

SCHEDULES

SCHEDULE 2

Article 2

REQUIREMENTS

Commencement of the authorised development

1.—(1) The authorised development may not be commenced after the expiration of five years from the date this Order comes into force.

(2) The authorised development may not commence unless the undertaker has given the relevant planning authority fourteen days' notice of its intention to commence the authorised development.

Notice of start and completion of commissioning

2.—(1) Notice of the intended start of commissioning of the authorised development must be given to the relevant planning authority no later than fourteen days prior to the date that commissioning is started.

(2) Notice of the intended date of final commissioning of each of Work Nos. 1 and 6 must be given to the relevant planning authority no later than fourteen days prior to the date of final commissioning.

Detailed design

3.—(1) No part of the authorised development comprised in Work No. 1 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with STDC)—

- (a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings and structures;
- (b) finished floor levels;
- (c) the height of the stacks which must be at a level at which the environmental effects will be no worse than those identified in Chapter 8 of the environmental statement;
- (d) hard standings; and
- (e) the internal vehicular access and circulation roads, loading and unloading, vehicle parking and turning facilities, cycle parking and routes, and pedestrian routes.

(2) No part of the authorised development comprised in Work No. 2A may commence, save for the permitted preliminary works, until details of the following, to the extent that they are above mean low water springs, for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp, STDC and the TG entities)—

- (a) the route and method of installation of the high-pressure gas supply pipeline and any electrical supply, telemetry and other apparatus;
- (b) the number and location of cathodic protection posts and marker posts;
- (c) surface water drainage; and
- (d) works involving trenchless technologies including their location.

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(3) No part of the authorised development comprised in Work No. 2B may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp, STDC and the TG entities)—

- (a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings, structures and above ground apparatus;
- (b) hard standings;
- (c) the internal vehicular access and circulation roads, loading and unloading, vehicle parking and turning facilities; and
- (d) works involving trenchless technologies including their location.

(4) No part of the authorised development comprised in Work No. 3 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC)—

- (a) the route and method of installation of the 275 kilovolt electrical cables and control system cables running from Work No. 1 to the existing substation at Tod Point;
- (b) the connections within the existing substation at Tod Point, including electrical cables, connections to the existing busbars and new, upgraded or replacement equipment; and
- (c) works involving trenchless technologies including their location.

(5) No part of the authorised development comprised in Work No. 4 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with STDC)—

- (a) route and method of construction of the water supply pipelines; and
- (b) works involving trenchless technologies including their location.

(6) No part of the authorised development comprised in Work No. 5 may commence, save for permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC)—

- (a) the route and method of construction of any new wastewater water pipelines above mean low water springs; and
- (b) works involving trenchless technologies including their location.

(7) No part of the authorised development comprised in Work No. 6 may commence, save for the permitted preliminary works, until details of the following, to the extent that they are above mean low water springs, for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC)—

- (a) the route and method of installation of the carbon dioxide gathering network pipelines and any electrical supply, telemetry and other apparatus;
- (b) the number and location of cathodic protection posts and marker posts; and
- (c) works involving trenchless technologies including their location.

(8) No part of the authorised development comprised in Work No. 7 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with STDC)—

- (a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings and structures;
- (b) finished floor levels;
- (c) hard standings; and

- (d) the internal vehicular access and circulation roads, loading and unloading, vehicle parking and turning facilities, and pedestrian routes.
- (9) No part of the authorised development comprised in Work No. 8 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with STDC)—
 - (a) the route and method of installation of the carbon dioxide export pipeline and any electrical supply, telemetry and other apparatus;
 - (b) the number and location of cathodic protection posts and marker posts; and
 - (c) works involving trenchless technologies including their location.
- (10) No part of the authorised development comprised in Work No. 9 may commence until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC)—
 - (a) layout and heights of contractor compounds and construction staff welfare facilities; and
 - (b) vehicle access, parking and cycle storage facilities.
- (11) Work Nos. 1, 3 and 7 must be carried out in accordance with the design parameters in Schedule 15.
- (12) Subject to other terms of this Order, Work Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 must be carried out in accordance with the details approved in accordance with sub-paragraphs (1) to (10) above, unless otherwise agreed with the relevant planning authority.
- (13) The details to be submitted to and approved by the relevant planning authority under sub-paragraphs (1) and (8) must be in accordance with the principles in section 7 and 8 of the design and access statement.

