

## SCHEDULES

### SCHEDULE 2

Article 2

### REQUIREMENTS

#### **Time limits**

1. The authorised development must not commence after the expiration of five years beginning with the date on which this Order comes into force.

#### **Detailed design approval**

2.—(1) No part of Work Nos. 1, 1A, 1B, 2A, 2B, 3, 6A, 6B, 7, 8, 9 or 10 may commence until details of the layout, scale and external appearance for that Work No. have been submitted to and approved by the relevant planning authority.

(2) The details submitted for approval under sub-paragraph (1) must be substantially in accordance with the design principles set out in Appendix A of the design and access statement.

(3) Where a requirement requires the authorised development to be constructed in accordance with details approved by the relevant planning authority, the approved details are taken to include any amendments subsequently approved by the relevant planning authority.

(4) The authorised development must be carried out in accordance with the approved details.

#### **Parameters of authorised development**

3. The elements of the authorised development listed in column (1) of Table 11 in Schedule 14 (maximum and minimum design parameters) must not exceed the maximum and minimum dimensions and levels set out in relation to that element in columns (3) to (6) of that table.

#### **Biodiversity and landscape mitigation**

4.—(1) No part of the authorised development may commence until a written landscape and ecology strategy for that part has been submitted to and approved by the relevant planning authority. The landscape and ecology strategy must be substantially in accordance with the outline landscape and ecology strategy.

(2) The landscape and ecology strategy must be implemented as approved under sub-paragraph (1).

#### **Landscape and ecology management plan**

5.—(1) Prior to the date of final commissioning a landscape and ecology management plan for Work No. 1, 1A, 1B, 2A, 2B and 9 must be submitted to and approved by the relevant planning authority for the operation of that part of the authorised development. The landscape and ecology management plan must be substantially in accordance with the outline landscape and ecology management plan.

(2) The landscape and ecology management plan must be implemented as approved under sub-paragraph (1).

### **Biodiversity net gain**

6.—(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body.

(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 10% biodiversity net gain, calculated using the biodiversity metric 3.0 published by Natural England in July 2021 or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body, during the operation of the authorised development including onsite and offsite measures and be substantially in accordance with the outline biodiversity net gain strategy.

(3) The biodiversity net gain strategy must be implemented as approved under sub-paragraph (1).

### **Highway works**

7.—(1) Construction of any new permanent or temporary means of access to a highway, or alteration of an existing means of access to a highway, or other works to alter the layout of a highway, must not commence until a plan for that access or other work has been submitted to and approved by the relevant highway authority.

(2) No part of Work No. 4A may commence until written details for that Work No. have been submitted to and approved by the relevant highway authority.

(3) No part of Work No. 4B may commence until written details for that Work No. have been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority.

(4) Any new permanent or temporary means of access to a highway, or alteration of an existing means of access to a highway, or other works to alter the layout of a highway must be constructed or altered in accordance with the details approved pursuant to sub-paragraph (1).

(5) Work No. 4A must be constructed in accordance with the details approved pursuant to sub-paragraph (2).

(6) Work No. 4B must be constructed in accordance with the details approved pursuant to sub-paragraph (3).

### **Drainage strategy**

8.—(1) No part of Work No. 1, 1A, 1B, 2A, 2B, 4A, 4B, 6A, 6B and 9 may commence until written details of the drainage strategy for that Work No. has been submitted to and approved by the relevant planning authority.

(2) The written details submitted for approval must be substantially in accordance with the outline drainage strategy.

(3) The relevant planning authority must consult with Anglian Water in respect of any discharge to a public sewer before approving any drainage strategy submitted under sub-paragraph (1).

(4) The relevant planning authority must consult with the Environment Agency before approving any drainage strategy submitted under sub-paragraph (1).

(5) The drainage strategy must be implemented as approved under sub-paragraph (1).

### **Contamination and groundwater**

9.—(1) No part of the authorised development may commence until a scheme (which may be included in the construction environmental management plan to be submitted under requirement 10) to deal with the contamination of any land (including groundwater) for that part which is likely to

cause significant harm to persons or significant pollution of controlled waters or the environment has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant, to identify the extent of any contamination and any remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) The relevant planning authority must consult with the Environment Agency before approving a scheme under sub-paragraph (1).

