



The Planning  
Inspectorate

## **The Planning Act 2008**

### **Hinkley Point C (Nuclear Generating Station) Order [ ]**

### **Panel's Report to the Secretary of State Appendix D - The Development Consent Order**

**Panel's Report in respect of an application for a Development  
Consent Order for Hinkley Point C Nuclear Generating Station and  
Associated Development**

**Date: 19 December 2012**

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STATUTORY INSTRUMENTS

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[2012 No. ]

**INFRASTRUCTURE PLANNING**

**Hinkley Point C (Nuclear Generating  
Station) Order [ ]**

*Made* - - - -

*Laid before Parliament*

*Coming into force* - -

[2012 No X]

**INFRASTRUCTURE PLANNING**

Hinkley Point C (Nuclear Generating Station) Order [ ]

*Made* - - - -

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**PART 1**  
**GENERAL PROVISIONS**

*Preliminary*

**Citation and commencement**

**1A.** This Order may be cited as the Hinkley Point C (Nuclear Generating Station) Order [ ] and shall come into force on [ ].

**Interpretation**

**1.—(1)** In this Order—

"the 1961 Act" means the Land Compensation Act 1961**(1)**;

"the 1965 Act" means the Compulsory Purchase Act 1965**(2)**;

"the 1980 Act" means the Highways Act 1980**(3)**;

"the 1990 Act" means the Town and Country Planning Act 1990**(4)**;

"the 1991 Act" means the New Roads and Street Works Act 1991**(5)**;

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- (1) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (2) 1965 c.56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991(c.34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1) (2) and (3) of the Transport and Works Act (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (4) 1990 c.8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- (5) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 79(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).



"the 1995 Order" means the Town and Country Planning (General Permitted Development) Order 1995(1a);

"the 2008 Act" means the Planning Act 2008(1);

"the 2010 Regulations" means the Community Infrastructure Levy Regulations 2010(2);

"agreed day" means the day agreed for the provision of further information pursuant to paragraph 4(5) of Schedule 14;

"AIL" means an abnormal indivisible load and is defined in The Road Vehicles (Authorisation of Special Types) (General) Order 2003(3) and means a load that cannot without undue expense or risk of damage be divided into two or more loads for the purpose of being carried on a road and that—

(a) on account of its length, width or height, cannot be carried on a motor vehicle of category N3 or a trailer of category O4 (or by a combination of such vehicles) that complies in all respects with Part 2 of the Construction and Use Regulations(4); or

(b) on account of its weight, cannot be carried on a motor vehicle of category N3 or a trailer of category O4 (or by a combination of such vehicles) that complies in all respects with—

(i) the Authorised Weight Regulations(5) (or, if those Regulations do not apply, the equivalent provisions in Part 4 of the Construction and Use Regulations); and

(ii) Part 2 of the Construction and Use Regulations;

"appeal documentation" means a copy of the application submitted to the discharging authority~~body~~ and any supporting documentation which the undertaker may wish to provide;

"appeal parties" means the discharging authority, the requirement consultee and the undertaker;

"approved plans" means the plans listed in Part 2 of Schedule 1 and such revised or supplemental plans as may be approved pursuant to the requirements;

"authorised development" means the development described in Part 1 of Schedule 1 (authorised project) and any other development authorised by this Order, but does not include the temporary jetty works;

"authorised project" means the authorised development and the temporary jetty works authorised by this Order;

"book of reference" means the book of reference certified by the decision-maker as the book of reference for the purposes of this Order;

"building" includes any structure or erection or any part of a building, structure or erection;

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(1a) 1995 no. 418

(1) 2008 c.29.

(2) SI 2010/948 amended by S.I 2011/987

(3) SI 2003/1918

(4) Road Vehicles (Construction and Use) Regulations 1986 S.I 1986/1078 as amended

(5) Road Vehicles (Authorised Weight) Regulations 1998 S.I 1998/3111 as amended

“business days” means Monday to Friday excluding bank holidays;

"carriageway" has the same meaning as in the 1980 Act;

~~“Commission” means the Infrastructure Planning Commission or successor body;~~

"decision-maker" has the same meaning as in section 103 of the 2008 Act;

“deed of easement” means the draft deed of easement relating to Wick Moor Drive, Hinkley Point, Somerset between EDF Energy Nuclear Generation Limited (1) Nuclear Decommissioning Authority (2) National Grid Electricity Transmission Plc (3) and EDF Development Company Limited (4) as certified by the Secretary of State pursuant to article 41;

“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order;

"footpath implementation plan" means the written plan agreed between the undertaker and the highway authority for creation or improvement of a footpath to the defined standard;

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

“Hinkley Point A” means all that freehold land and buildings and structures erected on it at Hinkley Point Somerset which comprises the whole of the land registered under title number ST264472; “HPC development site” means the land within the Order limits shown on sheet no. 2, 3 and 4 of the works plans;

“land” includes land covered by water, any interest in land or right in, to or over land;

"land plans" means the plans certified as the land plans by the decision-maker for the purposes of this Order;

"major detailed requirements" means requirements: PW3, PW4, PW7, P11A, -MS6, MS7, MS8, MS9, MS10, MS11, MS12, MS14, MS15, MS16, MS19, CW1, ~~CW2, CW3, CW4~~, CW5, OS3, BRIA5, BRIC3, CP5, C4, J23-4, J24-3, and WP3;

"minor detailed requirements" means requirements, other than major detailed requirements, which require any consent, agreement or approval of a discharging authority or permit the discharging authority to agree or approve matters otherwise than provided for in the requirement;

~~“North East Bridgwater s106 agreement” means the agreement made on 2<sup>nd</sup> July 2010 pursuant to section 106 of the 1990 Act between (1) Sedgemoor District Council (2) Somerset County Council (3) Hallam Land Management Limited (4) Innovia Cellophane Limited and (5) John Anthony Moate, as varied by an agreement made pursuant to section 106 of the 1990 Act dated 9<sup>th</sup> December 2010 between (1) Sedgemoor District Council (2) Somerset County Council (3) Hallam Land Management Limited (4) Innovia Cellophane Limited (5) John Anthony Moate (6) BDW Trading Limited and (7) Optimisation Developments Limited;~~

"Order limits" means the limits shown on the works plans within which the authorised project may be carried out;

"owner", in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(1);

"permanent development site" means the land within the permanent development site boundary as shown on plan HINK-A1-SL-00-GA-010 (Site Layout Plan (Operational));

"permanent limits" means the limits of land for the purpose of article 18 as shown shaded pink on the land plans;

~~"owner", in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(2);~~

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

"relevant time limits" means the time limits prescribed in Schedule 14 or set by the appointed person pursuant to Schedule 14;

"requirement consultee" means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement;

"requirements" means those matters set out in Schedule 11 (requirements);

"restricted land" means the parcels of land shown as BRI\_C\_1, BRI\_C\_5, BRI\_C\_6 and BRI\_C\_7 on sheet no. 3 of the land plans;

"rights of way plans" means the plans certified as the rights of way plans by the decision-maker for the purposes of this Order;

"site preparation permission" means the planning permission granted by West Somerset District Council on 27 January 2012 reference number 3/32/10/037;

"site preparation permission s106 agreement" means an agreement made pursuant to section 106 of the 1990 Act dated 27 January 2012 between (1) West Somerset District Council, (2) Somerset County Council, (3) Sedgemoor District Council, (4) EDF Development Company Limited, (5) EDF Energy Nuclear Generation Company Limited, (6) Elizabeth Periam Acland Hood Gass (of the Fairfield Estate) and (7) NNB Generation Company Limited;

"start date" means the date on which the appeal parties are notified of the person appointed to determine an appeal made under Schedule 14;

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

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- (1) 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.
  - (2) 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.

"street" means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

"street authority", in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

"temporary associated development works" means Works Nos. 3, 4A, 5A, 7A, 8A(i) to (p), 9A, 10 and 11;

"temporary jetty demolition works" means Work No. TJ0;

"temporary jetty works" means Work Nos. TJ1, TJ2 and TJ3 described in Part 1A of Schedule 1 (authorised project) and any other works authorised by Part 2 of this Order or, as the case may require, any part of those works, but excluding the temporary jetty demolition works;

"transitional date" means the date upon which notice is served by the undertaker under article 2A(1);

"tree preservation order" has the meaning given in section 198 of the 1990 Act;

"the tribunal" means the Lands Chamber of the Upper Tribunal;

"undertaker" means NNB Generation Company Limited (Company number 06937084);

"undertaking" mean the generation of electricity by the undertaker as authorised from time to time;

"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

"the works plans" means the plans certified as the works plans by the decision-maker for the purposes of this Order; and a reference to a numbered sheet is a reference to that numbered sheet in the works plans.

