the first use of Work Nos. 1, 1A and 1B for the carriage for fare paying passengers;

“fencing grades summary” means the summary of fencing types, based on plate 4.8 of the environmental statement and certified as the fencing grades summary by the Secretary of State for the purposes of this Order;

“general arrangement plans” means the plans certified as the general arrangement plans by the Secretary of State for the purposes of this Order;

“GSM-R mast” means Global System for Mobile Communications-Railway mast provided for the purposes of driver-signaller communications;

“habitat impacted by construction works within the Avon Gorge Woodlands SAC plan” means the plans certified as the habitat impacted by construction works within the Avon Gorge Woodlands SAC plan by the Secretary of State for the purposes of this Order;

“MOVA” means a traffic control strategy designed to maximise the operational efficiency of a highway junction or crossing by adjusting the green time required for each approach and assessing the number of vehicles approaching the signals, whilst determining the impact that queuing vehicles would have on the overall operation of the junction;

“Portbury Hundred location of additional tree planting plans” means the plans certified as such by the Secretary of State for the purposes of this Order;

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“preparatory activities” means ecological mitigation works, archaeological investigations, boreholes, intrusive surveys, environmental surveys and monitoring, other investigations for the purpose of assessing ground conditions or the receipt and erection of construction plant and equipment, utility diversions or ground clearance works;

“railway landscape plans (disused line)” means the plans certified as the railway landscape plans (disused line) by the Secretary of State for the purposes of this Order; and

“stage” means one of the stages of the authorised development and such other associated development as is connected with that stage as is described in paragraph 3.

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.

Stages of authorised development

3.—(1) The following stages apply to the authorised development in the District of North Somerset—

- (a) Stage 1 comprises Work Nos. 1, 1A, 5, 9, 11A, 12, 13, 14, 14A, 14B and 16C, being the new railway between Portishead and Station Road, Portbury; the new railway between old Portbury Station and Portbury Junction, the new Portishead Station; works at The Drove at Portbury; a road rail access point, at Easton in Gordano; works to bridleway at Royal Portbury Dock Road and Marsh Lane, Easton in Gordano, and flood attenuation works west of the M5 at Easton in Gordano;
- (b) Stage 1A comprises Work Nos. 7D, 8, 10, 10A, 12A, 13A, 15, 16, 16A, 17 and 17A being haul roads south of Work No. 1, cycle path diversions and compounds at Sheepway together with any use of neighbouring Order land as a temporary compound, a temporary construction compound north of the A369 at Portbury; construction haul roads; a permanent access from A369 at Portbury, temporary vehicle turning circle east of The Drove and north of the A369 Portbury Hundred, a temporary construction compound under the M5 Special Road Avonmouth Bridge; a temporary construction compound and haul road at Lodway;
- (c) Stage 1B comprises Work Nos. 20, 20B, 23 and 24A and being demolition of garages at Avon Road, Pill, temporary diversion of bridleway to the west of Avon Road, Pill, temporary compound beneath Pill Viaduct, and a temporary construction compound at Chapel Pill Lane, Ham Green together with any use of neighbouring Order land as a temporary compound;
- (d) Stage 1C comprises Work Nos. 10B and 11B, being temporary haul roads to the north and south of Shipway Gate Farm, Sheepway;
- (e) Stage 2 comprises Work Nos. 2, 2A, 3, 4, 6, and 7A-C being the diversion of Quays Avenue, Portishead, highway works at Harbour Road and Quays Avenue, Portishead; new highway drain; footpaths parallel to the disused Portishead Branch Line railway; public realm works and car parks at Portishead;
- (f) Stage 3 comprises Work No. 11, being improvements to the existing agricultural access from Shipway Gate Farm, Sheepway;
- (g) Stage 4 comprises Work Nos. 1B, 1C, 19, 20A, 21, 21A and 22 being works to the existing railway and to construct a railway between Portbury Junction and Pill Junction, installation of signalling equipment on the Bristol Port Company’s railway, works to replace an underbridge to the north of Avon Road, Pill; Pill Station; car park at Pill Station and permanent maintenance compound and road rail access point;

- (h) Stage 4A comprises Work No. 18 being a bridleway from under the M5 Avonmouth Bridge to meet National Cycle Network route no. 41 on the east side of the M5 Special Road, Pill;
- (i) Stage 4B comprises Work No. 24 being a permanent maintenance access at Ham Green;
- (j) Stage 5 comprises Work Nos. 22A and 22B being modifications to an existing bus stop and temporary compound at Pill Memorial Club, Lodway; and
- (k) Stage 6 comprises Work No. 25 being the reconstruction of Quarry Bridge No. 2 and the associated temporary compound in the Avon Gorge, together with the minor works to the railway between Pill Tunnel and Clifton Overbridge,

or such other stages of the Works that are agreed in writing with the relevant planning authority.

(2) The following stages apply to the authorised development in the City and County of Bristol:

- (a) Stage 7 comprises Work Nos. 26, 26A and 26B, being a permanent road rail access point and compound, temporary construction compound at Clanage Road and new permanent access to the highway of Clanage Road, at Bower Ashton in Bristol;
- (b) Stage 8 – not used;
- (c) Stage 9 comprises Work No. 28, being works to the public highway at the junction of Winterstoke Road and Ashton Vale Road, Bristol; and
- (d) Stage 10 comprises Work No. 29 being a temporary construction compound at the rail freight facility at South Liberty Lane, Bristol,

or such other stages of the Works that are agreed in writing with the relevant planning authority.