(4) Any remedial measures must be carried out in accordance with the approved scheme.

### **Construction environmental management plan**

**10.**—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority.

(2) The construction environmental management plan submitted for approval must be substantially in accordance with the outline construction environmental management plan.

(3) The relevant planning authority must consult with the Environment Agency before approving the construction environmental management plan.

(4) All construction works associated with the authorised development must be undertaken in accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.

### **Construction traffic management plan**

**11.**—(1) No stage of the authorised development may commence until a construction traffic management plan for that stage has been submitted to and approved by the relevant planning authority in consultation with the highway authority. The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan.

(2) The construction traffic management plan must be implemented as approved throughout the construction of the authorised development unless otherwise agreed by the relevant planning authority in consultation with the highway authority.

### **Operational traffic management plan**

**12.**—(1) Prior to the date of final commissioning, an operational traffic management plan must be submitted to the relevant planning authority for approval in consultation with the highway authority. The operational traffic management plan must be substantially in accordance with the outline operational traffic management plan.

(2) The operational traffic management plan must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority in consultation with the highway authority.

### **Flood emergency management plan**

**13.**—(1) Prior to the date of final commissioning, a flood emergency management plan for Work Nos. 1, 1A, 1B, 2A, 2B and 9 must be submitted to the relevant planning authority for approval.

(2) The flood emergency management plan submitted for approval must be substantially in accordance with the outline flood emergency management plan.

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(3) The relevant planning authority must consult with the Environment Agency and lead local flood authority before approving any flood emergency management plan submitted under sub-paragraph (1).

(4) The flood emergency management plan submitted and approved under sub-paragraph (1) must be implemented as approved and remain in place throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority in consultation with the Environment Agency and lead local flood authority.

### **Waste hierarchy scheme**

**14.**—(1) Prior to the date of final commissioning, the undertaker must submit to the relevant planning authority for approval a scheme, which sets out arrangements for maintenance of the waste hierarchy and which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the “waste hierarchy scheme”).

(2) The waste hierarchy scheme must include details of—

- (a) operational procedures that seek to ensure that waste suitable for recycling and reuse is not received at the authorised development. These procedures are to be annually reviewed and, where practicable, improved;
- (b) a record of the tonnages of any waste identified by the undertaker prior to tipping into the waste bunker at the authorised development and rejected as it was identified as being suitable for recycling, reuse or both;
- (c) a record of tonnages of waste considered suitable for recycling, reuse or both that has been diverted further up the waste hierarchy by persons who also send waste to be processed at the authorised development, as far as practicable;
- (d) a record to be kept of how these procedures have been regularly reviewed (on an annual basis at a minimum), what changes were made, and how these have reduced the amount of waste potentially suitable for recycling and reuse being processed at the authorised development;
- (e) how waste transfer notes and weighbridge data detailing the sources of the residual waste will be collected and retained;
- (f) the types of waste and permitted EWC codes to be accepted at the authorised development as specified by the environmental permit;
- (g) how waste delivered to the authorised development will be checked to ensure compliance with the permitted EWC codes;
- (h) arrangements for ensuring that commercial suppliers deliver only those EWC codes which are permitted; and
- (i) records which are to be kept for the purposes of demonstrating compliance with the waste hierarchy scheme and for allowing inspection of such records by the relevant planning authority.

(3) The relevant planning authority must consult with the Environment Agency before approving any scheme submitted under sub-paragraph (1).

(4) The waste hierarchy scheme must be implemented as approved under sub-paragraph (1).

### **Operational travel plan**

**15.**—(1) Prior to the date of final commissioning, an operational travel plan must be submitted to and approved by the relevant planning authority. The operational travel plan must set out measures

to encourage staff working at Work No. 1, 1A, 1B, 2A and 2B to use sustainable modes of transport and must be substantially in accordance with the outline operational travel plan.

(2) The operational travel plan must be implemented as approved under sub-paragraph (1).