Landscape and biodiversity protection management and enhancement

- 4.—(1) No part of the authorised development may commence until a landscape and biodiversity protection plan for that part has been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC).
- (2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of—
 - (a) measures to protect existing shrub and tree planting that is to be retained;
 - (b) details of any trees and hedgerows to be removed; and
 - (c) biodiversity and habitat mitigation and impact avoidance.
- (3) The plan submitted and approved pursuant to sub-paragraph (1) must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.
- (4) No part of Work Nos. 1 or 7 may be commissioned until a landscape and biodiversity management and enhancement plan for that part has been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC).
- (5) The plan submitted and approved pursuant to sub-paragraph (4) must include details of—
 - (a) implementation and management of all new shrub and tree planting;
 - (b) measures to enhance and maintain existing shrub and tree planting that is to be retained;
 - (c) measures to enhance biodiversity and habitats;
 - (d) an implementation timetable;
 - (e) annual landscape and biodiversity management and maintenance; and

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- (f) monitoring measures in accordance with the measures and timeframes set out in sections 6 and 7 of the indicative landscape and biodiversity strategy and including a process for submission to and approval by the relevant planning authority of an annual monitoring report and provision of the annual monitoring report to STDC.
- (6) Any shrub or tree planted as part of the approved plan 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 agreed with the relevant planning authority.
- (7) The plans submitted and approved pursuant to sub-paragraphs (1) and (4) must be—
 - (a) in accordance with the principles of the indicative landscape and biodiversity strategy; and
 - (b) implemented and maintained as approved during the operation of the relevant part of the authorised development unless otherwise agreed with the relevant planning authority.

Public rights of way and access land management

- 5.—(1) No public rights of way may be temporarily diverted or stopped up and access to any access land must not be temporarily prevented until a management plan for the relevant section of public rights of way or access land has been submitted to and approved by the relevant planning authority.
- (2) The plan must include details of—
 - (a) measures to minimise the length of any sections of public rights of way and the area of any access land to be temporarily closed; and
 - (b) advance publicity and signage in respect of any sections of public rights of way to be temporarily closed or diverted and access land to be temporarily closed.
 - (3) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.

External lighting

- 6.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a scheme for all external lighting to be installed during construction for that part (with the exception of the aviation warning lighting required by virtue of requirement 27) has been submitted to and approved by the relevant planning authority.
- (2) No part of the authorised development may be commissioned until a scheme for all permanent external lighting to be installed (with the exception of the aviation warning lighting required by virtue of requirement 27) in that part has been submitted to and approved by the relevant planning authority.
 - (3) The schemes submitted and approved pursuant to sub-paragraphs (1) and (2) of this requirement must be in accordance with the indicative lighting strategy and include measures to minimise and otherwise mitigate any artificial light emissions.
 - (4) The schemes must be implemented as approved unless otherwise agreed with the relevant planning authority.

Highway accesses

- 7.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the siting, design and layout (including visibility splays and construction specification) of any new or modified temporary means of access between any part of the Order limits and the public highway to be used by vehicular traffic during construction, and the means of

and a programme for reinstating any such means of access after construction has, for that part, been submitted to and, after consultation with the highway authority, Sembcorp and STDC, approved by the relevant planning authority.

(2) The highway accesses approved pursuant to sub-paragraph (1) must be constructed in accordance with the approved details and, unless approved pursuant to sub-paragraph (3) to be retained permanently, reinstated in accordance with the approved programme, unless otherwise agreed with the relevant planning authority.

(3) Prior to the date of final commissioning of each relevant Work No. details of the siting, design and layout (including visibility splays and construction specification) of any new or modified permanent means of access to a highway to be used by vehicular traffic, must, for each part of the authorised development, be submitted to and, after consultation with the highway authority, Sembcorp and STDC, approved by the relevant planning authority.

(4) The highway accesses approved pursuant to sub-paragraph (3) must be constructed in accordance with the details approved unless otherwise agreed with the relevant planning authority.

Means of enclosure

8.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of a programme for the removal of all temporary means of enclosure for any construction areas or sites associated with the authorised development have, for that part, been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC).

(2) Any construction areas or sites associated with the authorised development must remain securely fenced at all times during construction and commissioning of the authorised development and the temporary means of enclosure must then be removed in accordance with the programme approved pursuant to sub-paragraph (1).

(3) Prior to the date of final commissioning of each relevant Work No., details of any proposed permanent means of enclosure, must, for each part of the authorised development, be submitted to and approved by the relevant planning authority.

(4) Prior to the date of final commissioning of each relevant Work No., any approved permanent means of enclosure must be completed.

(5) The authorised development must be carried out in accordance with the approved details unless otherwise agreed with the relevant planning authority.

(6) In this requirement, “means of enclosure” means fencing, walls or other means of boundary treatment and enclosure.

Site security

9.—(1) No part of Work Nos. 1 or 7 may be brought into use until a written scheme detailing security measures to minimise the risk of crime has, for that part, been submitted to and approved by the relevant planning authority.