(3) The undertaker may submit for approval such part or parts of a stage as may be agreed with the relevant planning authority, and with the approval of the relevant planning authority carry out the approved parts of a stage without securing approval of those elements of a stage that are agreed with the relevant planning authority as remaining to be determined.

(4) Any restriction in a requirement in this Schedule that prevents a stage from commencing until details regarding that stage have been approved by the relevant planning authority does not prevent the undertaker carrying out any preparatory activities for that stage or the use of land within the Order limits as a temporary construction compound.

Submission and approval of detail design

4.—(1) Those elements of the authorised development comprising the works listed in column (1) of the table in sub-paragraph (5) must not commence until the detail design for that element has been approved by the relevant planning authority.

(2) The detail designs submitted to the relevant planning authority in accordance with paragraph (1) must reflect the principles of the relevant design drawings listed in column (3) of the table in sub-paragraph (5) unless otherwise agreed with the relevant planning authority.

(3) Any changes from the design drawings must be in accordance with the principles set out in the environmental statement.

(4) The relevant Work must be carried out in accordance with the detail designs approved by the relevant planning authority.

(5) The elements of the authorised development to which paragraph (1) applies are—

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Work No(s)</i>	<i>Description</i>	<i>Design drawing(s)</i>	<i>Relevant planning authority</i>
2, 2A, 3, 4, 6, 7A, 7B and 7D	Portishead highways and car parks	467470.BQ.04.20-100 467470.BQ.04.20-101 467470.BQ.04.20-102	North Somerset District Council
5	Portishead Station	W1097B-ARP-DRG- EAR-300001 W1097B-ARP-DRG- EST-300003 W1097B-ARP-DRG- EST-300004 W1097B-ARP-DRG- EST-300005	North Somerset District Council
9	Sheepway Compound	467470.BQ.04.20-400 467470.BQ.04.20-401	North Somerset District Council
12	Portbury Hundred Access	467470.BQ.04.20-600	North Somerset District Council
13	Wessex Water Compound Access	467470.BQ.04.20-570	North Somerset District Council
14, 14A	Works to bridleways at Royal Portbury Dock Road	467470.BQ.04.20-530 Rev H	North Somerset District Council
14B, 16	Realignment of permissive cycle path at Royal Portbury Dock Road	467470.BQ.04.20-550 Rev E 467470.BQ.04.20-551 Rev E 467470.BQ.04.20-552 Rev F	North Somerset District Council
21	Pill Station – Severn Road Car Park	467470.BQ.04.20-207	North Somerset District Council
22	Pill Station and Forecourt	467470.BQ.04.20-209 W1097B-ARP-DRG- EST-300011	North Somerset District Council
22A, 22B	Bus stop on Heywood Road and Lodway, Pill at Pill Memorial Club	467470.BQ.04.20-290 467470.BQ.04.20-291	North Somerset District Council

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Work No(s)</i>	<i>Description</i>	<i>Design drawing(s)</i>	<i>Relevant planning authority</i>
24	Pill Tunnel Eastern Portal Compound	467470.BQ.04.20-219 Rev B 467470.BQ.04.20-220 467470.BQ.04.20-221	North Somerset District Council
26, 26B	Clanage Road Compound and replacement access	467470.BQ.04.20-621	Bristol City Council

Construction Environmental Management Plan etc.

5.—(1) A stage of authorised development must not commence until the written Construction Environmental Management Plan (CEMP) for that stage has been approved by the relevant planning authority.

(2) The CEMP for a stage must be in accordance with the principles set out in the environmental statement, the Master CEMP, the COCP and the CTMP.

(3) The CEMP for a stage must, where relevant to that stage, in particular include the following—

- (a) an external communications plan;
- (b) a pollution incident prevention and control plan;
- (c) a site waste management plan;
- (d) a construction traffic management plan;
- (e) a construction workers travel plan;
- (f) a materials management plan;
- (g) a plan for storage for reuse of stripped soils within land forming part of haul roads or temporary compounds;
- (h) a construction flood plan and flood emergency preparedness plan for any construction site or compound located within undefended flood zone 2 or flood zone 3;
- (i) a surface water management plan;
- (j) measures for the protection of wildlife;
- (k) a reptile and amphibian mitigation strategy; and
- (l) nuisance management plans regarding noise and vibration, dust, air pollution and lighting.

(4) The CTMP when required for a stage under sub-paragraph (3) must in particular and where relevant address—

- (a) construction traffic routes and operational hours;
- (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 abnormal load movements;
- (e) temporary warning signs;
- (f) restrictions on vehicle turning movements in to and out of compounds on the A369 Portbury Hundred classified road; and

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(g) measures to minimise dust and mud.

(5) The relevant stage must be carried out in accordance with the COCP and the approved CEMP and CTMP for that stage.

(6) Where a part of the authorised development—

- (a) is not within a relevant stage or associated development connected with a relevant stage; or
- (b) does not consist of preparatory activities,

then that part of the authorised development must be carried out in accordance with the COCP, the Master CEMP and the CTMP.