### **Odour management plan**

**16.**—(1) Prior to completion of commissioning of any part of Work No. 1, an odour management plan must be submitted to the relevant planning authority for approval. The odour management plan submitted for approval must be substantially in accordance with the outline odour management plan.

(2) The relevant planning authority must consult with the Environment Agency before approving the odour management plan.

(3) The odour management plan must be implemented as approved under sub-paragraph (1).

### **Fire prevention plan**

**17.**—(1) Prior to the completion of commissioning of any part of Work No. 1, a fire prevention plan must be submitted to and approved by the relevant planning authority. The fire prevention plan submitted for approval must be substantially in accordance with the outline fire prevention plan.

(2) The fire prevention plan must be implemented as approved under sub-paragraph (1).

### **Lighting strategy**

**18.**—(1) Prior to the installation of any permanent lighting for the authorised development, a written scheme for the management and mitigation of artificial light emissions for that part of the authorised development must be submitted to and approved by the relevant planning authority. The lighting strategy submitted for approval must be substantially in accordance with the outline lighting strategy.

(2) The written scheme for the management and mitigation of artificial light emissions must be implemented as approved under sub-paragraph (1).

### **Noise management**

**19.**—(1) No part of Work No. 4A may commence until the residential use at plot numbers 11/4a and 11/4b shown on the land plans and described in the book of reference has ceased unless otherwise agreed by the relevant planning authority.

(2) Plot numbers 11/4a and 11/4b shown on the land plans and described in the book of reference must not be used for residential purposes until the authorised development has been decommissioned in accordance with requirement 28 unless otherwise agreed by the relevant planning authority.

(3) No part of Work No. 4A may commence until Work No. 10 has been constructed. Work No. 10 must be maintained until the authorised development has been decommissioned in accordance with requirement 28 unless otherwise agreed by the relevant planning authority.

(4) Prior to the date of completion of commissioning of any part of Work No. 1, 1A, 2A, 2B and 9(a), an operational noise management plan for that part must be submitted to and approved by the relevant planning authority.

(5) The operational noise management plan submitted for approval must be substantially in accordance with the outline operational noise management plan.

(6) The relevant planning authority must consult with the Environment Agency before approving the operational noise management plan.

(7) The operational noise management plan must be implemented as approved under sub-paragraph (4).

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### **Notice of start of commissioning and notice of date of final commissioning**

**20.**—(1) Notice of the commencement of commissioning of Work No. 1 must be given to the relevant planning authority within 7 days of the date on which commissioning is commenced.

(2) Notice of the completion of commissioning of Work No. 1 must be given to the relevant planning authority within 7 days of the date on which commissioning is completed.

### **Employment and skills strategy**

**21.**—(1) No part of the authorised development may commence until an employment and skills strategy has been submitted to the relevant planning authority for approval. The employment and skills strategy submitted for approval must be substantially in accordance with the outline employment and skills strategy.

(2) The employment and skills strategy must be implemented as approved under subparagraph (1).

### **Carbon capture and export readiness reserve space**

**22.**—(1) Prior to the date of final commissioning, the undertaker must demonstrate to the relevant planning authority that it has constructed Work No. 1 in accordance with the carbon capture and export embedded design measures.

(2) Following commencement of the authorised development and until such time as the authorised development is decommissioned, the undertaker must not, without the consent of the Secretary of State—

- (a) dispose of any interest in the carbon capture and export readiness reserve space; or
- (b) do anything, or allow anything to be done or to occur which may reasonably be expected to diminish the undertaker’s ability to prepare the carbon capture and export readiness reserve space for the installation and operation of carbon capture and export equipment within two years of such action or occurrence.

(3) In this paragraph “export” means the removal of carbon from the authorised development and transporting it to a place of usage or sequestration to avoid its release to the atmosphere.

### **Carbon capture readiness monitoring report**

**23.**—(1) The undertaker must make a report (“carbon capture and export readiness monitoring report”) to the Secretary of State—

- (a) on or before the date which is three months after the date of completion of commissioning of Work No. 1A; and
- (b) within one month of the second anniversary, and each subsequent even-numbered anniversary, of that date.