(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 project shall be taken to be measured along that work.

(4) All areas described in square metres in the book of reference are approximate.

(5) References in this Order to numbered works are references to the works as numbered in Schedule 1.

(6) References in the Schedules to relevant sites are references to the sites of those names shown in the right of way plans and land plans and, where not referred to directly in the Order, are included for ease of reference.

### *Principal powers*

#### **Development consent etc. granted by the Order**

2. —(1) Subject to the provisions of this Order and to the requirements the undertaker is granted development consent for the authorised development, to be carried out in the lines or situations shown on the works plans and in accordance with the approved plans.

(2) In constructing or maintaining any of the authorised development, the undertaker may deviate laterally from the lines or situations shown on the works plans within the limits of deviation relating to that work shown on those plans.

(3) In constructing or maintaining Work No. 2A, Work No. 2E and Work No. 2C, the undertaker may deviate vertically to any extent provided that no part of these works shall be less than 10 metres below the seabed or more than 50 metres below the seabed.

(4) In constructing or maintaining Work No. 2G the undertaker may deviate vertically to any extent provided that no part of these works shall be more than 25 metres below the seabed.

(5) Paragraphs (1), (2), (3) and (4) shall only authorise the carrying out of works within the Order limits.

### **Effect of the Order on the site preparation permission**

2A.—(1) Upon service of notice by the undertaker on West Somerset District Council under this article, the undertaker shall cease to carry out development under the site preparation permission and all conditions of the site preparation permission shall cease to have effect, save for Conditions G4, R1, R2, R3, R4, R5 and R6. ~~and all conditions of the site preparation permission shall cease to have effect.~~

(2) The undertaker may not carry out Work No. 1A under this Order until notice has been served under paragraph (1) above.

(3) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of any part of the authorised project prior to or following service of notice under paragraph (1).

(4) Without prejudice to the generality of paragraph (3), the undertaker may discharge any requirements in respect of the authorised project at any time prior to or following the service of notice under paragraph (1).

(5) Where details, plans or any other matters have been approved by West Somerset District Council pursuant to the conditions of the site preparation permission in column (1) of Schedule 13 prior to the transitional date they shall be deemed to have been approved for the purpose of the corresponding requirement in column (2) of Schedule 13.

~~(6) The reinstatement obligations set out in conditions R1, R2, R3, R4, R5 and R6 of the site preparation permission and all obligations on the part of the undertaker contained in Schedule 17 to the site preparation permission s106 agreement shall be abrogated on the later of the transitional date and the date on which Work No. 1A is commenced under this Order.~~

### **Maintenance of authorised project**

3. 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.

### **Authorisation of use**

**3A.** Subject to the provisions of this Order and to the requirements the undertaker may operate and use the authorised project.

### **Benefit of Order**

**4.** Subject to article 5 (consent to transfer benefit of Order), the provisions of this Order shall have effect solely for the benefit of the undertaker.

### **Consent to transfer benefit of Order**

**5.—(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 the 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 (including development consent obligations) as would apply under this Order if those benefits or rights were exercised by the undertaker.

### **Application of the 1991 Act**

**6.—(1)** Where works are carried out by the undertaker under this Order in relation to a highway which consists of or includes a carriageway and the works carried out are:

- (a) of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or
- (b) works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageway and roundabouts),

these works shall be treated for the purposes of Part 3 of the 1991 Act (street works) as if they were major highway works carried out by the highway authority.

(2) In Part 3 of the 1991 Act, provisions relating to major highway works which refer to the highway authority concerned shall, in relation to works which are major highway works by virtue of paragraph (1), be construed as references to the undertaker.

### **Application of the 1990 Act**

**6A.**—~~(1)~~ Section 57(2) of the 1990 Act shall apply to development for the temporary associated development works granted under this Order for a limited period as if the development consent were planning permission granted for a limited period.

~~(2) Section 106A and 106B of the 1990 Act shall not apply to articles 2A and 33B of this Order.~~

### **Application of the 2010 Regulations**

**6B.**—(1) Regulation 5(2) of the 2010 Regulations shall apply to those elements of the authorised development for which development consent is deemed to be granted for a limited period as it would to development authorised by planning permission granted for a limited period.

(2) Development consent is deemed to be granted for a limited period for the temporary associated development works, Work No. 1A(b) and any other temporary buildings or works authorised by this Order.

### **Defence to proceedings in respect of statutory nuisance**

**7.**—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990<sup>(1)</sup> (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) 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 project and that the nuisance is attributable to the carrying out of the authorised project 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<sup>(a)</sup>; or

(ii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or

(b) the defendant shows that the nuisance is a consequence of the use of the authorised project 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 project.

### *Streets*

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(1) 1990 c.43. There are amendments to this Act which are not relevant to this Order.

(a) 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.

## **Street works**

**8.**—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in columns (1) and (2) of Schedule 2 (streets subject to street works) as is within the Order limits for the relevant site specified in column (3) of Schedule 2 and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) In this article "apparatus" has the same meaning as in Part 3 of the 1991 Act.

## **Stopping up of footpaths on the HPC development site**

**8A.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project-

- (a) stop up each of the footpaths specified in columns (1) and (2) of Part 1 of Schedule 3 (being footpaths to be permanently stopped up on the HPC development site) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Part of that Schedule; and
- (b) temporarily stop up each of the footpaths specified in columns (1) and (2) of Part 2 of Schedule 3 (being footpaths to be temporarily stopped up on the HPC development site) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Part of that Schedule.

(2) No footpath specified in columns (1) and (2) of Part 1 or columns (1) and (2) of Part 2 of Schedule 3 (footpaths to be stopped up on the HPC development site) shall be wholly or partly stopped up under this article unless the diversion route specified on the rights of way plans between points DR1/1 and DR1/2, and between points DR1/4, DR1/5, DR1/6, DR1/7, DR1/8, DR1/9 and DR1/10, DR1/11 and DR1/12, and between points DR1/5 and DR1/13 is first provided by the undertaker, to the reasonable satisfaction of the highway authority.

(3) The diversion route provided under paragraph (2), or such alternative diversion route connecting the points listed in paragraph (2) as may from time to time be agreed by the highway authority, shall be subsequently maintained by the undertaker until the completion and opening of the footpaths on the HPC development site specified in columns (1), (2) and (3) of Schedule 5 (status of footpaths created or improved) in accordance with any relevant footpath implementation plan.

## **Permanent stopping up of streets**

**9.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project, stop up each of the streets specified in columns (1) and (2) of



Parts 1 and 2 of Schedule 4 (streets to be permanently stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of those Parts of that Schedule.

(2) Save in respect of the stopping up of footpath BW5/8 between points X1/1 and X1/2, no street specified in columns (1) and (2) of Part 1 of Schedule 4 (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless—

- (a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 4 (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up shall be extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised project so much of the site of the street as is bounded on both sides by land owned by the undertaker.

(5A) Where the section of Wick Moor Drove between points S1/1 and S1/2 has been stopped up under this article, all interests and rights in the land on which that section of street is situated shall be extinguished.

(5B) The interests and rights to which this section applies are any easement, restriction, restrictive covenant, liberty, privilege, right or advantage annexed to land, including any natural right to support.

(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(7) This article is subject to article 32 (apparatus etc. of statutory undertakers).

(8) Where the section of Wick Moor Drove between points S1/1 and S1/2 is to be stopped-up under this article, then along with any of the conditions mentioned in paragraph (4)(a) to (d) of this article, the consent of the owner of Hinkley Point A to such stopping-up is to be obtained but such consent shall be deemed given if, prior to such stopping-up, an agreement has been completed providing for the grant of rights of way to the owner of Hinkley Point A immediately following the stopping-up, substantially in the form of the deed of easement.

### **Status of footpaths created or improved**

**10.**—(1) With effect from the date of satisfaction by the highway authority that the footpaths specified in columns (1) and (2) of Schedule 5 have been created or improved to the standard defined in the footpath implementation plan the footpaths in question shall be deemed to have the status in column (3) of that Part of that Schedule.

### **Temporary stopping up of streets**

**11.**—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The undertaker shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of Schedule 6 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Schedule.