(2) The approved scheme must be maintained and operated throughout the operation of the relevant part of the authorised development.

Fire prevention

10.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a fire prevention method statement providing details of fire detection measures, fire suppression measures and the location of accesses to all fire appliances in all of the major building structures and storage areas within the relevant part of the authorised development,

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including measures to contain and treat water used to suppress any fire has, for that part, been submitted to and, after consultation with the Health and Safety Executive and the Cleveland Fire Authority, approved by the relevant planning authority.

(2) The authorised development must be implemented in accordance with the approved details and all relevant fire prevention, detection and suppression measures, accesses and fire appliances must be maintained to the reasonable satisfaction of the relevant planning authority at all times throughout the operation of the relevant part of the authorised development.

Surface and foul water drainage

11.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the temporary surface and foul water drainage systems, including means of pollution control in accordance with the construction environmental management plan and a management and maintenance plan to ensure that the systems remain fully operational throughout the construction of the relevant part of the authorised development have, for that part, been submitted to, and after consultation with the Environment Agency, the lead local flood authority, the relevant internal drainage board, Sembcorp and STDC, approved by the relevant planning authority.

(2) The scheme approved pursuant to sub-paragraph (1) must be implemented as approved and maintained throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.

(3) Details of the permanent surface and foul water drainage systems, including a programme for their implementation, must be submitted to and, after consultation with the Environment Agency, relevant internal drainage board and Sembcorp, approved by the relevant planning authority prior to the start of construction of any part of those systems.

(4) The details submitted and approved pursuant to sub-paragraphs (1) and (3) of this requirement must be in accordance with the principles set out in Chapter 9 of the environmental statement.

(5) The scheme approved pursuant to sub-paragraph (3) must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development unless otherwise agreed with the relevant planning authority.

(6) When submitting schemes pursuant to sub-paragraphs (1) and (3) the undertaker may submit separate schemes for the foul and surface water drainage systems.

Flood risk mitigation

12.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a scheme for the mitigation of flood risk during construction, has, for that part, been submitted to, and after consultation with the Environment Agency and STDC, approved by the relevant planning authority.

(2) The scheme approved pursuant to sub-paragraph (1) must be implemented as approved and maintained throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.

(3) No part of the authorised development may be commissioned until a scheme for the mitigation of flood risk during operation has, for that part, been submitted to and, after consultation with the Environment Agency and STDC, approved by the relevant planning authority.

(4) The schemes submitted and approved pursuant to sub-paragraphs (1) and (3) of this requirement must be in accordance with the principles set out in Chapter 9 and appendix 9A of the environmental statement.

(5) The scheme approved pursuant to sub-paragraph (3) must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development unless otherwise agreed with the relevant planning authority.

(6) The authorised development must not be commissioned until the flood risk mitigation has been implemented and a flood emergency response and contingency plan has been submitted to, and after consultation with the Environment Agency and STDC, approved by the relevant planning authority.

(7) The plan approved pursuant to sub-paragraph (6) must be implemented throughout the commissioning and operation of the relevant part of the authorised development unless otherwise agreed with the relevant planning authority.

Contaminated land and groundwater

13.—(1) Subject to sub-paragraph (8), no part of the authorised development may commence, save for geotechnical surveys and other investigations for the purpose of assessing ground conditions, until a scheme to deal with the contamination of land, including groundwater, which is likely to cause significant harm to persons or pollution of controlled waters or the environment, has, for that part, been submitted to and, after consultation with the Environment Agency and STDC, approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must be consistent with the principles set out in Chapter 10 of the environmental statement and any construction environmental management plan submitted under requirement 16(1) and include—

- (a) a preliminary risk assessment (desk top study) and risk assessment that—
 - (i) is supported by a site investigation scheme; and
 - (ii) identifies the extent of any contamination;
- (b) an appraisal of remediation options and a proposal of the preferred option where the risk assessment indicates that remediation is required in order for the relevant area of land not to meet the definition of “contaminated land” under Part 2A (contaminated land) of the Environmental Protection Act 1990(1);
- (c) where the risk assessment carried out under sub-paragraph (a) identifies the need for remediation, a remediation strategy which must include—
 - (i) the preferred option for remediation to ensure that the site will not meet the definition of “contaminated land” under Part 2A (contaminated land) of the Environmental Protection Act 1990; and
 - (ii) a verification plan, providing details of the data to be collected in order to demonstrate that the works set out in the remediation scheme submitted for approval under this sub-paragraph are complete;
- (d) a materials management plan that is in accordance with the prevailing code of practice relevant to such plans, which sets out long-term measures with respect to any contaminants remaining on the site during and after the authorised development is carried out;
- (e) details of how any unexpected contamination will be dealt with;
- (f) an update to the hydrogeological impact assessment including hydrogeological conceptual model that is informed by any further ground investigation reports and groundwater monitoring in addition to the information in Chapter 10 of the environmental statement;
- (g) a long term monitoring and maintenance plan in respect of contamination, including details of (but not limited to) monitoring of groundwater and surface water, appropriate screening criteria, and a time-table of monitoring and submission of monitoring reports, and which must include any necessary contingency action or mitigation measures arising from the matters reported; and

(1) 1990 c. 43.

