



The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2010

Regulation 5(2)(b)

DRAFT DEVELOPMENT CONSENT ORDER

**The Proposed Palm Paper CCGT 3 Order
King's Lynn, Norfolk**



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STATUTORY INSTRUMENTS

201X No.

INFRASTRUCTURE PLANNING

The Palm Paper 3 CCGT Order 201X

Made - - - - [***] 201X
Laid before Parliament [***] 201X
Coming into force - - [***] 201X

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An application has been made in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(a) for an order granting development consent.

The application was examined by an Examining Authority under Part 6 of the Planning Act 2008 (“the 2008 Act”).

The Examining Authority has considered the application and the relevant representations made in relation to it and not withdrawn, and has reported its recommendation to the Secretary of State as decision-maker under section 74(2)(b) of the 2008 Act.

The Secretary of State, having considered the report and recommendation of the Examining Authority has decided to grant development consent and, under sections 114, 115 and 116 of the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as The Palm Paper 3 CCGT (Generating Station) Order 201X and shall come into force on [] 201X.

Interpretation

2.—(1) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2008 Act” means the Planning Act 2008;

“authorised development” means the development and associated development described in Schedule 1 and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“commence” means beginning to carry out any material operation (as defined in Section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of site clearance, investigations for the purpose of assessing ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “commencement” shall be construed accordingly;

“environmental statement” means the environmental statement submitted with the application for the Order;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“land plan and site location plan” means the plan certified as the land plan and site location plan by the Secretary of State for the purposes of this Order;

“maintain” includes maintain, inspect, repair, adjust, alter, remove, refurbish, decommission, or demolish and — “maintaining” and — “maintenance” shall be construed accordingly;

“Order limits” means the limits shown on the land plan and site location plan and the site layout and works plan within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(b);

“planning drawings” means the drawings set out in requirement 5 in Schedule 2;

“relevant planning authority” means the planning authority for the area in which the land to which the provisions of this Order apply is situated;

“requirements” means those matters set out in Schedule 2 (requirements) to this Order;

“statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act;

a S.I. 2009/2264

b 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). There are other amendments to the 1981 Act which are not relevant to this Order.

“scheduled works” means the numbered works specified in Schedule 1 to this Order, or any part of them;

“site layout and works plan” means the plan certified as the site layout and works plan by the Secretary of State for the purposes of this Order.

“undertaker” means –

- (a) Palm Paper Limited (company number 00813701, registered at Saddlebow Industrial Estate, Poplar Avenue, Kings Lynn, Norfolk, PE34 3AL), and
- (b) Palm Power Limited (company number 07899303, registered at Wey Court West Union Road, Farnham, Surrey, GU9 7PT),

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development shall be taken to be measured along that work.

(4) The expression “includes” shall be construed without limitation.

Development consent etc. granted by the Order

3. (1) Subject to the provisions of this Order and to the requirements in Schedule 2 (Requirements) attached to this Order the undertaker is granted:

- development consent for the authorised development to be carried out within the Order limits,
- consent for the ancillary works to be carried out within the Order limits.

(2) The main stack comprised in Work No. 1 and shown on the planning drawings shall not be constructed lower than 80 metres above adjacent ground level.

Procedure in relation to certain approvals etc. under requirements

4.—(1) Where an application is made to a relevant planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application

Maintenance of authorised project

5. The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order, provides otherwise, and for the avoidance of doubt the power of maintenance provided by this article does not constitute the grant of development consent for any development not authorised by article 3.

Operation of generating station

6.—(1) The undertaker is authorised to operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required to authorise the operation of a generating station.

Consent to transfer benefit of Order

7.—(1) The undertaker may, with the consent of the Secretary of State—

- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (the “lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), shall include references to the transferee or lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

Defence to proceedings in respect of statutory nuisance

8.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within Paragraphs (c), (d), (e), (fb), (g), (ga) and (h) of section 79(1) of that Act no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974(b); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with a scheme of monitoring and attenuation of noise agreed with the relevant planning authority as described in requirement 14; or
 - (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

a 1990 c.43. There are amendments to this Act which are not relevant to this Order.

b 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990, c.25. There are other amendments to the 1974 Act which are not relevant to this Order.

Access to works

9. The undertaker may, for the purposes of the authorised development, with the approval of the relevant planning authority, form and lay out such means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Discharge of Water

10.—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a) (right to communicate with public sewers).

(3) The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertaker shall not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(a) (offences of polluting water).

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board, a local authority or a sewerage undertaker; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Authority to survey and investigate the land

11.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

a 1991 c.56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

- (3) Any person entering land under this article on behalf of the undertaker—
- (a) shall, if so required entering the land, produce written evidence of their authority to do so; and
 - (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

Application of landlord and tenant law

12.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

13. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).

Certification of plans, etc.