(4) The undertaker shall not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (3) without first consulting the street authority; and
- (b) any other street without the consent of the street authority, which may attach reasonable conditions to any consent.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in the case of dispute, under Part 1 of the 1961 Act.

### **Access to works**

**12.**—(1) The undertaker may, for the purposes of the authorised project—

- (a) form and lay out means of access, or improve existing means of access, in the location specified in columns (1) and (2) of Schedule 7 (access to works) and shown on the rights of way plans; and
- (b) with the approval of the relevant planning authority, after consultation with the highway authority, form and lay out such other 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 project.

**Construction and maintenance of new, altered or diverted streets**

**12A.**—(1) Any street to be constructed under this Order shall be completed to the reasonable satisfaction of the highway authority and shall, unless otherwise agreed between the undertaker and the highway authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the highway authority, unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (3), the court shall in particular have regard to the following matters—

- (a) the character of the street including the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the

action relates unless it is also proved that the undertaker had given him proper instructions with regard to the maintenance of the street and that he had carried out those instructions.

### **Agreements with street authorities**

- 13.—**(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street authorised by this Order;
  - (b) any stopping up, alteration or diversion of a street authorised by this Order; or
  - (c) the carrying out in the street of any of the works referred to in article 8(1) (street works).
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
  - (b) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
  - (c) contain such terms as to payment and otherwise as the parties consider appropriate.

### *Supplemental powers*

### **Discharge of water**

**14.—**(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 project 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<sup>(1)</sup> (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.

- (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.

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(1) 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.

(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 permit any activity listed in paragraph 3(1) of Schedule 21 of the Environmental Permitting (England and Wales) Regulations 2010(1).

(8) In this article—

(a) "public sewer or drain" means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964(2) (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; 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.

### **Protective work to buildings**

**15.—**(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised project; or

(b) after the completion of that part of the authorised project in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised project is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

(a) enter the building and any land within its curtilage; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building;

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(1) S.I 2010/675

(2) 1964 c.40. Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 9(1) and (5). There are other amendments to the 1964 Act which are not relevant to this Order.

- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 42 (arbitration).

(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised project carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised project,

the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(11) In this article "protective works" in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised project; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised project.

#### **Authority to survey and investigate the land**

**16.—**(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 project 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.
- (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.
- (4) No trial holes shall be made under this article—
- (a) in land located within the highway boundary without the consent of the highway authority; or
  - (b) in a private street without the consent of the street authority.
- (5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, Part 1 (determination of questions of disputed compensation) of the 1961 Act.

### **Removal of human remains**

17. Not used

### *Powers of acquisition*

#### **Compulsory acquisition of land**

**18.—**(1) The undertaker may acquire compulsorily so much of the land within the permanent limits as is required for the authorised project or to facilitate, or is incidental, to it and may use any land so acquired for the purposes authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.

(1A) Nothing in paragraph (1) shall authorise the undertaker to acquire compulsorily any of the land or interests in land specified in Schedule 9A to this Order that are held by the parties mentioned in the third column of that Schedule, or any rights over those lands that are held by the

parties mentioned in that column, but the undertaker may acquire by agreement any part of those lands, or any rights over them, and use them, for the purpose referred to in that paragraph.

(2) This article is subject to article 24 and article 27.

### **Statutory authority to override easements and other rights**

**18A--**(1). The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised by virtue of section 158 of the 2008 Act, notwithstanding that it involves-

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract.

(2) The undertaker shall pay compensation to any person whose land is injuriously affected by-

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract

authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) Subsection (2) of section 10 of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act.

(5) Any rule or principle applied to the construction of section 10 of the 1965 Act shall be applied to the construction of paragraph (2) (with any necessary modifications).

### **Compulsory acquisition of land - incorporation of the mineral code**

**19.** Not used

### **Time limit for exercise of authority to acquire land compulsorily**

**20.**—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat shall be served under Part 1 of the 1965 Act; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 23 (application of the Compulsory Purchase (Vesting Declarations) Act 1981) (1).

(2) The authority conferred by article 28 (temporary use of land for carrying out the authorised project) shall cease at the end of the period referred to in paragraph (1), save that nothing in this

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(1) 1981 c.66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments to the 1981 Act which are not relevant to this Order.



paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

### **Compulsory acquisition of rights**

**21.**—(1) The undertaker may acquire compulsorily the new rights described in the book of reference and shown on the land plans.

(2) Subject to section 8 of the 1965 Act, as substituted by article 26 (acquisition of part of certain properties), where the undertaker acquires an existing right over land under paragraph (1), the undertaker shall not be required to acquire a greater interest in that land.

(3) Schedule 8 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

### **Private rights of way**

**22.**—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 31 (statutory undertakers) applies.

- (6) Paragraphs (1) to (3) shall have effect subject to—
  - (a) any notice given by the undertaker before—
    - (i) the completion of the acquisition of the land,

- (ii) the undertaker's appropriation of it,
- (iii) the undertaker's entry onto it, or
- (iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs shall not apply to any right of way specified in the notice; and

- (b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b)—

- (a) is made with a person in or to whom the right of way is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

### **Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

**23.—**(1) The Compulsory Purchase (Vesting Declarations) Act 1981(1) shall apply as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied, shall have effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

"(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated."

(4) In that section, in subsection (2), for "(1)(b)" there shall be substituted "(1)" and after "given" there shall be inserted "and published".

(5) In that section, for subsections (5) and (6) there shall be substituted—

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(1) 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

"(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month."

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after "publication" there shall be inserted "in a local newspaper circulating in the area in which the land is situated"; and
- (b) subsection (2) shall be omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words "(as modified by section 4 of the Acquisition of Land Act 1981)" shall be omitted.

(8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 shall be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

#### **Acquisition of subsoil only**

**24.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 18 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 26 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

#### **Acquisition of land limited to subsoil lying more than 9 metres beneath surface**

**25.** Not used

#### **Acquisition of part of certain properties**

**26.**—(1) This article shall apply instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person ("the owner") under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden ("the land subject to the notice to treat"); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the

land subject to the notice to treat which states that the owner is willing and able to sell the whole ("the land subject to the counter-notice").

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

### **Rights under or over streets**

**27.**—(1) The undertaker may enter on and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil or air-space for those purposes or any other purpose ancillary to the authorised project.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) shall not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation shall not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

### **Temporary use of land for carrying out the authorised project**

**28.**—(1) The undertaker may, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of the land specified in columns (1) and (2) of Schedule 9 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule;
- (b) remove any buildings and vegetation from that land;

- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
  - (d) construct any works specified in relation to that land in column (3) of Schedule 9, or any other mitigation works.
- (2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.
- (3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (4) of Schedule 9.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article or restore the land on which any works have been constructed under paragraph (1)(d).
- (5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.
- (6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.
- (7) Nothing in this article shall affect any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (5).
- (8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertaker shall not be precluded from—
- (a) acquiring new rights over any part of that land under article 21 (compulsory acquisition of rights); or
  - (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 24 (acquisition of subsoil only).
- (9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.
- (10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).
- (11) Nothing in this article shall prevent the taking of temporary possession more than once in relation to any land specified in Schedule 9.

### **Temporary use of land for maintaining authorised project**

**29.**—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance period", in relation to any part of the authorised project, means the period of 5 years beginning with the date on which that part of the authorised project is first opened for use.

### **Special category land**

30. Not used

### **Apparatus and rights of statutory undertakers in land acquired or used**

31.—(1) Subject to the following provisions of this paragraph and article 33, sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers etc. to remove or re-site apparatus) shall apply in relation to any land acquired under this Order, or which is held by the undertaker and is appropriated or used (or about to be used) by it for the purposes of the Order or purposes connected therewith, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential to the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by paragraph (1), references to the appropriate Minister are references to the Secretary of State.

### **Apparatus and rights of statutory undertakers in stopped-up streets**

32.—(1) Where a street is stopped up under article 9 (permanent stopping up of streets), any statutory utility whose apparatus is under, in, on, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 9, any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker shall—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker shall pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—



- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) shall be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) shall not apply where the authorised project constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and
- (b) the allowable costs shall be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

"apparatus" has the same meaning as in Part 3 of the 1991 Act;

"relocation works" means work executed, or apparatus provided, under paragraph (2); and

"statutory utility" means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(1).