Landscaping scheme – disused railway

6.—(1) Work Nos. 1 and 1A must not commence until a written landscaping scheme for those works, prepared in accordance with the principles of the railway landscape plans (disused line), has been submitted to and approved by the relevant planning authority. Work Nos. 1 and 1A must be carried out in accordance with the approved scheme or any variation to the scheme that has been approved by the relevant planning authority.

(2) The submitted landscaping scheme must include details of—

- (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) vegetation to be retained;
- (d) implementation timetables for all landscaping; and
- (e) proposals to take account of the presence of trees with trunks of a diameter of 100 millimetres or more and to minimize the loss of such trees.

(3) The written landscaping scheme for Work No. 1A must also contain measures to limit the impacts of the authorised development on the important hedgerow located between Work Nos. 1A and 17 and for the restoration of the important hedgerow following the cessation of use of Work No. 17.

(4) Any tree or shrub planted as part of the approved railway landscaping scheme that, within a period of five years after the date that it is planted, is removed, uprooted, destroyed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives consent to any variation.

Landscaping – other works

7.—(1) All landscaping shown in principle on the design drawings must be carried out in accordance with the landscaping details shown on the relevant drawing submitted to and approved by the relevant planning authority in accordance with requirement 4. The relevant work must not commence until an implementation timetable relevant to the approved landscaping has been submitted to and approved by the relevant planning authority. The landscaping must be carried out in accordance with the approved details and the approved implementation timetable.

(2) Any tree or shrub planted as part of the approved landscaping scheme that, within a period of five years after the date that it is planted, is removed, uprooted, destroyed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives consent to any variation.

(3) This requirement does not apply to Work Nos. 1, 1A, 1B or 1C or works subject to the Avon Gorge Vegetation Management Plan.

Temporary fencing

8.—(1) Prior to the commencement of a stage of the authorised development (or such part of that stage as may be agreed with the relevant planning authority) the relevant planning authority must receive for its approval a plan indicating the extent of temporary fencing that must be erected for the authorised development, together with a timetable for its installation and removal.

(2) A part of the authorised development within a stage (or such part of that stage as may be agreed with the relevant planning authority) and being an area where temporary fencing is so indicated must not commence without the temporary fencing approved by the relevant planning authority having first been erected.

(3) The approved temporary fencing must be retained and maintained to the reasonable satisfaction of the relevant planning authority until the cessation of works in that area.

(4) The fencing must be removed in accordance with the approved removal timetable to the satisfaction of the relevant planning authority.

Highway accesses

9.—(1) A stage of the authorised development must not commence until details of the siting, design and layout of any new or altered, permanent or temporary, access, and any temporary haul roads for that stage have been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. The submitted details must also include a timetable for carrying out the relevant activities.

(2) The approved highway alterations and improvements, including any altered or new accesses and any temporary haul roads, for that stage must be implemented in accordance with the approved details and timetable.

(3) Where the details submitted under sub-paragraph (1) include details of temporary accesses and haul roads, the submitted details for such temporary accesses and haul roads must also include details for the removal of the temporary access and haul road and restoration of the land used for such access together with a timetable for removal of the accesses and haul road upon cessation of its use for the purposes of the authorised development.

Archaeology

10.—(1) Work Nos. 5, 9, 10, 10A, 12A, 17, 24, 24A, 26, 26A and 26B must not commence until a written scheme of investigation (WSI) for a watching brief covering any areas of archaeological interest identified by the environmental statement relevant to that work has, after consultation with the Council's archaeologist, been submitted to and approved by the relevant planning authority.

(2) The WSI must identify areas where a watching brief is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Where a WSI is required it must include a programme for post-investigation assessment and reporting and make provision for the publication and dissemination and for the archive deposition of the analysis and records of the site investigation as appropriate and commensurate with the archaeological material recovered.

(4) The watching brief carried out under the WSI must be carried out by a suitably qualified person or body approved by the relevant planning authority.

(5) The watching brief and post-investigation assessment and reporting must be completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured where appropriate.

(6) In addition to the WSI required for Work No. 17, any part of Work No. 17 must not commence until details of a temporary fence to be erected to protect the linear earthworks feature reference

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number HER47401 as identified on the environmental master plan has, after consultation with the Council's archaeologist, been submitted to and approved by the relevant planning authority.

(7) The fence approved pursuant to sub-paragraph (6) must be erected in accordance with the approved details and in accordance with a programme specified by the relevant planning authority and must be maintained to the reasonable satisfaction of the relevant planning authority until the land is restored following cessation of use of Work No. 17.

Surface and foul water drainage

11.—(1) A stage of the authorised development must not commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the relevant lead local flood authority and the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The approved drainage systems for the relevant stage must be constructed in accordance with the approved details and thereafter managed and maintained in accordance with the approved details for the lifetime of the authorised development unless otherwise agreed with the relevant planning authority after consultation with the relevant lead local flood authority and the Environment Agency.

(3) This requirement does not apply to currently operational railway land.

Trees

12.—(1) A stage of the authorised development must not commence until the relevant planning authority has confirmed that it has approved in writing an arboricultural method statement for that stage prepared in accordance with BS:5837:2012 and detailing the proposed methods for protecting trees proposed to be retained, including a timetable for the installation and removal of the proposed protective measures.