14.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the land plan and site location plan;
- (b) the site layout and works plan;
- (c) the existing site layout plan;
- (d) the design and access statement;
- (e) the environmental statement;
- (f) the outline construction environmental management plan;
- (g) the conceptual surface water drainage system
- (h) the outline landscaping plan

for certification that they are true copies of the plans or documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

15. Any difference under provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Signed by authority of the Secretary of State for Energy and Climate Change

[Address]
[Date] 201[X]

[Name]
Head of [Unit]
Department for Energy and Climate Change

SCHEDULES

SCHEDULE 1

Authorised Development

PART 1

Authorised Development

In King's Lynn, Norfolk

A Nationally Significant Infrastructure Project comprising a generating station as defined in sections 14(1)(a) and 15 of the 2008 Act and associated development comprising:

Work No. 1 A combined cycle plant fuelled by gas with a thermal input of up to 162MW, a nominal gross electrical output of up to 60 MWe and an output of up to 130 tonnes of heat (steam) per hour including—

- (a) one gas turbine within a turbine hall;
- (b) one steam turbine within a turbine hall;
- (c) two electricity generators and two transformers within a compound;
- (d) a heat recovery steam generator;
- (e) a main stack for discharge of flue gas
- (f) 4-8 banks of hybrid cooling towers,
- (g) condenser equipment and auxiliary cooling equipment;
- (h) a demineralised water treatment facility;
- (i) a gas insulated switchgear;
- (j) a pipe bridge including pipes and cables for electricity, steam, condensate, and raw water, connecting the CCGT building with the paper machine building
- (k) control room and laboratory

Work No. 2 Temporary contractors' construction area including—

- (a) temporary construction site offices;
- (b) canteen, welfare, and related support facilities;

- (c) hardstanding on site for the parking of construction vehicles plant and machinery or for the vehicles of construction workers;
- (d) open and covered storage of construction materials and equipment;
- (e) workshops for repair, maintenance, assembly and testing of equipment

and in connection with such works and to the extent that they do not otherwise form part of any such work, further associated development whether or not shown on the plan referred to in the requirements including—

- (a) water supply works, foul drainage provision, surface water management systems, and culverting;
- (b) internal site roads and vehicle parking facilities;
- (c) bunds, embankments, swales, landscaping and boundary treatments and fencing;
- (d) lighting columns and lighting,

which are within the scope of the environmental impact assessment recorded in the environmental statement.

PART 2

Building Heights

| (1) | (2) |
|------------------------------------|--|
| <i>Building</i> | <i>Height (metres) above adjacent ground level</i> |
| Turbine hall | 14.80 |
| Heat recovery steam generator hall | 24.95 |
| Main stack | 80.00 |
| Hybrid cooling tower platform | 16.00 |
| Stair tower | 22.30 |
| Condensers | 17.00 |
| Pipe bridge | 17.20 |

SCHEDULE 2

Requirements

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Interpretation

1.—(1) In this Part of this Schedule—

“CEMP” means the construction and environmental management plan relating to the construction of the authorised development to be submitted and approved pursuant to requirement 10;

“code of construction practice” means a code of construction practice to be submitted to and agreed by the relevant planning authority prior to commencement of the authorised development pursuant to requirement 10;

“commence” means the first carrying out of a material operation for the construction of the authorized development and commencement and commenced shall be defined accordingly;

“design and access statement” means the document with that title submitted with the application for the Order;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“site” shall mean that part of the land within Order limits shown on Document 2-1 and titled “Land plan and site location plan”

(2) References to any statutory body shall include that body’s successor bodies having jurisdiction over the authorised development.

Time limits

2. The authorised development shall commence no later than the expiration of five (5) years beginning with the date of this Order.

Commencement of authorised development

3. Notice of commencement of the authorised development shall be given to the relevant planning authority within seven (7) days from the date that the authorised development is commenced.

Commencement and completion of commissioning

4.—(1) Notice of the commencement of commissioning must be given to the relevant planning authority within seven (7) days from the date that commissioning is commenced.

(2) Notice of the completion of commissioning must be given to the relevant planning authority within seven (7) days from the date that commissioning is completed.

Detailed design

5. — (1) The authorised development shall be carried out in accordance with the approved plans submitted with the application as follows:

| | |
|---------------|--|
| Document 2-1 | Land plan and site location plan |
| Document 2.2 | Site layout and works plan |
| Document 2-5 | Existing site layout |
| Document 2-7 | Conceptual surface water drainage system |
| Document 2.15 | Outline landscaping plan |
| Document 5.1 | Environmental Statement |

Provision of landscaping

6.—(1) No authorised development shall commence until a written landscaping scheme has been submitted to and approved by the relevant planning authority. The landscaping scheme shall reflect the proposals set out in Document Reference Number 2.15 and shall include details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as refuse or other storage units, signs and lighting;
- (g) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

7.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 6 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2) The landscaping works must be carried out in accordance with implementation timetables approved under requirement 6.