### **Recovery of costs of new connections**

**33.—**(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 31 (apparatus and rights of statutory undertakers in land acquired or used) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 31, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article shall not have effect in relation to apparatus to which article 32 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

"public communications provider" has the same meaning as in section 151(1) of the Communications Act 2003; and

"public utility undertaker" has the same meaning as in the 1980 Act.

### *Miscellaneous and general*

### **Suspension of restriction on the development of Bridgwater C**

**33A—**(1) The restriction on the use of the restricted land imposed by virtue of section 33 of the Local Government (Miscellaneous Provisions) Act 1982 in the transfer dated 5<sup>th</sup> August 1993 made between (1) Sedgemoor District Council (2) EBC Developments Limited and (3) Safeway Stores Plc shall be suspended-

- (a) as from the date of acquisition of the restricted land or any part of it by the undertaker, whether compulsorily or by agreement;
- (b) on the date of entry on the restricted land or any part of it by the undertaker under section 11(1) of the 1965 Act (power of entry); or

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(1) 2003 c.21. There are amendments to this Act which are not relevant to this Order.

- (c) on appropriation of the restricted land or any part of it by the undertaker for the purposes of this Order,

whichever is the earlier, for so long as the restricted land is used by the undertaker or any other person for the purpose of the construction or use of Work 5A or for student accommodation for Bridgwater College and ancillary, subsidiary and related purposes.

(2) In this article "Bridgwater College" means the tertiary college of that name whose main address is Bath Road, Bridgwater, Somerset, TA6 4PZ.

#### **Modification of obligation under North East Bridgwater section 106 agreement**

~~—33B.— (1) Clause 4.4 of the North East Bridgwater s106 agreement shall be modified such that the following words are removed: “and prior to the removal of the Existing Playing Fields if the North Playing Fields have not yet been laid out and completed”.~~

~~—(2) Clause 4.3 of the North East Bridgwater s106 agreement shall be modified such that the following words are removed: "and prior to the removal of the Existing Playing Fields if the South Playing Fields have not yet been laid out and completed".~~

#### **Agreements relating to Bridgwater Bay Nature Reserve**

**33C.**— (1) From the effective date, ~~t~~The agreements dated 12<sup>th</sup> May 1954 and 17<sup>th</sup> January 1958 made between The Somerset River Board and The Nature Conservancy pursuant to section 16 of the National Parks and Access to Countryside Act 1949 shall cease to have effect insofar as they relate to the de-declaration land.

(2) For the purposes of paragraph (1), the ‘effective date’ is the latest date on which a court may entertain proceedings in relation to the granting of the Order by virtue of section 118(1) of the 2008 Act.

(3) For the purposes of paragraph (1), the ‘de-declaration land’ is the land shown outlined in orange, green and red on the plan certified by the Secretary of State pursuant to Article 41 for the purposes of this Article 33C. ~~in respect of which the authorised project is to be carried out.~~

#### **Railway and navigation undertakings**

34. Not used

#### **Application of landlord and tenant law**

35.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised project 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 project, 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**

**36.**—(1) 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) in respect of:

- (a) the permanent development site;
- (b) land in respect of which Work No. 1A(m) and Work No. 1B (new site access road) is authorised;
- (c) land in respect of which Work No. 1A(q) (emergency access road) is authorised;
- (d) land in respect of which Work No. 8A (a) to (h) (the refurbishment and extension of Combwich Wharf) is authorised; and
- (e) land in respect of which Work No. 8A(k) (existing access road) is authorised.

#### **Deemed consent under section 34 of the Coast Protection Act 1949**

**37.** Not used

#### **Deemed licence under Part 2 of the Food and Environment Protection Act 1985**

**38.** Not used

#### **Felling or lopping of trees**

**39.**—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or

(b) from constituting a danger to persons using the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

### **Trees subject to tree preservation orders**

**40.**—(1) The undertaker may fell or lop any tree described in Schedule 10, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1)—

(a) the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity; and

(b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.

(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.

(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

### **Certification of plans etc**

**41.**—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the decision-maker copies of—

(a) the book of reference;

(b) the land plans;

(c) the rights of way plans;

(d) the works plans; and

(f) any other plans or documents referred to in this Order,

for certification that they are true copies of the 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.

## Service of notices

**41A.**—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978<sup>(1)</sup> as it applies for the purposes of this article, the property address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having an interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

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(1) 1978 c. 30.

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
  - (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.
- (9) This article does not exclude the employment of any method of service not expressly provided for by it.
- (10) In this article “electronic transmission” means a communication transmitted—
- (a) by means of an electronic communications network; or
  - (b) by other means but while in electronic form.

### **Arbitration**

**42.** Any difference under any 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 President of the Institute of Civil Engineers.

### **Procedure in relation to certain approvals etc**

**42AA.**—(1) Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of the Order such consent, agreement or approval shall, if given, be given in writing and shall not be unreasonably withheld.

~~(2) Save for applications made pursuant to Schedule 14, if, within 28 days after the application or request has been submitted to the authority or owner, it has not notified the undertaker of its disapproval and the grounds of disapproval, it shall be deemed to have approved the application or request.~~

(2) Schedule 14 shall have effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to requirements.

### **Duration of the temporary jetty powers and closure of the harbour**

**42A.** Not used.

### **For the protection of the Environment Agency (Part 1)**

**43A.**—(1) Section 23(6) of the Land Drainage Act 1991 shall not apply to the construction of the authorised project.

(2) Any requirement for consent under the terms of the Water Resources Act 1991, the Land Drainage Act 1991 or the Wessex Water Authority Land Drainage Byelaws, shall not be removed by the authorisation of the authorised project by this Order.

(3) Schedule 15 shall have effect unless otherwise agreed with the Environment Agency.

## Procedure for discharge of requirements

43. Not used.

## PART 2

### PROVISIONS RELATING TO TEMPORARY JETTY WORKS

#### *Preliminary*

#### Interpretation

44.—(1) In this Part—

“the 1845 Act” means the Bridgwater Navigation and Quays Act 1845(1);

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(2);

“area of seaward construction activity” means the area of the sea within the Order limits shown on the works plan;

“Bridgwater Harbour Authority” means Sedgemoor District Council in its capacity under the 1845 Act as the harbour authority for the Port of Bridgwater;

“general direction” means a direction given by the undertaker under article 86C (general directions to vessels);

“harbour” means the harbour as comprised within the harbour limits to be constructed by the undertaker in pursuance of the powers conferred on them by this Order, and all other works, land, buildings, ancillary works, plant, property and conveniences connected with them, as from time to time existing within the harbour limits;

“harbour limits” has the meaning given by article 48 (limits of harbour);

“harbour master” means the person appointed as such by the undertaker and includes that person’s deputies and assistants and any other person for the time being authorised by the undertaker to act, either generally or for a specific purpose, in the capacity of harbour master;

“Harbour Master for the Port of Bridgwater” means the person appointed by Bridgwater Harbour Authority to carry out the functions of a water bailiff under section 50 of the 1845 Act and known as the Harbour Master for the Port of Bridgwater;

“the harbour undertaking” means the harbour undertaking of the undertaker as authorised from time to time;

“level of high water” means the level of mean high-water springs;

“level of low water” means the level of mean low water neaps;

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

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(1) 1845 c. lxxxix

(2) 1847 c.27. Sections 24, 94 and 95 were repealed by the Statute Law (Repeals) Act 1993 (c.50); section 26 was repealed by section 56(4) of, and Schedule II to, the Courts Act 1971 (c.23); section 28 was amended by section 141of and Schedule 11 to, the Post Office Act 1969 (c.48); sections 54, 67 and 98 were amended by section 46 of the Criminal Justice Act 1982 (c.48); section 71 was amended by S.I 1987/37; section 91 was repealed by the Statute Law Revision Act 1894 (c.56); section 93 was repealed by the Statute Law Revision Act 1875 (c.66); and section 96 was repealed by the Perjury Act 1911 (c.6), section 17. There are other amendments to the 1847 Act which are not relevant to this Order.



"material operation" has the meaning given by section 56(4) of the 1990 Act;

"ordnance datum" means the datum line or mean sea level to which all heights are referred in the Ordnance Survey;

"Port of Bridgwater" means the port known as the Port of Bridgwater comprised within the area defined as the Navigation in section 101 of the 1845 Act;

"special direction" means a direction given by the harbour master under article 86E (special directions to vessels);

"temporary jetty" means Work Nos. TJ1, TJ2 and TJ3;

"temporary jetty harbour empowerment order" means The Hinkley Point Harbour Empowerment Order 2012;

"tidal work" means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

"Trinity House" means the Corporation of Trinity House of Deptford Strond; and

"vessel" means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water.