(2) The plan submitted must also identify areas of tree protective fencing to be erected prior to commencement of that stage of the authorised development.

(3) The fencing shown on the approved plan must be erected in accordance with the relevant arboricultural method statement and thereafter maintained and retained in its approved position during the construction period to the reasonable satisfaction of the relevant planning authority.

(4) The protective fencing must be removed to the satisfaction of the relevant planning authority in accordance with the time period specified in the arboricultural method statement for that stage.

Control of invasive plants outside of Avon Gorge Woodlands SAC

13.—(1) A stage of the authorised development must not commence until, after consultation with the relevant planning authority, a written scheme to prevent the spread or emanation of invasive plant species from the authorised development has been submitted to and approved in writing by the relevant planning authority.

(2) The approved scheme to prevent the spread or emanation of invasive plant species must be implemented before and maintained during the construction of the relevant stage of the authorised development.

(3) This requirement does not apply to the Avon Gorge Woodlands SAC.

Avon Gorge Woodlands SAC

14.—(1) Any part of the authorised development within the Avon Gorge Woodlands SAC must be carried out in accordance with the Avon Gorge Vegetation Management Plan.

(2) Any part of the authorised development within the Avon Gorge Woodlands SAC consisting of—

- (a) foot accesses and steps;
- (b) GSMR masts, antennae and associated equipment boxes;
- (c) signal and associated equipment box;
- (d) catch fences;
- (e) works to retaining walls and structures; or
- (f) rock stabilization works,

must not commence before details of the location, siting and design of the relevant work, together with any required site clearance, working space and lay down areas, have been submitted to and approved by the relevant planning authority in consultation with Natural England. The details submitted for approval must be located within the areas shown for the relevant works on the general arrangement plans. The works must be carried out in accordance with the approved details.

(3) Work to remove, install or replace security fencing in the Avon Gorge Woodlands SAC must not commence before details of the location, siting, colour and design of the fencing, together with any required site clearance and working space, have been submitted to and approved by the relevant planning authority in consultation with Natural England. The details submitted for approval must be located within the areas shown for fencing in the habitat impacted by construction works within the Avon Gorge Vegetation Management Plan and any permanent security fencing to be installed must be of a nature substantially in accordance with the details set out in the relevant part of the general arrangement plans and the fencing grades summary. The works must be carried out in accordance with the approved details and the installed fencing thereafter retained unless alternative type fencing is required for railway operational safety reasons.

(4) Any temporary works within the Avon Gorge Woodlands SAC consisting of compounds or construction welfare facilities (including the temporary works that are part of Work No. 25) must not commence before the location, siting, duration of use and details for the removal of the relevant facility has been approved by the relevant planning authority in consultation with Natural England.

(5) The facilities described in paragraph (4) must be carried out as approved and the relevant facility must at the conclusion of the temporary works be removed to the satisfaction of the relevant planning authority in consultation with Natural England and in accordance with the approved details.

(6) The mitigation and compensation measures specified in the Avon Gorge Vegetation Management Plan must be carried out in accordance with the timetables set out in that document. The measures must thereafter be managed in accordance with the Avon Gorge Vegetation Management Plan to the satisfaction of the relevant planning authority in consultation with Natural England.

(7) The undertaker must provide monitoring reports to the relevant planning authority, Natural England and the Department for Environment, Food & Rural Affairs (Defra) no later than 12 months following first commercial use in accordance with the provisions of the Avon Gorge Vegetation Management Plan. Thereafter monitoring reports must be provided as specified in the Avon Gorge Vegetation Management Plan. In addition to the annual monitoring report to be provided to Network Rail and Natural England, the undertaker must provide a copy of that report to Defra.

External lighting and control of artificial light emissions during construction

15.—(1) A stage of the works (or such part of that stage as may be agreed with the relevant planning authority) must not commence until written details of any temporary external lighting to be installed in connection with the construction of that stage, including measures to prevent light spillage, have been submitted to and approved by the relevant planning authority; and any approved means of lighting must be installed in accordance with the approved details and retained for the duration of the construction period.

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(2) Any means of construction lighting approved under sub-paragraph (1) must be removed on completion of the relevant stage.

Construction hours

16.—(1) Except for—

- (a) works on any existing highway;
- (b) works on currently operational railway land; or
- (c) activities associated with such works within the compounds authorised by this Order,

to which no restriction on working hours applies under this Order, works to construct the authorised development must not take place other than within normal daytime working hours (6.30am to 6pm Monday to Saturday) unless paragraph (2) applies.

(2) Construction work must not take place—

- (a) on Sundays, Bank or Public Holidays; or
- (b) outside the times specified in paragraph (1)

except for such working which has been notified to and approved by the relevant planning authority and communicated to affected residents by an agreed notification procedure.

(3) Nothing in this requirement prevents use of construction compounds for—

- (a) necessary preparation, before and after each shift, for items such as the management of materials and machinery;
- (b) staff briefings;
- (c) maintenance and cleaning of site welfare facilities;
- (d) stockpile management and removal of redundant material; or
- (e) arrival of personnel on site and parking,

after 6am Monday to Saturday.