(3) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

Surface water drainage

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

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

Contaminated land and groundwater

9.—(1) No authorised development shall commence until a written scheme to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The scheme shall include an investigation and assessment report, 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 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) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

CEMP

10.—(1) No part of the authorised development is to commence, including any preparatory earthworks or site levelling but excluding archaeological soil movement and ecological mitigation works, until a Construction Environmental Management Plan (“CEMP”) drafted in accordance with the principles set out in the environmental statement and the Outline CEMP, has been submitted to and approved in writing by the relevant planning authority. The CEMP must include—

- (a) details of the methods to control noise and vibration arising from construction activities. These measures must include—
 - (i) proposals for monitoring of construction noise;
 - (ii) proposals for the introduction of mitigation measures or alternative working practices where the measurements exceed acceptable limits;
- (b) details of the methods to be used to control dust and other emissions from the site;
- (c) details of all temporary fencing, temporary buildings, compound areas and parking areas including arrangements for their removal following completion of construction;
- (d) details of areas to be used for the storage of plant and construction materials and waste;
- (e) details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution;
- (f) details of temporary lighting arrangements;
- (g) measures to ensure that construction vehicles do not deposit mud on the public highway;
- (h) a scheme for the routing of construction heavy goods vehicles accessing the site;
- (i) details of mitigation measures to protect biodiversity interests within the site during the construction phases; and
- (j) advisory signage at public access points advising of possible hazards including the potential for sudden noise.

Construction traffic

11.—(1) No authorised development shall commence until written details of the preferred route to be used by construction traffic shall, after consultation with the highway authority, be submitted to and approved by the relevant planning authority.

(2) Notices shall be erected and maintained throughout the period of construction at every construction site exit, indicating to drivers the route agreed by the relevant planning authority for traffic entering and leaving the site.

Control of noise during construction and maintenance

12.—(1) No part of the authorised development shall commence until a written scheme for noise management during construction and maintenance has been submitted to and approved by the relevant planning authority.

(2) The scheme shall set out the particulars of—

- (a) the works, and the method by which they are to be carried out,
- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

(3) The approved noise management scheme must be implemented before and maintained during construction and maintenance of the authorised development.

(4) The construction and maintenance works must be undertaken in accordance with the approved noise management scheme.

Construction hours

13.—(1) Subject to sub-paragraph (2) construction and demolition works (which for the purposes of this requirement exclude archaeological investigations, landscaping works and any non-intrusive internal fit-out works but include start up and shut down and deliveries) must not take place other than between 07:00 and 19:00 hours on weekdays and 07:00 and 16:00 hours on Saturdays, excluding public holidays, unless otherwise agreed in writing by the relevant planning authority. Outside the above periods the following working is permitted—

(a) emergency works; and

(b) works which do not cause noise that is audible at the boundary of the Order limits.

(2) Regardless of sub-paragraph (1) no piling operations are to take place after 18:00 hours unless otherwise agreed by the relevant planning authority.

(3) Any emergency works carried out under paragraph (1)(a) must be notified to the relevant planning authority within 72 hours of their commencement.

Construction work, for the purpose of this requirement, shall not include the arrival or departure of personnel on the site, on-site briefings or meetings, the use of welfare facilities and non-intrusive activities such as electrical installation and internal fit out works.

Control of noise during operational phase

14.—(1) No authorised development shall commence operation until a written scheme for noise management including monitoring and attenuation for the use of the authorised project has been submitted to and approved by the relevant planning authority.

(2) The noise management scheme must be implemented as approved and maintained for the duration of use of the authorised project.

European protected species

15.—(1) If commencement of the authorised development occurs after two years from the date of the environmental statement then the authorised development must not be commenced until the potential for habitats within the application boundary to have changed sufficiently to make them suitable for European protected species has been assessed by the undertaker and the outcome of that assessment approved in writing by the relevant planning authority. If the relevant habitats are assessed to be suitable for European protected species, then further survey work must be carried out to establish whether European protected species are now present on any of the land affected, or likely to be affected, by the authorised development.

(2) Where a European protected species is shown to be present, no authorised development must be begun until, after consultation with the relevant planning authority, Natural England and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority; and the authorised development must be carried out in accordance with the approved scheme.

(3) “European protected species” has the same meaning as in regulations 40 and 44 of the Conservation (Natural Habitats, &c.) Regulations 2010(a) (S.I. 2010/490).

Piling during construction period

16.—(1) No piling activities may be commenced until a piling method statement (which may form part of the CEMP), has been submitted to and approved by the relevant planning authority. The piling method statement must conform with the provisions set out in chapter 7 ‘noise’ and 4 ‘piling activities’ of the environmental statement, and shall include details of mitigation to be employed to ensure that the noise from piling activities does not exceed 55dB(A)LA Max at the locations of the agreed measurement points during the months of March to August inclusive.

(2) The piling method statement will demonstrate that piling activities will not have a resultant unacceptable impact on groundwater.

(3) Piling shall be carried out in accordance with the provisions of the approved piling method statement.

Restoration of land used temporarily for construction

17. Any land within the Order limits which is used temporarily for construction must be reinstated to its former condition, or such condition as the relevant planning authority may approve, within six (6) months of completion of authorised development.

Requirement for written approval

18. 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 given in writing.

Amendments to approved details

19. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the Secretary of State, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the Secretary of State.

Control of artificial light emissions

20.—(1) No part of the authorised development shall commence until a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the construction, operation and decommissioning of the authorised development.