(2) Any reference in this Part of this Order to a work identified by the letters and number of such work shall be construed as a reference to the work of those letters and number described in Part 1A of Schedule 1.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

## **Commencement of Part 2**

**44A.**—(1) Subject to paragraph (4), this Part (except for this article and article 44) shall not have effect until—

(a) the date on which a notice is served under this article by the undertaker on West Somerset District Council and the Marine Management Organisation; or

(b) one year from the relevant date,

whichever is earlier.

(2) In paragraph (1) "the relevant date" means—

(a) the date on which this Order comes into force; or

(b) where this Order becomes the subject of any statutory challenge proceedings or judicial review proceedings, the date on which any such proceedings have been finally determined,

whichever is later.

(3) For the purposes of this article—

(a) statutory challenge proceedings are finally determined—

(i) when the court has given judgement in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or

- (ii) when any appeal is finally determined; and
- (b) proceedings by way of judicial review are finally determined—
  - (i) when permission to bring a claim for judicial review has been refused and no further application can be made;
  - (ii) when the court has given judgment in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or
  - (iii) when any appeal is finally determined.

(4) In the event that the temporary jetty harbour empowerment order is quashed, this Part shall have immediate effect.

### **Duration of the temporary jetty powers**

**44B.**— (1) Save in respect of article 100B (saving for termination of Part 2) this Part shall cease to have effect on the termination date.

(2) In this article and in article 100B (saving for termination of Part 2) “the termination date” means the date appointed by the undertaker by resolution after the closure date determined under article 100A (closure of the jetty and reinstatement) and the completion of the works required by that article.

(3) Not less than 28 days before the termination date proposed to be appointed under paragraph (2) the undertaker must publish in Lloyd’s List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the undertaker appointing that date.

### **Effect of the Order on the temporary jetty harbour empowerment order**

**44C.**—(1) The undertaker shall continue to exercise jurisdiction as the harbour authority, and the powers of the harbour master shall continue to be exercisable, only in respect of so much of the harbour constituted by the temporary jetty harbour empowerment order as lies within the harbour limits referred to in article 48.

(2) The provisions of this Part shall apply instead of the provisions of the temporary jetty harbour empowerment order.

(3) Accordingly, the temporary jetty harbour empowerment order shall cease to have effect and, in particular—

- (a) the undertaker shall cease to exercise any powers under article 4 or 7 of the temporary jetty harbour empowerment order; and
- (b) all conditions imposed by the temporary jetty harbour empowerment order shall cease to have effect (in relation to things done before as well as after the date on which this Part has effect).

(4) Any development which has been carried out under the powers of article 4 or 7 of the temporary jetty harbour empowerment order shall be deemed to have been carried out pursuant to this Order (and not article 4 or 7 of the temporary jetty harbour empowerment order) and to have been subject to the requirements (and not the conditions imposed by the temporary jetty harbour empowerment order).

(5) Any byelaw made, direction given or other thing done under, or for the purposes of, a provision of the temporary jetty harbour empowerment order shall be deemed to have been made, given or done under, or for the purposes of, the corresponding provision of this Order.

~~(6) The HEO supplemental agreement and (to the extent that the reinstatement obligations contained within it relate to removing the part of the jetty reinstatement works covered by the site preparation reinstatement works) paragraph 46 of the First Schedule of the HEO bilateral agreement shall be abrogated.~~

(67) In the event that the temporary jetty harbour empowerment order is quashed—

- (a) paragraphs (1) to (6) shall cease to have effect; and
- (b) paragraph 46 of the First Schedule of the HEO bilateral agreement shall be abrogated in its entirety.

(78) In this article—

“the HEO bilateral agreement” means the agreement between NNB Generation Company Limited and West Somerset District Council dated 2<sup>nd</sup> December 2011;

“the HEO supplemental agreement” means the agreement between NNB Generation Company Limited and West Somerset District Council dated 21 March 2012;

~~“the jetty reinstatement works” has the meaning given by clause 1.1 of the HEO supplemental agreement; and~~

~~“the site preparation reinstatement works” has the meaning given by paragraph 1.1 of the First Schedule to the HEO supplemental agreement.~~

### **Incorporation of the Harbours, Docks and Piers Clauses Act 1847**

45.—(1) With the exception of sections 4, 6 to 23, 25, 27, 31, 32, 33, 36, 40 to 50, 52, 53, 59, 60 to 63, 66 to 71 and 79 to 90, 92, 97 and 99, to 102, the 1847 Act is incorporated in this Order subject to the modifications stated in paragraphs (2) and (3).

(2) Section 34 (collector may enter vessels to ascertain rates payable) shall have effect subject to the insertion after the word "may" of the words "(on production if so required, of a duly authenticated document showing his authority)".

(3) In construing the 1847 Act as so incorporated—

- (a) the expression “the special Act” means this Order;
- (b) the expressions “the Promoters of the undertaking” and “the undertakers” mean the undertaker.
- (c) the expression “the harbour, dock or pier” means the harbour;
- (d) the expressions “limits” and “prescribed limits” mean the harbour limits;
- (e) the expression “near the pier” does not extend beyond the harbour limits;
- (f) the expression “the harbour master”, in relation to the harbour, has the meaning given by article 44(1); and
- (g) the definition of “vessel” in article 44(1) shall be substituted for the definition in section 3 of the 1847 Act.

(4) All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated within this Order may be recovered summarily.

#### *Principal powers*

### **Development consent etc. for the temporary jetty works**

46.—(1) Subject to the provisions of this Order and to the requirements in Schedule 11 (requirements) attached to this Order the undertaker is granted—

(a) development consent for so much of the temporary jetty works and the temporary jetty demolition works as are development within the meaning of section 32 of the 2008 Act; and

(b) consent for the remainder of the temporary jetty works.

(2) Works Nos. TJ1, TJ2 and TJ3 shall be carried out, subject to article 46A (power to deviate), in the lines and situations shown on sheet nos. 7, 8 and 9 and in accordance with the levels shown on sheet no.10 of the works plans.

(3) The undertaker may, for the purposes of the temporary jetty works authorised by paragraph (1), remove any vegetation or other objects or materials lying within the limits of deviation for Works Nos. TJ1, TJ2 and TJ3 shown on the works plans.

#### **Power to deviate**

**46.A**—(1) In carrying out Work Nos. TJ1, TJ2 and TJ3, the undertaker may deviate vertically from the levels of the works as shown on the sections shown on the works plans to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

(2) In carrying out Works Nos. TJ1 and TJ2, the undertaker may deviate laterally from the lines or situations shown on the works plan to any extent not exceeding 5 metres in any direction.

(3) In carrying out Work No. TJ3, the undertaker may—

(a) as respects so much of the work as lies between the commencement of the work and the line showing mean high water on sheet no. 9, deviate laterally from the lines or situations shown on the works plan to any extent not exceeding the limits of deviation shown on sheet no. 9; and

(b) as respects so much of the work as lies between the line showing mean high water on sheet no. 9 and the termination of the work, deviate laterally from the lines or situations shown on sheet no. 9 to any extent not exceeding 5 metres in any direction.

#### **Further powers as to works and extinguishment of rights**

**46.B**—(1) The undertaker may, in connection with the construction of the temporary jetty works, enclose or reclaim from the foreshore and bed of the sea, and may hold and use as part of Work No. TJ1, so much of the foreshore and bed of the sea as is situated within the limits of deviation and is required for, or in connection with, the construction of those works, and thereupon any right of navigation or other public rights over that part of the sea and the foreshore shall be extinguished.

#### **Period for completion of works and termination of works powers**

**47.**—(1) If the temporary jetty works are not completed within ten years from the coming into force of this Order or such extended period as the decision-maker may on the application of the undertaker allow, then on the expiration of that period or such extended time (as the case may be) the rights by this Order granted to the undertaker for constructing and operating the works shall cease to have effect except in relation to so much of the works as have by then been commenced by the carrying out of a material operation.

(2) Nothing in paragraph (1) shall apply to any works carried out under article 49 (maintenance of temporary jetty works) or article 50 (subsidiary works).

(3) Notwithstanding paragraphs (1) and (2), on the closure date determined under article 100A | (Closure of the jetty ~~and reinstatement~~) any powers conferred on the undertaker still existing for constructing, maintaining and operating the temporary jetty shall cease to have effect, except in so

far as required for the implementation of that article and the application of the requirements relating to that article.