Contaminated land and groundwater

17.—(1) Any stage of the authorised development must not 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 relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The scheme must include an investigation and assessment report (including a desk based study), prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken with respect to any contaminants on the site.

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

(4) Where the scheme sets out remedial measures to be taken with respect to any contaminants on the site, a verification plan must also be submitted providing details of the data that will be collected in order to demonstrate that the remedial measures are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(5) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the relevant planning authority) is to be carried out until a remediation strategy detailing how this unsuspected contamination will be dealt with has, after consultation with the relevant planning authority and the Environment Agency,

been submitted to and approved by the relevant planning authority. The remediation strategy must be implemented as approved.

(6) Paragraphs (1) to (5) do not apply to any currently operational railway land.

Works to Winterstoke Road, Bristol

18.—(1) Work No. 28 (Winterstoke Road and Ashton Vale Road Junction) must not commence until the relevant planning authority, in consultation with the relevant highway authority, has approved the detail design for Work No. 28, to include—

- (a) an extended left turn lane on Winterstoke Road for vehicles in to Ashton Vale Road; and
- (b) details for the installation of a MOVA system or other traffic control measures designed to maximise the operational efficiency of the Winterstoke Road and Ashton Vale Road junction including provision for the movement of trains over the level crossing at Ashton Vale Road.

(2) The detail design required by sub-paragraph (1) to be submitted to the relevant planning authority must be in substantial accordance with the Ashton Vale Road and Winterstoke Road Highway Works Plan.

(3) Work No. 28 must be carried out in accordance with the approved details to the satisfaction of the relevant planning authority in consultation with the relevant highway authority prior to first commercial use.

Path at Marsh Lane, Easton in Gordano

19.—(1) Work No. 15 must not commence until written details of the levels and surfacing of the Work have been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. The Work must be carried out in accordance with the approved details.

(2) Following cessation of the construction haul road between Marsh Lane and the compounds located under the M5 Avonmouth Bridge and on Lodway Farm, Work No. 15 must be removed within 6 months to the satisfaction of the relevant planning authority in consultation with the relevant highway authority.

Temporary path at Avon Road, Pill

20.—(1) Work No. 20 must not commence until written details of the levels and surfacing of the Work have been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. The Work must be carried out in accordance with the approved details prior to commencement of Work No. 20A or 20B. Work No. 20 must thereafter be retained and available for use for the duration of the use of Work No. 20B as a construction compound.

(2) Following cessation of use of Work No. 20B, Work No. 20 must be removed within 6 months to the satisfaction of the relevant planning authority.

Restoration of land used temporarily for construction

21.—(1) Any land within the Order limits which is used temporarily for construction of the authorised development and not ultimately used for the purposes of the permanent works or approved landscaping, must be reinstated in accordance with such details as the relevant planning authority in consultation with (if relevant) the relevant highway authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of that part of the authorised development for which the land is used.

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(2) Sub-paragraph (1) does not apply to any mitigation, ground or rock stability, catch fencing, geotechnical or strengthening works to which article 33(4)(d) (temporary use of land for carrying out the authorised development) applies and which have been placed on land which is used temporarily for the authorised development.

Watercourses

22.—(1) Work Nos. 1 and 1A must not commence until a scheme and programme (including timescale) for works proposed to any watercourse flowing under the authorised development has been submitted to and approved in writing by the relevant planning authority in consultation with, if relevant, the relevant lead local flood authority, the Environment Agency and the IDB. The scheme submitted for approval must include details of the proposed clearance and repair works together with proposals for any temporary obstructions within the watercourse and any over pumping or other proposals for the maintenance of flow during the works.

(2) The works to a watercourse to which sub-paragraph (1) applies must be carried out and the watercourse subsequently reinstated in accordance with the approved scheme and programme.

(3) Unless otherwise permitted under sub-paragraph (1), throughout the period of construction, all watercourses must be maintained so that the flow of water is not impaired or the drainage on to and from adjoining land rendered less effective.

For the protection of bats

23.—(1) Work Nos. 1, 1A, 1B and 1C must not commence until written details of the proposed tree planting on the A369 Portbury Hundred classified road have been approved in writing by the relevant planning authority in consultation with the relevant highway authority and Natural England. The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.

(2) The proposed tree planting on the A369 Portbury Hundred classified road must be carried out in accordance with the approved details to the reasonable satisfaction of the relevant planning authority in the first planting season after the details have been approved by the relevant planning authority unless the planting has already been carried out to the reasonable satisfaction of the relevant planning authority.

(3) The required planting must be maintained to the reasonable satisfaction of the relevant planning authority for five years following completion.

(4) No part of the authorised development must commence in the Avon Gorge Woodlands SAC until—

- (a) five artificial bat roosts have been installed in the locations shown on sheets 14, 17, 18 and 19 of the environmental master plan; and
- (b) a grille has been installed at the entrance to the cave known as Adit Cave 7 in the location shown on sheet 19 of the environmental master plan,

to the satisfaction of the relevant planning authority.

Permanent fencing outside of Avon Gorge Woodlands SAC

24.—(1) Subject to sub-paragraphs (2) and (3) and without affecting requirement 30(4), a stage of the works must not commence until written details of any permanent security fencing to be installed in connection with that stage, together with a timetable for its installation, have been submitted to and approved by the relevant planning authority.