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- (h) a plan for managing or otherwise decommissioning any boreholes installed for the investigation of soils, groundwater or geotechnical purposes, including details of how redundant boreholes are to be decommissioned in order to prevent risk of groundwater pollution, how any boreholes that need to be retained for monitoring purposes will be secured, protected and inspected, and including a requirement for appropriate validation records within a report to be submitted to demonstrate that all boreholes which are no longer required have been decommissioned in accordance with best practice.
- (3) The authorised development, including any remediation and monitoring, must be carried out in accordance with the approved scheme unless otherwise agreed with the relevant planning authority following consultation with the Environment Agency.
- (4) Following the implementation of the remediation strategy approved under sub-paragraph (3), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.
- (5) Where the verification report produced under sub-paragraph (4) does not demonstrate the completion of the remediation measures, a statement as to how any outstanding remediation measures will be addressed must be supplied to the relevant planning authority and the Environment Agency at the same time as the verification report.
- (6) The outstanding remediation measures must be completed to the reasonable satisfaction of the relevant planning authority, after consultation with the Environment Agency and STDC, by the date agreed with that authority.
- (7) As an alternative to seeking an approval under sub-paragraph (1), the undertaker may instead submit for approval by the relevant planning authority, following consultation with the Environment Agency and STDC, a notification that the undertaker instead intends to rely on any scheme to deal with the contamination of land (including groundwater) which relates to any part of Work Nos. 1, 7, 9A or 10 that has been previously approved by the relevant planning authority pursuant to an application for planning permission or an application to approve details under a condition attached to a planning permission.
- (8) If a notification under sub-paragraph (7) is—
- (a) approved by the relevant planning authority following consultation with the Environment Agency then the undertaker must implement the previously approved scheme and an approval under sub-paragraph (1) is not required; or
 - (b) not approved by the relevant planning authority following consultation with the Environment Agency then an approval under sub-paragraph (1) is required.
- (9) Sub-paragraphs (1) to (8) do not apply to any part of the Order land where the undertaker demonstrates to the relevant planning authority following consultation with the Environment Agency that the relevant part of the Order land is fit for the authorised development through the provision of a remedial validation report (which must include a risk assessment, details of any planning permission under which remediation works were carried out and any ongoing monitoring requirements) and the relevant planning authority notifies the undertaker that it is satisfied that the relevant part of the Order land is fit for the authorised development on the basis of that report.
- (10) The undertaker must comply with any ongoing monitoring requirements and any activities identified as necessary by the monitoring contained within the documents submitted to and approved by the relevant planning authority pursuant to sub-paragraph (9).

Archaeology

14.—(1) No part of the authorised development may commence until a written scheme of investigation for that part has been submitted to and, after consultation with the relevant archaeological body, approved by the relevant planning authority.

(2) The scheme submitted and approved must be in accordance with Chapter 18 of the environmental statement.

(3) The scheme must identify any areas where further archaeological investigations are required and the nature and extent of the investigation required in order to preserve by knowledge or in-situ any archaeological features that are identified.

(4) The scheme must provide details of the measures to be taken to protect record or preserve any significant archaeological features that may be found and must set out a process for how unexpected finds will be dealt with.

(5) Any archaeological investigations implemented and measures taken to protect record or preserve any identified significant archaeological features that may be found must be carried out—

- (a) in accordance with the approved scheme; and
- (b) by a suitably qualified person or organisation approved by the relevant planning authority in consultation with relevant archaeological body unless otherwise agreed with the relevant planning authority.

Protected species

15.—(1) No part of the authorised development may commence until further survey work for that part has been carried out to establish whether any protected species are present on any of the land affected, or likely to be affected, by that part of the authorised development.

(2) Where a protected species is shown to be present, no authorised development of that part must commence until a scheme of protection and mitigation measures has been submitted to and, following consultation with Natural England, approved by the relevant planning authority.

(3) The authorised development must be carried out in accordance with the approved scheme unless otherwise agreed with the relevant planning authority.

(4) In this requirement, “protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017(2).