### **Limits of harbour**

**48.**—(1) The limits of the harbour within which the undertaker shall exercise jurisdiction as the harbour authority and within which the powers of the harbour master shall be exercisable shall be the seaward and the landward areas described in Schedule 12 to this Order, the seaward area of which is shown, for the purpose of identification only, edged by a green broken line referred to as the temporary jetty seaward harbour limits on sheet no. 6 and in the following provisions of this Order, references to the limits of the harbour shall be construed as references to the limits so described.

(2) In the event that there is any discrepancy between the description of the seaward area in Schedule 12 and the area shown on sheet no. 6, the description shall prevail.

### **Maintenance of temporary jetty works**

**49.** The undertaker may at any time maintain the temporary jetty works and from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently a work described in Part 1A of Schedule 1 (authorised project) within the limits of deviation provided for that work under article 46A (power to deviate) and may maintain and operate that work as altered, enlarged, replaced, relayed, extended or reconstructed, except to the extent that this Order provides otherwise.

### **Subsidiary works**

**50.**—(1) Subject to paragraph (3), the undertaker may from time to time within the limits of deviation for Works Nos. TJ1, TJ2 and TJ3 shown on sheets nos. 7 to 9 provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction or maintenance of or the operation of the temporary jetty, and for this purpose the undertaker may construct, maintain and operate roads, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, container handling equipment, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, catwalks, equipment, machinery and appliances and such other works and conveniences (including levelling, raising and lowering of surfaces) as may be necessary or expedient.

(2) Subject to paragraph (3), the undertaker may within the limits of deviation for Works Nos. TJ1, TJ2 and TJ3 shown on sheets nos. 7 to 9 carry out, maintain and operate such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the temporary jetty works including—

- (a) works for the accommodation or convenience of vessels (including dolphins, mooring posts, buoys and pontoons) or for the loading and unloading of goods and the embarking and landing of personnel; and
- (b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations and electrical lines.

(3) Electrical works, mechanical works or equipment constructed, maintained or used pursuant to the powers conferred by this article, shall be so constructed, maintained or used, that any electricity generated or conveyed by any such works or equipment used therein or in connection therewith does not cause interference (whether by induction or otherwise) with any telecommunications apparatus or with telecommunication by means of such apparatus.

### **Obstruction of work**

**50A.**-Any person who-

(a) intentionally obstructs any person acting under the authority of the undertaker in setting out the lines of, or in constructing, the temporary jetty works; or

(b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Benefit of Order**

**51.**Not used: Included in article 4 of Part 1.

### **Consent to transfer benefit of Order**

**52.** Not used: Included in article 5 of Part 1.

### *Streets*

#### **Street works**

**53.** Not used: Not in HEO. Included in article 8 of Part 1.

#### **Stopping up of streets**

**54.** Not used: Not in HEO. Included in article 9 of Part 1.

#### **Temporary stopping up of streets**

**55.** Not used: Not in HEO. Included in article 11 of Part 1.

#### **Access to works**

**56.**Not used: Not in HEO as such (though see Work No. 7). Included in article 12 of Part 1.

#### **Agreements with street authorities**

**57.**Not used: Not in HEO. Included in article 13 of Part 1.

#### **Public footpaths**

**58.**Not used.

### *Supplemental powers*

#### **Discharge of water**

**59.**Not used: Not in HEO. Included in article 14 of Part 1.

#### **Protective work to buildings**

**60.**Not used: Not in HEO and included as article 15 of Part 1.

### **Authority to survey and investigate the land**

61. Not used: Not in HEO. Included as article 16 of Part 1.

### **Removal of human remains**

62. Not used: Not in HEO and included as article 17 of Part 1.

### **Right to dredge**

63.—(1) The undertaker may, for the purposes of constructing, maintaining and operating the temporary jetty works and of affording access to the temporary jetty works by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels of Bridgwater Bay as lie within the harbour limits and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part 9 of the Merchant Shipping Act 1995)<sup>(1)</sup> from time to time dredged by them.

(2) No such materials shall be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Marine Management Organisation.

### **Tidal works not to be executed without approval of Secretary of State**

64. Not used.

### **Abatement of works abandoned or decayed**

65.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the undertaker at its own expense either to repair and restore that work or any part, or to remove that work and restore the site to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion of it, in any notice under this article.

(3) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice, the Secretary of State may take whatever steps the Secretary of State considers appropriate to achieve the result required by the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the undertaker.

### **Survey of tidal works**

66. If the Secretary of State considers it expedient to do so, the Secretary of State may order a survey and examination of a tidal work or of the site on which it is proposed to construct the

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(1) 1995 c.21.

work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the undertaker.

### **Lights on tidal works etc. during construction**

**67.**The undertaker shall at or near—

- (a) a tidal work, including any temporary work; or
- (b) any plant, equipment or other obstruction placed, in connection with any authorised development or any work authorised by article 50 (subsidiary works), within the area of seaward construction activity,

during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

### **Provision against danger to navigation**

**68.** In case of damage to, or destruction or decay of, a tidal work or any part of it, the undertaker shall as soon as reasonably practicable notify Trinity House and Bridgwater Harbour Authority and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

### **Permanent lights on tidal works**

**69.** After the completion of a tidal work the undertaker shall at the outer extremity of it exhibit every night from sunset to sunrise such lights, if any, and take such other steps, if any, for the prevention of danger to navigation as Trinity House may from time to time direct.

### **Rights to lease etc**

**70.**—(1) The undertaker may at any time lease or grant for the purposes of the harbour undertaking the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour undertaking for such period or periods and on such terms and conditions as may be agreed between the undertaker and the person taking the same.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the undertaker other than those specified in subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964(1).

(3) The exercise of the powers of this Order, or the carrying out of any development under permitted development rights, by any person in pursuance of a lease or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order or by virtue of any agreement or undertaking by the undertaker if those powers were exercised, or the development carried out, by the undertaker, and accordingly the provisions of this Order or of any such agreement or undertaking shall, as respects any exercise of the powers of this Order or the carrying out of any permitted development rights by the lessee or grantee, have effect (where the context so permits) as if any reference in those provisions to the undertaker included a reference to the lessee or the grantee, as the case may be.

(4) In this article “permitted development rights” means the planning permission granted by article 3 of, and Part 17 of Schedule 2 to, the 1995 Order.

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(1) 1964 c.40. Paragraph 9B was inserted by section 63 of, and paragraph 9 of Schedule 3 to, the Transport and Works Act 1992 (c.42).



*Powers of acquisition*

**Compulsory acquisition of land**

71. Not used: Included as article 18 of Part 1.

**Compulsory acquisition of land — incorporation of the mineral code**

72. Not used: Included as article 19 of Part 1.

**Time limit for exercise of authority to acquire land compulsorily**

73. Not used: Included as article 20 of Part 1.

**Compulsory acquisition of rights**

74. Not used. Included as article 21 of Part 1.

**Private rights of way**

75. Not used: Included as article 22 of Part 1.

**Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

76. Not used: Included as article 23 of Part 1.

**Acquisition of subsoil only**

77. Not used: Included as article 24 of Part 1.

**Acquisition of land limited to subsoil lying more than 9 metres beneath surface**

78. Not used: corresponding general model clause 25 not used in Part 1.

**Acquisition of part of certain properties**

79. Not used: Included as article 26 of Part 1.

**Rights under or over streets**

80. Not used: Included as article 27 of Part 1.

**Temporary use of land for carrying out the authorised project**

81. Not used: Included as article 28 of Part 1.

**Temporary use of land for maintaining authorised project**

82. Not used: Included as article 29 of Part 1.

**Special category land**

83. Not used: Corresponding general model clause 30 is not used in Part 1.

**Statutory undertakers**

84. Not used: See article 31 of Part 1.

## **Apparatus and rights of statutory undertakers in stopped up streets**

**85.** Not used: Included as article 32 of Part 1.

## **Recovery of costs of new connections**

**86.** Not used: Included as article 33 of Part 1.

### *Harbour Regulations*

#### **Byelaws**

**86A—**(1) The undertaker may from time to time make byelaws for the efficient management and regulation of the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour;
- (b) regulating the admission to, the movement within, and the departure from, the harbour of vessels, or the removal of vessels;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;
- (d) regulating the berthing and mooring of vessels within the harbour;
- (e) preventing damage or injury to any goods, vehicles, plant, machinery, property or person within the harbour;
- (f) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties;
- (g) regulating the placing and maintenance of moorings within the harbour;
- (h) preventing and removing obstructions or impediments within the harbour;
- (i) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft and other small craft;
- (j) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
- (k) regulating the launching of vessels within the harbour;
- (l) prohibiting persons in or entering the harbour, or any part of the harbour, from smoking in open spaces in the harbour;
- (m) regulating the movement and parking of vehicles within the harbour;
- (n) regulating the exercise of the powers vested in the harbour master;
- (o) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and for authorising the harbour master to take such action as may be reasonably required in default of compliance with any such condition, control or direction.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given under them, fines not exceeding level 3 on the standard scale;
- (b) relate to the whole of the harbour or to any part of the harbour;
- (c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles.