(2) Where new fencing is to be provided that does not fall within a stage, and is outside of the Avon Gorge Woodlands SAC, any permanent security fencing to be installed must be of a nature

substantially in accordance with the details set out in the general arrangement plans and the fencing grades summary.

(3) Any new permanent security fencing must be installed in accordance with the approved details and thereafter retained unless alternative type fencing is required for railway operational safety reasons.

Permanent acoustic fencing

25.—(1) Work Nos. 1 and 1A must not commence until written details of the proposed permanent acoustic mitigation fences to be located to the south of the proposed Portishead Station and at the disused Portbury Station at the locations shown on the general arrangement plans have been submitted to and approved by the relevant planning authority.

(2) The dimensions of the acoustic mitigation fences must be—

- (a) between 200 and 210 metres in length and 2 metres in height from track bed level for the fence to be located to the south of the proposed Portishead Station; and
- (b) between 35 and 55 metres in length and 2.4 metres in height from track bed level for the fence to be located at the former Portbury Station.

(3) The permanent acoustic fencing, or other means of enclosure, must be installed as approved prior to first commercial use of Work Nos. 1 and 1A and thereafter retained.

Portishead Station and Portbury Ditch

26.—(1) Work No. 5 (Portishead Station) must not commence until written details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage, have been submitted to and approved by the relevant planning authority, the authority acknowledging the necessity for the lighting to comply with Railway Industry Standards.

(2) Work No. 5 must not commence until written details of any GSM-R mast to be located at Portishead Station have been submitted to and approved by the relevant planning authority. The GSM-R mast must not exceed 12 metres in height from the proposed track bed level of Work No. 1 at Portishead Station.

(3) Work No. 5 must not commence until written details of proposals for the inclusion of on-site energy generation to be incorporated within the detail design for Portishead Station have been submitted to and approved by the relevant planning authority.

(4) Work No. 5 must be carried out in accordance with the approved details.

(5) Work No. 3 (a foot and cycle track east of Portbury Ditch) and Work No. 5 must not commence until a Flood Risk Assessment (FRA) for those works has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency. If the FRA concludes that Work No. 3 or Work No. 5 is at risk of flooding then the FRA must include details of the agreed mitigation works, to include a flood emergency and evacuation plan, that would be required for the relevant Work and users would remain safe should a flood event occur

(6) First commercial use must not occur prior to the approval of a station travel plan for Portishead Station by the relevant planning authority. The content of the station travel plan must substantially reflect the outline station travel plan for Portishead Station submitted as part of the Environmental Statement, as Volume 4, Technical Appendices, Appendix 16.1 Transport Assessment (Part 17 of 18) – Appendix M, Outline Station Travel Plans.

Pill Station

27.—(1) Work No. 22 (Pill Station) must not commence until written details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage,

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have been submitted to and approved by the relevant planning authority in consultation with Natural England, both acknowledging the necessity for the lighting to comply with Railway Industry Standards.

(2) The submitted details must demonstrate to the reasonable satisfaction of the relevant planning authority that the lighting levels on the northern platform of the former Pill Station will not be above 0.5 lux as a result of the permanent lighting proposed or the provision of lighting screens to restrict light spill on to the northern platform.

(3) Work No. 22 must not commence until written details of works to minimise light spill into the arches of the former stepped access to the northern platform of the former Pill Station have been submitted to and approved by the relevant planning authority in consultation with Natural England.

(4) The approved works must be installed in accordance with the approved details prior to first commercial use and thereafter maintained to the reasonable satisfaction of the relevant planning authority for ten years.

(5) First commercial use must not occur prior to the approval of a station travel plan for Pill Station by the relevant planning authority. The content of the station travel plan must substantially reflect the outline station travel plan for Pill Station submitted as part of the Environmental Statement, as Volume 4, Technical Appendices, Appendix 16.1 Transport Assessment (Part 17 of 18) – Appendix M, Outline Station Travel Plans.

Operational lighting – highways, bridges, paths and car parks

28.—(1) Any part of the authorised development which includes—

- (a) new highway lighting;
- (b) new permissive paths or public rights of way including new lighting; or
- (c) new car parks at Portishead or Pill including new lighting,

must not commence until written details of any permanent lighting to be installed in connection with the relevant work, including measures to prevent light spillage, have been submitted to and approved in writing by the relevant planning authority.

(2) Any approved means of lighting must be installed in accordance with the approved details.

Works affecting M5 Junction 19

29.—(1) Work Nos. 1 - 24A must not commence until the undertaker has created a Traffic Management Working Group (J19 TMWG) to consider the impacts of the authorised development on Junction 19 of the M5 special road which must be organised by the undertaker and to which National Highways, Bristol Port Company, Network Rail and the relevant highway authority will be invited to participate. Unless agreed otherwise by the parties J19 TMWG will meet on a monthly basis for the duration of the construction period.