Construction environmental management plan

16.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction environmental management plan for that part has been submitted to and, after consultation with the Environment Agency, Semcorp and STDC, approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with the framework construction environmental management plan and the indicative landscape and biodiversity strategy and incorporate—

- (a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;
- (b) a scheme for the control of any emissions to air;
- (c) a soil management plan;
- (d) a sediment control plan;
- (e) a scheme for environmental monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions;

(2) [S.I. 2017/1012](#).

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- (f) a scheme for the notification of any significant construction impacts on local residents and businesses for handling any complaints received relating to such impacts during the construction of the authorised development;
 - (g) surface and foul water drainage measures that are in accordance with the surface and foul water drainage scheme submitted under requirement 11(1);
 - (h) the measures outlined in paragraphs 15.7.4, 15.8.12 to 15.8.16, 15.8.19 and 15.9.1 in Appendix B: Ornithology in the Environmental Statement Addendum – Volume I of the ES addendum or such other measures to achieve the same maximum noise levels as are set out in paragraphs 15.8.13 to 15.8.16 of Appendix B: Ornithology in the Environmental Statement Addendum – Volume I of the ES addendum;
 - (i) a groundwater monitoring plan that comprises monitoring of groundwater levels and chemical contaminants of concern to inform the construction design process and which must take into account the updated hydrogeological impact assessment and any further ground investigation reports and groundwater monitoring required by requirement 13(2) (f);
 - (j) a materials management plan in accordance with paragraph 5.3.76 of Chapter 5 of the environmental statement;
 - (k) a hazardous materials management plan in accordance with paragraph 10.5.3 in Chapter 10 of the environmental statement; and
 - (l) any other management or mitigation plans set out in the framework construction environmental management plan.
- (3) All construction works associated with the authorised development must be carried out in accordance with the relevant approved construction environmental management plan unless otherwise agreed with the relevant planning authority.

Protection of highway surfaces

17.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details for undertaking condition surveys of the relevant highways which are maintainable at the public expense in accordance with the 1980 Act and which are to be used during construction have been submitted to and, after consultation with the highway authority, approved by the relevant planning authority.

(2) The condition surveys must be undertaken in accordance with the approved details and a schedule of repairs, including a programme for undertaking any such repairs and their inspection, must, following the completion of the post-construction condition surveys, be submitted to, and after consultation with the highway authority, approved by the relevant planning authority.

(3) The schedule of repairs must be carried out as approved unless otherwise agreed with the relevant planning authority.

Construction traffic management plan

18.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction traffic management plan for that part has been submitted to and, after consultation with National Highways and the relevant highway authority, STDC, Sembcorp, Royal Mail and the TG entities, approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with Chapter 16 of the environmental statement and the framework construction traffic management plan.

(3) The plan submitted and approved must include—

- (a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;
 - (b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;
 - (c) details of the activities to be undertaken to inform major users of highways in the area of the local highways authority about the impact of works to be undertaken to highways as part of the authorised development;
 - (d) the construction programme, including the profile of activity across the day;
 - (e) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture; and
 - (f) details of the monitoring to be undertaken in accordance with paragraph 16.5 of the framework construction traffic management plan.
- (4) Notices must be erected and maintained throughout the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.
- (5) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.

Construction workers travel plan

19.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction workers travel plan for that part has been submitted to and, after consultation with National Highways and the relevant highway authority and STDC, approved by the relevant planning authority.

(2) The plan submitted and approved must be in accordance with Chapter 16 of the environmental statement and the framework construction workers travel plan.

(3) The plan submitted and approved must include—

- (a) measures to promote the use of sustainable transport modes to and from the authorised development by construction staff;
- (b) provision as to the responsibility for, and timescales of, the implementation of those measures;
- (c) details of parking for construction personnel within the construction sites;
- (d) a monitoring and review regime; and
- (e) the profile of activity across the day.

(4) The approved plan must be implemented within three months of commencement of the relevant part of the authorised development and must be maintained throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.