(4) Before making any byelaw to regulate vessels using the harbour, the undertaker shall first obtain approval from the Secretary of State for Defence.<sup>(1)</sup>

### **Confirmation of byelaws**

**86B.**—(1) Byelaws made by the undertaker under this Order shall not come into operation until they have been confirmed by the Secretary of State.

(2) At least one month before an application for confirmation of byelaws is made by the undertaker to the Secretary of State, notice of the intention to apply for confirmation and of the place at which and times during which a copy of the byelaws shall be open to inspection shall be published as follows—

- (a) once in the London Gazette; and
- (b) once in each of two successive weeks in a local newspaper circulating in the area in which the harbour is situated.

(3) Not later than the first date on which the notice under paragraph (2) is published, the undertaker shall send a copy of the notice to the Chief Executive Officer of West Somerset District Council, to the Harbour Master for the Port of Bridgwater and to the Secretary of State.

(4) During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws shall be kept by the undertaker at the office of the harbour master and shall at reasonable hours be open to public inspection without payment.

(5) The undertaker shall supply a copy of the byelaws or of part of the byelaws to a person who applies for it on payment of a reasonable charge.

(6) During the period of one month after completion of the publication of any notice required by paragraph (2), any person may make in writing to the Secretary of State any objection to or representation respecting the byelaws to which the notice relates.

(7) Subject to paragraph (8), the Secretary of State may confirm the byelaws in the form submitted to the Secretary of State with such modifications as the Secretary of State thinks fit or may refuse to confirm them.

(8) Where the Secretary of State proposes to make a modification that appears to the Secretary of State to be substantial the Secretary of State shall inform the undertaker and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification, and the Secretary of State shall not confirm the byelaws until such period has elapsed as the Secretary of State thinks reasonable for consideration of, and comment upon, the proposed modification by the undertaker and by other persons who have been informed of it.

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(1) Section 120(8) of the Planning Act 2008 precludes byelaws and penal provisions being included in a development consent order (“DCO”). However, that position is proposed to be changed by the Localism Bill currently before Parliament (paragraph 71 of Schedule 13) which is expected to receive Royal Assent before the end of 2011. The Localism Bill contains powers for the Secretary of State to make transitional provisions which could be exercised so as to enable pending applications for a DCO to be determined by the Secretary of State and for such DCOs to include byelaws and penal provisions. Article 86A, 86B and 86G have therefore been included in the draft DCO against the possibility that there will be power to include them in the DCO when the DCO is made. If that is not the case they will be removed from the draft DCO.

(9) A copy of the byelaws when confirmed shall be printed and deposited by the undertaker at the office of the harbour master and shall at all reasonable hours be open to public inspection without payment, and a copy of the byelaws shall on application be furnished to any person on payment of such reasonable sum as the undertaker may determine.(1)

### **General directions to vessels**

**86C**—(1) The undertaker may, after consultation with the Secretary of State for Defence, Bridgwater Harbour Authority, the Chamber of Shipping and the Royal Yachting Association in each case of an exercise of the powers, give directions for any of the following purposes—

- (a) for designating areas, routes or channels in the harbour and the approaches to the harbour which vessels are to use, or refrain from using, for movement or mooring;
- (b) for requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master to identify the vessel, its cargo and its likely time of arrival at and departure from the harbour.

(2) Directions given under paragraph (1) may apply—

- (a) to all vessels or to a class of vessels designated in the direction;
- (b) to the whole of the harbour and the approaches and channels leading to the harbour, or to a part designated in the direction; and
- (c) at all times or at times designated in the direction,

and every direction given under this article shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) Any direction given by the undertaker under this article shall not apply in relation to any part of the Port of Bridgwater.

(4) The undertaker may, after consultation with the Secretary of State for Defence, Bridgwater Harbour Authority, the Chamber of Shipping and the Royal Yachting Association, revoke or amend directions given under this article.

### **Publication of general directions**

**86D**—(1) Notice of the giving of a general direction or of any amendment or revocation of a general direction shall, except in case of emergency, be published by the undertaker as soon as practicable once in Lloyd's List newspaper or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice shall state a place at which copies of the direction or the amended direction (as the case may be) may be inspected and bought, and the price of the direction or amended direction (as the case may be).

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the undertaker considers appropriate(2).

### **Special directions to vessels**

**86E**—(1) The harbour master may give a special direction under this article—

- (a) requiring any vessel anywhere within the harbour or the approaches to the harbour to comply with a requirement made in or under a general direction;

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(1) See footnote to article 86A.

(2) See footnote to article 86A.

- (b) regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour;
- (c) for securing that vessels move only at certain times or during certain periods;
- (d) prohibiting the mooring of vessels in any particular part or parts of the harbour;
- (e) regulating or requiring the movement, mooring or unmooring of a vessel; and
- (f) regulating the manner in which within the harbour a vessel takes in or discharges (from ship to shore or shore to ship) personnel, cargo, fuel, water, ship's stores or ballast in the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) Any special direction given by the harbour master under this article shall not apply in relation to any part of the Port of Bridgwater.

(4) The harbour master may revoke or amend a special direction.

### **Master's responsibility to be unaffected**

**86F.** The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

### **Failure to comply with directions**

**86G.** The master of a vessel who fails without reasonable excuse to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.<sup>(1)</sup>

### **Enforcement of special directions**

**86H.**—(1) Without prejudice to any other remedy available to the undertaker, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master shall not do so unless, after reasonable inquiry has been made, the master of the vessel cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the undertaker from the owner of the vessel as if they were a charge of the undertaker in respect of the vessel.

### **Charges**

**86I.**—(1) The undertaker may levy charges for any services performed by it in the exercise and performance of its statutory powers and duties at the harbour.

(2) The undertaker may confer total or partial exemption from, allow rebates to or make compositions with any person with respect to, charges and may vary or extinguish any such exemption, rebate or composition.

(3) In this article "charges" means any charges other than ship, passenger and goods due.

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(1) See footnote to article 86A.

*Miscellaneous and general*

**Deemed consent under section 66 of the Marine and Coastal Access Act 2009**

87. Not used.

**Deemed licence under Part 2 of the Food and Environment Protection Act 1985**

88. Not used: Unnecessary.

**Felling or lopping of trees**

89. Not used: Included as article 39 of Part 1.

**Trees subject to tree preservation orders**

90. Not used: Included as article 40 of Part 1.

**Railway and navigation undertakings**

91. Not used.

**Application of landlord and tenant law**

92. Not used: Included as article 35 of Part 1.

**Operational land for purposes of the 1990 Act**

93. Not used: Included as article 36 of Part 1.

**Defence to proceedings in respect of statutory nuisance**

94. Not used: Included as article 7 of Part 1.

**Protection of interests**

95. Not used

**Use of temporary jetty**

95A. The undertaker shall only use the temporary jetty for the purposes of, or in connection with, the construction of nuclear energy related facilities at Hinkley Point C, Somerset.

**Saving for Trinity House**

96. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

**Crown rights**

96A.—(1) Nothing in this Part affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Part authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the Government Department having the management of that land; or
- (c) belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department without the consent in writing of that Government Department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.

### **Disapplication of regulation 73 of the Conservation of Habitats and Species Regulations 2010**

**97.**—[(1) Regulation 73 of the Conservation of Habitats and Species Regulations 2010<sup>(1)</sup> (general development orders) (“the Habitats Regulations”) shall not apply to any planning permission which relates to the works authorised by article 50 (subsidiary works) and which is granted by article 3 of the 1995 Order for the class of development described as permitted development in Part 11 of Schedule 2 to that Order.