(2) Each carbon capture and export readiness monitoring report must provide evidence that the undertaker has complied with Requirement 22—

- (a) in the case of the first carbon capture and export readiness monitoring report, since commencement of the authorised development; and
- (b) in the case of any subsequent report, since the making of the previous carbon capture and export readiness monitoring report,

and explain how the undertaker expects to continue to comply with Requirement 22 over the next two years.

(3) Each carbon capture and export readiness monitoring report must state whether the undertaker considers the retrofit of carbon capture and export technology is feasible explaining the reasons for any such conclusion and whether any impediments could be overcome.

(4) Each carbon capture and export readiness monitoring report must state, with reasons, whether the undertaker has decided to seek any additional regulatory clearances, or to modify any existing regulatory clearances, in respect of any carbon capture and export readiness proposals.

(5) In this paragraph “export” means the removal of carbon from the authorised development and transporting it to a place of usage or sequestration to avoid its release to the atmosphere.

### **Community liaison manager**

**24.** Prior to the date of final commissioning, the undertaker must notify the relevant planning authority of the name of the community liaison manager appointed and thereafter must keep the relevant planning authority up to date on any changes.

### **Combined heat and power**

**25.**—(1) Prior to the date of final commissioning, the undertaker must demonstrate to the relevant planning authority that it has constructed Work No. 1 and Work No. 2 in accordance with the combined heat and power embedded design measures.

(2) No later than the date that is 18 months after the date of final commissioning, the undertaker must submit to the relevant planning authority for its approval a report (“the CHP review”) updating the combined heat and power assessment.

(3) The CHP review submitted must—

(a) consider the opportunities that reasonably exist for the export of heat from Work No. 3, 3A and 3B at the time of submission of the CHP review; and

(b) include a list of actions (if any) that the undertaker is reasonably and practicably able to take (without material additional cost to the undertaker) to increase the potential for the export of heat from Work No. 3, 3A and 3B.

(4) The undertaker must take such actions as are included, within the timescales specified, in the approved CHP review.

(5) The relevant planning authority must consult with the Environment Agency before approving any CHP review.

(6) On each date (or the first date thereafter which is a working day) during the operation of Work No. 1 that is five 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 (3) to (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 (7).

### **Air safety**

**26.**—(1) The information specified in sub-paragraph (2), that is required by the Defence Geographic Centre of the Ministry of Defence to chart the authorised development for aviation purposes, must be submitted to the relevant planning authority and the Ministry of Defence before any part of the authorised development is commenced.

(2) The information submitted to and approved under sub-paragraph (1) must include—

(a) location of the authorised development;

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- (b) date of commencement of construction;
- (c) anticipated date of completion of construction of tall structures including the chimneys;
- (d) height above ground level of tall structures including the chimneys;
- (e) maximum extension height of any construction equipment; and
- (f) details of aviation warning lighting to be fitted to the tall structures, which must include fitting the chimneys with an infra-red light fitted at the highest practicable point of the structure.

(3) The aviation warning lighting details submitted under sub-paragraph (2)(f) must be implemented in full before the construction of the chimneys is complete unless otherwise agreed by the relevant planning authority in consultation with the Ministry of Defence.

(4) At the earliest opportunity prior to the date of completion of the construction of the chimneys, the anticipated date of construction completion must be submitted to the relevant planning authority and provided in copy to the Ministry of Defence.

(5) All details submitted to and approved under this requirement must be implemented as approved and maintained throughout (to the extent relevant) the construction of the authorised development and the operation of the authorised development unless otherwise agreed by the relevant planning authority in consultation with the Ministry of Defence.

#### **Local air quality monitoring strategy**

27.—(1) Prior to the commencement of the authorised development, a local air quality monitoring strategy must be submitted to the relevant planning authority for approval. The local air quality monitoring strategy submitted for approval must be substantially in accordance with the outline local air quality monitoring strategy.

(2) The local air quality monitoring strategy must be implemented as approved under sub-paragraph (1).