Construction hours

20.—(1) Construction work and the delivery or removal of materials, plant and machinery relating to the authorised development must not take place on bank holidays nor otherwise outside the hours of—

- (a) 0700 to 1900 hours on Monday to Friday; and

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- (b) 0700 to 1300 hours on a Saturday.
- (2) The restrictions in sub-paragraph (1) does not apply to construction work or the delivery or removal of materials, plant and machinery, where these—
 - (a) do not exceed a noise limit measured at the Order limits and which must be first agreed with the relevant planning authority in accordance with requirement 21;
 - (b) are carried out with the prior approval of the relevant planning authority; or
 - (c) are associated with an emergency.
- (3) The restrictions in sub-paragraph (1) do not apply to the delivery of abnormal indivisible loads, where this is—
 - (a) associated with an emergency; or
 - (b) carried out with the prior approval of the relevant planning authority.
- (4) Sub-paragraph (1) does not preclude—
 - (a) a start-up period from 0630 to 0700 and a shut-down period from 1900 to 1930 Monday to Friday and a start-up period from 0630 to 0700 and a shut-down period from 1300 to 1330 on a Saturday; or
 - (b) maintenance at any time of plant and machinery engaged in the construction of the authorised development;
- (5) In this requirement “emergency” means a situation where, if the relevant action is not taken, there would likely be adverse health, safety, security or environmental consequences that, in the reasonable opinion of the undertaker, would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

Control of noise - construction

- 21.**—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a scheme for the monitoring and control of noise during the construction of that part of the authorised development has been submitted to and approved by the relevant planning authority, following consultation with Sembcorp.
- (2) The scheme submitted and approved must be in accordance with the principles set out in Chapter 11 of the environmental statement and specify—
 - (a) each location from which noise is to be monitored;
 - (b) the method of noise measurement;
 - (c) the maximum permitted levels of noise at each monitoring location to be determined with reference to the ABC Assessment Method for the different working time periods, as set out in BS 5228-1:2009+A1:2014, unless otherwise agreed in writing with the relevant planning authority for specific construction activities;
 - (d) provision as to the circumstances in which construction activities must cease as a result of a failure to comply with a maximum permitted level of noise; and
 - (e) the noise control measures to be employed.
- (3) The scheme must be implemented as approved unless otherwise agreed with the relevant planning authority.

Control of noise - operation

- 22.**—(1) No part of Work Nos. 1 or 7 may be brought into commercial use following commissioning until a scheme for the management and monitoring of noise during operation of those parts of the authorised development and which is consistent with the principles set out in Chapter

11 of the environmental statement has been submitted to and approved by the relevant planning authority.

(2) Noise (in terms of the BS4142:2014 rating level) from the operation of the authorised development must be no greater than +5dB difference to the defined representative background sound level during the daytime and no greater than +5dB difference to the defined representative background sound level during the night time adjacent to the nearest residential properties at such locations as agreed with the relevant planning authority.

(3) The scheme must be implemented as approved unless otherwise agreed with the relevant planning authority.

(4) In this requirement “daytime” means the period from 0700 to 2300 and “night time” means the period from 2300 to 0700.

Piling and penetrative foundation design

23.—(1) No part of the authorised development comprised within Work Nos. 1 or 7 may commence, save for the permitted preliminary works, until a written piling and penetrative foundation design method statement, informed by a risk assessment and which is consistent with the piling mitigation measures in paragraph 10.8 of Chapter 10 of the environmental statement and the principles set out in Chapter 11 of the environmental statement and any construction environmental management plan (including the details of any approved groundwater monitoring plan) submitted under requirement 16(1) for that part, has been submitted to and, after consultation with the Environment Agency, Natural England, Sembcorp and STDC, approved by the relevant planning authority.

(2) All piling and penetrative foundation works must be carried out in accordance with the approved method statement unless otherwise agreed with the relevant planning authority.

Waste management on site - construction wastes

24.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction site waste management plan for that part has been submitted to and, after consultation with STDC, approved by the relevant planning authority.

(2) The plan submitted under sub-paragraph (1) must be in accordance with the framework site waste management plan.

(3) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.

Restoration of land used temporarily for construction

25.—(1) Prior to the date of final commissioning of each relevant Work No., a scheme for the restoration (including remediation of contamination caused by the undertaker’s activities) of any land within the Order limits which has been used temporarily for construction must, for each part of the authorised development, be submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC).

(2) The land must be restored within one year of the date of final commissioning of each relevant Work No. (or such longer period as the relevant planning authority may approve) in accordance with the restoration scheme approved pursuant to sub-paragraph (1).

(3) The scheme submitted pursuant to sub-paragraph (1) must take into account the updated hydrogeological impact assessment and any further ground investigation reports and groundwater monitoring required by requirement 13(2)(f).

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Combined heat and power

26.—(1) Work No. 1A must not be brought into commercial use following commissioning until the relevant planning authority has given notice that it is satisfied that the undertaker has allowed for space within the design of the authorised development for the later provision of heat pass-outs for off-site users of process or space heating and its later connection to such systems, should they be identified and commercially viable.

(2) The undertaker must maintain such space during the operation of the authorised development unless otherwise agreed with the relevant planning authority.

(3) On the date that is 12 months after Work No. 1A is first brought into commercial use following commissioning, the undertaker must submit to the planning authority for its approval a report (‘the CHP review’) updating the CHP assessment.