(2) Work Nos. 1 - 24A must not commence until the local planning authority has approved in writing a construction traffic management plan having first consulted with National Highways in respect of those works as they affect Junction 19 of the M5 (“J19 CTMP”) and detailing—

- (a) construction traffic routes (including HGV routes, construction traffic profile (for the duration of the construction period disaggregated by daily movements, vehicle type (including abnormal loads) and construction activity) and operational hours;
- (b) the construction compounds to which the J19 CTMP will apply (“the J19 compounds”);
- (c) the management of junctions to and crossings of the public highway and other public rights of way;
- (d) the scheduling and timing of abnormal load movements;

- (e) temporary warning signs;
- (f) a scheme to encourage the use of public transport amongst contractors;
- (g) a monitoring strategy to include the provision of a monitoring report to be submitted to the J19 TMWG a minimum of one week in advance of the J19 TMWG monthly meeting;
- (h) a change process (in the event that any changes to the J19 CTMP are proposed during the construction phase) and a process to implement corrective measures if required; and
- (i) a construction worker travel plan, including car parking arrangements for staff and contractors.

(3) All morning shift construction staff arriving by private car at the J19 compounds must be told in advance not to arrive between the hours of 7.30am and 9am (Monday to Friday) (“the restricted hours”).

(4) Except in exceptional circumstances morning shift construction staff arriving by private car at the J19 compounds must not arrive within the restricted hours.

(5) The undertaker must record and report to National Highways in the CTMP monitoring and reporting strategy the numbers of morning shift staff arriving by private car at the J19 compounds within the restricted hours together with the exceptional circumstances for such arrival.

(6) The numbers of staff arriving by private car within the restricted hours at the J19 compounds in the absence of any exceptional circumstances must be reported to National Highways in accordance with sub-paragraph (5) together with the proposed steps to be taken by the undertaker to avoid any further such arrivals within the restricted hours.

Clanage Road, Bristol

30.—(1) Work Nos. 26, 26A and 26B must not commence until a flood plan which details—

- (a) the emergency and evacuation procedures for use of the temporary and permanent compound;
- (b) the location, height above ground level and the duration on site of the welfare facility on the temporary compound; and
- (c) the means to remove materials stored at the temporary and permanent compound in the event of flooding,

has been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency and the relevant lead local flood authority. The approved flood plan must thereafter be complied with to the satisfaction of the relevant planning authority.

(2) The landscaping and planting forming part of Work No. 26 must be carried out in accordance with the relevant design drawing prior to first use of Work No. 26 as a permanent maintenance compound. Any tree or shrub planted as part of the landscaping 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 the relevant planning authority gives written consent to any variation.

(3) Prior to the first use of Work No. 26 as a permanent maintenance compound either—

- (a) the Clanage Road compound, landscaping and access plan (Plan ref: 46470.BQ.04.20-261 rev T) must be redrawn to show the proposed levels for the flood compensation mitigation area to be 7.3m AOD; or
- (b) details of an on-site flood storage scheme or other works to provide adequate flood compensation mitigation,

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must be submitted to the relevant planning authority for approval in consultation with the Environment Agency. The mitigation area must be carried out in accordance with the approved details and maintained thereafter.

(4) Prior to the first use of Work No. 26 as a permanent maintenance compound details of the permanent paladin type fencing including colour height and location must be submitted to and approved by the relevant planning authority and once installed must be permanently maintained.

(5) In this requirement “AOD” means above ordnance datum.

New bridleway east of M5 Avonmouth Bridge

31.—(1) Work No. 18 must not commence until the siting, design, landscaping and method of construction of the proposed bridleway have been submitted to and approved by the relevant planning authority. The submitted details must adhere to the principles shown on the Bridleway Extension under the Elevated M5 Plan.

(2) Work No. 18 must thereafter be carried out in accordance with the approved details.

Cattle Creep Bridge, Easton in Gordano

32.—(1) Work No. 1B must not commence before the undertaker has provided to the relevant planning authority and the Environment Agency a topographic survey setting out the existing ground levels at Cattle Creep Bridge, Easton in Gordano.

(2) Works to Cattle Creep Bridge must be carried out and retained thereafter in accordance with the principles set out in the Cattle Creep Proposed General Arrangement drawing and in particular the arch of the Cattle Creep Underbridge must not be altered and the ground level beneath the Cattle Creep Underbridge must not be raised without the prior consent in writing of the relevant planning authority following consultation with the Environment Agency and (if relevant) the relevant lead local flood authority.

Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm

33.—(1) Work Nos. 16A and 17 must not commence until a pre-commencement survey of the perimeter track between Marsh Lane and Work Nos. 16A and 17 (The Marsh Lane Track) has been undertaken and submitted to and approved by the relevant planning authority. The pre-commencement survey must include but not be limited to—

- (a) details of the current surfacing material;
- (b) details of the sub-structure; and
- (c) an assessment of whether the Marsh Lane Track as currently constructed would be able to take the volume of construction traffic for the authorised development that will need to access these works.