#### **Decommissioning**

28.—(1) Within 24 months of the permanent cessation of the commercial operation of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning plan for the authorised development, including a timetable for its implementation.

(2) The decommissioning plan submitted for approval must be substantially in accordance with the outline decommissioning plan.

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

#### **Origin of waste**

29.—(1) Not less than 17.5% of the waste processed at the authorised development per operational year must originate from within Waste Area 1 unless otherwise agreed by the relevant planning authority. Waste originating outside of Waste Area 1 and then transported to a waste loading point located in Waste Area 1 is not considered to have originated in Waste Area 1.

(2) Not less than 80% of the waste processed at the authorised development per operational year must originate from Waste Area 1 and Waste Area 2 unless otherwise agreed by the relevant planning authority. Subject to sub-paragraph (1), waste transported into Waste Area 2 to a waste loading point is considered to have originated in Waste Area 2.



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(3) No more than 20% of the waste processed at the authorised development per operational year must originate from outside of Waste Area 1 and Waste Area 2 unless otherwise agreed by the relevant planning authority. Waste sent direct to the authorised development from a location that is not located in either Waste Area 1 or Waste Area 2 will be deemed to originate from outside of Waste Area 2.

(4) The maximum tonnage of waste received from any one waste planning authority's administrative area within Waste Area 2 must not exceed 312,800 tonnes in any operational year unless otherwise agreed by the relevant planning authority.

(5) From the date of final commissioning of the authorised development until the authorised development has been decommissioned in accordance with requirement 28 (unless otherwise agreed by the relevant planning authority), the undertaker must maintain a written record, retained at the authorised development, of the quantities and origin of the waste treated by the authorised development for each operational year.

(6) From the date of final commissioning until the authorised development has been decommissioned in accordance with requirement 28 (unless otherwise agreed by the relevant planning authority), on or prior to 1 February each year, the undertaker must provide to the relevant planning authority a report for the preceding operational year (the "Waste Catchment Report"). The Waste Catchment Report must identify—

- (a) the waste throughput of the authorised development including the total tonnage of waste processed at the authorised development for the operational year;
- (b) waste catchment including as far as it is reasonably practicable to audit, the waste area for each waste loading point for waste processed at the authorised development for the operational year, separately totalling tonnages received from waste area 1, waste area 2 and outside of waste area 2; and
- (c) the total annual tonnage processed at the authorised development from each waste planning authority for the operational year.

(7) The relevant planning authority can request an interim Waste Catchment Report at any time for the preceding 12 month period. The undertaker must submit an interim Waste Catchment Report to the relevant planning authority within 6 weeks of receiving the request. The interim Waste Catchment Report must cover the 12 month period ending on the last day of the month the written request was made by the relevant planning authority to the undertaker unless otherwise agreed by the relevant planning authority.

(8) In this paragraph—

“operational year” means the period from 1 January to 31 December, inclusive;

“throughput” means the tonnage of waste received at the authorised development;

“waste area 1” means a 75 kilometre radius from the point that has grid reference N307892.6931 and E545496.9373 and shown on the waste area plan;

“waste area 2” means the area shown on the waste area plan; and

“waste loading point” means the location where the waste is loaded onto a vehicle prior to being sent directly to the authorised development.

(9) In sub-paragraph (6)(b) “waste area” means the areas or locations for each waste loading point, disaggregated to the smallest administrative area practicable, including but not limited to county, unitary, district, borough or postcode area.

### **Amendments to approved details**

**30.**—(1) With respect to the documents certified under article 42 (certification of plans etc.), the parameters specified in Table 11 of Schedule 14 (maximum and minimum design

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parameters) and any other plans, details or schemes which require approval by the relevant planning authority pursuant to any requirement (together “Approved Documents, Plans, Parameters, Details or Schemes”), the undertaker may submit to the relevant planning authority for approval any amendments to the Approved Documents, Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Documents, Plans, Parameters, Details or Schemes are to be taken to include the amendments approved by the relevant planning authority pursuant to this paragraph.

(2) Approval under sub-paragraph (1) for the amendments to Approved Documents, Plans, Parameters, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.