(4) The CHP review submitted and approved must—

- (a) consider the opportunities that reasonably exist for the export of heat from the authorised development at the time of submission and which are economically viable; and
- (b) include a list of actions (if any) that the undertaker is reasonably to take (including with regard to cost to the undertaker) to increase the potential for the export of heat from the authorised development.

(5) The undertaker must take such actions as are included, within the timescales specified, in the approved CHP review unless otherwise agreed with the relevant planning authority.

(6) On each date during the operation of Work No. 1A that is four years after the date on which it last submitted the CHP review or a revised CHP review to the relevant planning authority, the undertaker must submit to the relevant planning authority for its approval a revised CHP review.

(7) Sub-paragraphs (4) and (5) apply in relation to a revised CHP review submitted under sub-paragraph (6) in the same way as they apply in relation to the CHP review submitted under sub-paragraph (3).

Aviation warning lighting

27.—(1) No part of the authorised development comprised within Work No. 1 or 7 may commence, save for the permitted preliminary works, until details of the aviation warning lighting to be installed for that part during construction and operation have been submitted to, and after consultation with the Civil Aviation Authority, approved by the relevant planning authority.

(2) The aviation warning lighting approved pursuant to sub-paragraph (1) must be installed and operated in accordance with the approved details.

Air safety

28. No part of Work Nos. 1 or 7 may commence, save for the permitted preliminary works, until details of the information that is required by the Defence Geographic Centre of the Ministry of Defence to chart the site for aviation purposes for that part have been submitted to and approved by the relevant planning authority.

Local liaison group

29.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until the undertaker has established a group to liaise with local residents and organisations about matters relating to the authorised development (the “local liaison group”).

(2) The undertaker must invite the relevant planning authority, Sembcorp, STDC, the TG entities and other relevant interest groups, as may be agreed with the relevant planning authority, to nominate representatives to join the local liaison group.

(3) The undertaker must provide a secretariat service and provide either an appropriate venue for the local liaison group meetings to take place or means by which the local liaison group meetings can take place electronically.

(4) The local liaison group must—

- (a) include representatives of the undertaker or its contactor; and
- (b) meet every other month, starting in the month prior to commencement of the authorised development, until the completion of commissioning unless otherwise agreed by the majority of the members of the local liaison group.

Employment, skills and training plan

30.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction of the authorised development has been submitted to and approved by the relevant planning authority.

(2) The plan approved pursuant to sub-paragraph (1) must be implemented and maintained during the construction of the authorised development unless otherwise agreed by the relevant planning authority.

(3) No part of Work No. 1 may be commissioned until a plan detailing arrangements to promote employment opportunities during operation of the authorised development has been submitted to and approved by the relevant planning authority.

(4) The plan approved pursuant to sub-paragraph (3) must be implemented and maintained during the operation of the authorised development unless otherwise agreed by the relevant planning authority.

Carbon dioxide capture transfer and storage

31.—(1) No part of the authorised development, save for the permitted preliminary works, may commence until evidence of the following (or such licence or consent as may replace those listed) has been submitted to and approved by the relevant planning authority—

- (a) that the carbon dioxide storage licence has been granted;
- (b) that the environmental permits have been granted for Work No. 1 and Work No. 7; and
- (c) that any pipeline works authorisation required by section 14 of the Petroleum Act 1998(3) for offshore pipeline works from Work No. 8 to the carbon dioxide storage site has been granted.

(2) Prior to the start of commissioning of the authorised development, the undertaker must not without the consent of the Secretary of State—

- (a) dispose of any interest held by the undertaker in the land required for Work No. 1C and Work No. 7; or
- (b) do anything, or allow anything to be done or to occur, which may reasonably be expected to diminish the undertaker's ability, within two years of such action or occurrence, to prepare Work No. 1C and 7 for construction.

(3) Work No. 1A may not be brought into commercial use without Work Nos. 1C, 7 and 8 also being brought into commercial use and Work No. 8 being connected to an operational storage site.

(3) 1998 c. 17.

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Decommissioning

32.—(1) Within 12 months (or such longer period as may be agreed in writing with the relevant planning authority) of the date that any part of the authorised development permanently ceases operation, the undertaker must submit to the relevant planning authority for its approval (following consultation with Sembcorp and the Environment Agency)—

- (a) a decommissioning environmental management plan for that part; and
- (b) evidence that any necessary planning consents have been granted for decommissioning in relation to that part.

(2) No decommissioning works must be undertaken until the relevant planning authority has—

- (a) approved the plan submitted for that part submitted pursuant to sub-paragraph (1)(a); and
- (b) confirmed in writing that it is satisfied as to the evidence submitted for that part pursuant to sub-paragraph (1)(b).