(2) Based on the results of the pre-commencement survey a strategy (the Marsh Lane Track Strategy) must be submitted to and approved by the relevant planning authority. The Marsh Lane Track Strategy must include but not be limited to—

- (a) details of what, if any, measures are required to minimise damage to the perimeter track by construction vehicles using the Marsh Lane Track to access Work Nos. 16A and 17;
- (b) a timescale for the implementation of any necessary measures;
- (c) a strategy for on-going maintenance and management of the Marsh Lane Track during construction of the authorised development;

- (d) a strategy for using the Marsh Lane Track in conjunction with the owner of the Marsh Lane Track and other parties permitted to use it by the owner; and
 - (e) details of management measures to minimise dust generation from construction traffic for the authorised development.
- (3) Work Nos. 16A and 17 must be carried out in accordance with the Marsh Lane Track Strategy.
- (4) Within six months of the cessation of the use of Marsh Lane Track for construction traffic for the authorised development a post-construction survey must be submitted to the relevant planning authority for approval. The post-construction survey must include but not be limited to—
- (a) details of the state of the Marsh Lane Track post construction;
 - (b) details of what measures or repairs, if any, are required to ensure that the Marsh Lane Track is returned in the same or similar state to pre-commencement; and
 - (c) a timetable for the implementation of any measures or repairs that would be required.
- (5) Any measures or repairs (including, without limitation, any physical works required as a result of the pre-commencement strategy or the post-construction survey) must thereafter be carried out as approved by the relevant planning authority unless the permission of the street authority (as street authority and as owner) for the relevant measures or repairs to the Marsh Lane Track is not forthcoming.

Pill Tunnel Eastern Portal Compound Access, Ham Green

34. Work No. 24 must not commence until written details of the levels and surfacing of the work have been submitted to and approved by the relevant planning authority. Work No. 24 must thereafter be carried out and retained in accordance with the approved details.

Requirement for written approval

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

Amendments to approved details

36.—(1) With respect to any requirement which requires the authorised development or any part of it to be carried out in accordance with the details, plans or schemes approved under this Schedule, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the relevant planning authority in consultation with any other consultee specified in the requirement in question, or approved in writing by the relevant planning authority or another approval authority.

(2) Any amendments to or variations from the approved details, plans or schemes must be unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Anticipatory steps towards compliance with any requirement

37. If before this Order came into force the undertaker or any other person took any steps that were intended to be steps towards compliance with any provision of this Part 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.

PART 2

Procedure for discharge of requirements

Applications made under requirements

38.—(1) Where a valid application has been made to the relevant planning authority for any consent, agreement or approval required or contemplated by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the relevant planning authority 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 relevant planning authority acknowledge the application;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 39 (further information); or
- (c) such longer period as may be agreed between the undertaker and the relevant planning authority.

(2) Subject to sub-paragraphs (3) and (4), in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority 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 relevant planning authority for any consent, agreement or approval required by a requirement included in this Order;
- (b) the relevant planning authority 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 any materially new or materially different environmental effects from those reported in the environmental statement,

then the application is taken to have been refused by the relevant planning authority at the end of that period.

(4) Sub-paragraph (2) will only apply to an application made under requirements if—

- (a) at least 6 weeks have elapsed since the application was received by the relevant planning authority;
- (b) the undertaker has served on the relevant planning authority written notice that sub-paragraph (2) will apply from a date specified in the notice (such date not being less than 8 weeks from the date the application was received by the relevant planning authority); and
- (c) by the date specified in the notice (or such later date as the relevant planning authority may agree with the undertaker) the relevant planning authority has not determined the relevant application.

Further information

39.—(1) In relation to any part of an application made under this Schedule, the relevant planning authority has the right to request such further information from the undertaker as is necessary to enable the relevant planning authority to consider the application.

(2) In the event that the relevant planning authority considers such further information to be necessary, the relevant planning authority must, within 20 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 relevant planning authority does not give such notification within this 20 day period the relevant planning authority 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 38 (applications made under requirements) and in this paragraph.

Appeals

40.—(1) The undertaker may appeal in the event that—

- (a) the relevant planning authority refuses an application for any consent, agreement or approval required or contemplated by any of the provisions of this Order or grants it subject to conditions;
- (b) the relevant planning authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 38(1) (applications made under requirements);
- (c) on receipt of a request for further information under paragraph 39 (further information) the undertaker considers that either the whole or part of the specified information requested by the relevant planning authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the relevant planning authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 38;
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the relevant planning authority and the requirement consultees;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”)(**1**) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (d) the relevant planning authority and the requirement consultees must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 20 business days of receipt of written representations under paragraph (d).

(3) The appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(4) The appointment of the appointed person may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(1) Such appointment may be made by the Planning Inspectorate on behalf of the Secretary of State.

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(5) If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(6) Any further information required under sub-paragraph (5) is to be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 business days of that date.

(7) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the relevant planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(8) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the prescribed time limits, or set by the appointed person under this paragraph.

(9) The appointed person may proceed to a decision even though no written representations have been made within the prescribed time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(10) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(11) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under this Order or for the purpose of this Schedule as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(12) Except where a direction is given under sub-paragraph (13) requiring the costs of the appointed person to be paid by the relevant planning authority, the reasonable costs of the appointed person are to be met by the undertaker⁽²⁾.

(13) On application by the relevant planning authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance on Appeals published by the Department for Communities and Local Government on 3 March 2014 or any circular or guidance which may from time to time replace it.

Interpretation of Part 2 of Schedule 2

41. In this part of this Schedule—

“the appeal parties” means the discharging authority, the undertaker and any requirement consultees;

(2) The costs of the appointed person are calculated based on the applicable day rate for a Single Inspector as if he or she were appointed under section 78 and section 79 of the 2008 Act.

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“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(3);

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the relevant planning authority in discharging that requirement.