(3) Where the relevant planning authority notifies the undertaker that the information submitted pursuant to sub-paragraph (1) is not approved, the undertaker must within a period of 2 months from the notice (or such other period as may be agreed with the relevant planning authority) make a further submission pursuant to sub-paragraph 1 to the relevant planning authority, unless it has submitted an appeal to the Secretary of State against the decision of the relevant planning authority pursuant to sub-paragraph 409(1) of Schedule 13.

(4) Where the undertaker has submitted an appeal pursuant to sub-paragraph 409(1) of Schedule 13 against the decision of the relevant planning authority to not approve the information submitted pursuant to sub-paragraph (1), and the Secretary of State notifies the undertaker that the appeal has been dismissed, the undertaker must within a period of 2 months from the notice from the Secretary of State (or such other period as may be agreed with the relevant planning authority) make a further submission pursuant to sub-paragraph (1) to the relevant planning authority.

(5) The plan submitted pursuant to sub-paragraph (1)(a) must include details of—

- (a) the buildings to be demolished and the apparatus to be removed;
- (b) where apparatus is proposed to be left in-situ and not removed, the steps to be taken to decommission such apparatus and ensure it remains safe;
- (c) the means of removal of the materials resulting from the decommissioning works;
- (d) the phasing of the demolition and removal works;
- (e) any restoration works to restore the land to a condition agreed with the relevant planning authority;
- (f) the phasing of any restoration works;
- (g) a timetable for the implementation of the scheme;
- (h) traffic management arrangements during any demolition, removal and remediation works; and
- (i) the monitoring and control of noise.

(6) The plan submitted pursuant to sub-paragraph (1)(a) must be implemented as approved unless otherwise agreed with the relevant planning authority.

Requirement for written approval

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

Approved details and amendments to them

34.—(1) All details submitted for the approval of the relevant planning authority under these Requirements must reflect the principles set out in the documents certified under article 45 (certification of plans etc.).

(2) 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, the approved details are to be taken to include any amendments that may subsequently be approved by the relevant planning authority.

Amendments agreed by the relevant planning authority

35.—(1) Where the words “unless otherwise agreed by the relevant planning authority” appear in the these Requirements, any such approval or agreement may only be given in relation to non-material amendments and where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(2) In cases where the requirement or the relevant sub-paragraph requires consultation with specified persons, any such approval or agreement must not be given without the relevant planning authority having first consulted with those persons.

Consultation with South Tees Development Corporation

36. Where a requirement specifies that the relevant planning authority must consult STDC that only applies to the extent that the matters submitted for approval relate to any part of the authorised development which is within the STDC area or in the relevant planning authority’s opinion could affect the STDC area.

Effluent nutrient nitrogen safeguarding scheme

37.—(1) No part of the authorised development other than the permitted preliminary works may commence until an effluent nutrient nitrogen safeguarding scheme has been submitted to and, after consultation with Natural England and the Environment Agency, approved by the relevant planning authority.

(2) The effluent nutrient nitrogen safeguarding scheme submitted pursuant to paragraph (1) must include the following—

- (a) details of the selected design and discharge location of the infrastructure that will treat and discharge effluent containing nitrogen produced by the operation of the authorised development;
- (b) discharge modelling of the design selected pursuant to sub-paragraph (a) and which (unless otherwise agreed with the relevant planning authority after consultation with Natural England and the Environment Agency) is based on the modelling methodology in Appendix B of the nutrient nitrogen briefing paper; and
- (c) information on the wastewater discharge monitoring methods, frequency and locations that will be undertaken pursuant to any environmental permits required for the authorised development.

(3) The effluent nutrient nitrogen safeguarding scheme submitted pursuant to paragraph (1) must demonstrate that nitrogen in effluent from the operation of the authorised development is controlled and discharged in order that the nitrogen in effluent will—

- (a) not cause a net increase in total nitrogen loads in water within the Tees Estuary at the Seal Sands mud flats; and

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- (b) not impact on the Water Framework Directive status of the Tees Coastal Water, Tees Transitional Waterbody or Tees Estuary.
- (4) The undertaker must implement the effluent nutrient nitrogen safeguarding scheme as approved, unless otherwise agreed with the relevant planning authority following consultation with Natural England and the Environment Agency.

Consultation with Sembcorp and TG entities

38. In this Schedule any reference to—

- (a) “Sembcorp” means the same as the definition of “Sembcorp” in Part 17 of Schedule 12 of the Order; and
- (b) “TG entities” means the same as the definition of “NSMP entity” in Part 28 of Schedule 12 of the Order.