(2) Paragraph (1) does not apply if and to the extent that those works—

- (a) do not form part of the plan and project which was subject to an appropriate assessment in accordance with regulation 61 of the Habitats Regulations (assessment of implications for European Site) in connection with the making of this Order; and
- (b) are not the subject of a further consent, permission or authorisation by a competent authority as defined in the Habitats Regulations.]

### **Application and termination of permitted development rights**

**97.A**—(1) Article 3 of, and Class B of Part 17 of Schedule 2 to, the 1995 Order (which permit certain development carried out by harbour authorities) shall not permit the undertaker to construct or erect an educational building, car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

(2) Article 3 of the 1995 Order shall not permit the undertaker to carry out the development described in Class D of Part 17 of Schedule 2 to the 1995 Order (use of land by statutory undertakers for the spreading of dredged material).

(3) In their application to development which is not authorised under this Order and is carried out on land which falls to be treated as operational land of the undertaker in respect of its undertaking by virtue of this Order and is within the harbour limits, article 3 of, and Part 17 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by the 1995 Order were subject to the requirements.

(4) Notwithstanding paragraph (3) on the closure date determined under article 100A (Closure of the jetty ~~and reinstatement~~) any planning permission granted by the 1995 Order still existing shall cease to have effect in respect of the development authorised by this Part and the other development mentioned in paragraph (1), except in so far as required for the implementation of that article and the application of the requirements relating to that article.

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(1) 2010/49.

## **For the Protection of the Environment Agency (Part 2)**

**97.B**—(1) Paragraph (2) shall have effect unless otherwise agreed with the Environment Agency.

(2) Notwithstanding article 46A (power to deviate) no part of any works falling within the descriptions set out in the following sub-paragraphs shall be constructed, carried out or installed (as the case may be) below the corresponding level above ordnance datum specified in each sub paragraph-

- (a) any soffits of the temporary jetty head comprised within, or associated with, Work No. TJ1, 10.1 metres above ordnance datum;
- (b) the surface level of the temporary jetty head at the termination of Work No. TJ1, 11.6 metres above ordnance datum; and
- (c) the temporary jetty surface elevation of the bankseat and the commencement of Work No. TJ1, 19.0 metres above ordnance datum.

## **Planning, etc. jurisdiction**

**98.** Not used.

## **Certification of plans etc**

**99.** Not used: Included as article 41 of Part 1.

## **Arbitration**

**100.** Not used: Included as article 42 of Part 1.

## **Closure of the jetty**

**100A.** - (1) Subject to paragraph (2), on or before the closure date the undertaker shall cease all operations in respect of the temporary jetty except to comply with this article, and after that date shall, as soon as reasonably practicable, dismantle, demolish and remove (so far as constructed) the whole of the temporary jetty and all tidal works associated with the temporary jetty except for—

- (a) those parts of the temporary jetty and works on the ground lying at the level of, or under the ground;
- (b) those parts of the temporary jetty or works in the sea below the level of low water lying at the level of, or under, the bed of the sea; or
- (c) any hardstanding on which any part of the temporary jetty may be constructed.

(2) Subject to paragraph (3), in this article the closure date is 31 December 2025 or such later date as the Secretary of State may on the application of the undertaker allow.

(3) If the temporary jetty is no longer required by the undertaker for the construction of Work No. 1A, the undertaker shall as soon as practicable by resolution appoint a closure date.

(4) Not less than 28 days before a closure date proposed to be appointed by resolution of the undertaker under paragraph (3), the undertaker shall publish in Lloyd's List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the undertaker appointing that date.

(5) In this article “tidal works” means so much of the temporary jetty works or works authorised by section 3 of, and Part 17 of Schedule 2 to, the 1995 Order as is in, on, under or over tidal water or tidal lands below the level of high water.



## **Saving for termination of Part 2**

**100B.** – (1) No proceedings or inquiries in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the period before this Part ceased to have effect on the termination date in accordance with article 44B, so far as relating to the harbour or any part or parts of the harbour (whether or not relating also to a part or parts of the Port of Bridgwater), including, but without prejudice to the generality of the foregoing, proceedings for an offence committed or penalty incurred, or for recovery of expenses, rates, dues, fees or charges incurred, during that period, shall be affected by this Part ceasing to have effect on the termination date, and any such proceedings or inquiries may be commenced, continued and concluded, and any decision, judgment or ruling thereon may be enforced, as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.

(2) Any period of time current in relation to any proceedings or inquiries mentioned in paragraph (1) when this Part ceases to have effect shall not be affected by its ceasing to have effect and may continue to run as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.

Schedule 1

**AUTHORISED PROJECT**

**Part 1**

**AUTHORISED DEVELOPMENT**

**HPC DEVELOPMENT SITE**

**In the District of West Somerset and the County of Somerset**

**Work No. 1A:** HPC Main Site: An electricity generating station with a nominal gross electrical capacity of 3,260 MW power by two nuclear reactor units, including the following works:

(a) Site Preparation works, including site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling, spoil screening / storage for re-use on site); provision of spoil retaining structures; deep excavations; provision and relocation of drainage infrastructure (including culverts, outfalls, balancing ponds);

(b) Establishment of site construction compounds, temporary vehicle parking, construction hoardings, perimeter enclosure, security fencing, construction related buildings, structures, plant, machinery (including concrete batching), cranes, concrete silos, construction lighting and internal haulage routes;

(c) Further to works listed at 1(a), earthworks, including spoil bunds and ground terracing to formation levels, utilities trenches, service tunnels and associated access points and surface and foul water drainage system;

(d) A nuclear reactor unit (unit 1), associated balance of plant, below ground services, ancillary buildings including:

(i) Buildings, structures and plant housing 'Nuclear Island' for Unit 1, including:

- Reactor Building;
- Fuel Building;
- Safeguard;
- Buildings;
- Nuclear Auxiliary Building;
- Access Tower;
- Fuel Building;
- Hall;
- Boron Storage;
- Radioactive Waste Storage Building;

- Radioactive Waste Process Building;
- Hot Laundry;
- Hot Workshop, Hot Warehouse, Facilities for Decontamination;
- Effluent Tanks; and
- Emergency Diesel Generator Buildings.

(ii) Buildings, structures and plant housing ‘Conventional Island’ for Unit 1, including:

- Turbine Hall and Sky Bridges;
- Non-Classified Electrical Building;
- Gas Insulated Switch Gear;
- Main Transformer;
- Unit Transformer;
- Auxiliary Transformer;
- Hydrazine and Ammonia Storage; and
- Auxiliary Feedwater Storage.

(iii) Buildings, structures and plant housing ‘Cooling Water Pumphouse and Associated Buildings’ for Unit 1, including:

- Cooling Water Pumphouse;
- Forebay;
- Outfall Pond (Surge Chamber);
- Filtering Debris Recovery Pit, including associated fish return system infrastructure;
- Fire-Fighting Water Building;

(e) A nuclear reactor unit (unit 2), associated balance of plant, below ground services, ancillary buildings including:

(i) Buildings, structures and plant housing ‘Nuclear Island’ for Unit 2, including:

- Reactor building;
- Fuel building;
- Safeguard;
- Buildings;
- Nuclear Auxiliary Building;
- Access Tower;
- Fuel Building;
- Hall;
- Boron Storage;
- Radioactive Waste Treatment Building;
- Hot Laundry;
- Hot Workshop, Hot Warehouse, Facilities for Decontamination;
- Effluent Tanks;
- Emergency Diesel Generator Buildings;

(ii) Buildings, structures and plant housing ‘Conventional Island’ for Unit

2, including:

- Turbine Hall;
- Non-Classified Electrical Building;
- Gas Insulated Switch Gear;
- Main Transformer;
- Unit Transformer;
- Auxiliary Transformer;
- Hydrazine and Ammonia Storage; and
- Auxiliary feedwater Storage.

(iii) Buildings, structures and plant housing 'Cooling Water Pumphouse and Associated Buildings' for Unit 2, including:

- Cooling Water Pumphouse;
- Forebay;
- Outfall Pond;
- Filtering Debris Recovery Pit; including associated fish return system infrastructure; and
- Fire-Fighting Water Building.

(f) Buildings, structures and plant housing 'Remaining Balance of Plant' and other plant

- Attenuation Pond;
- Demineralisation Station;
- Auxiliary Boilers,
- Hydrogen Storage,
- Oxygen Storage,
- Chemical Products Storage,
- Sewage Treatment Plant,
- Conventional Island Water Tanks; and
- Nuclear Island Water Tank.

(g) Buildings, structures and plant housing 'Fuel and Waste Storage' including:

- Interim Spent Fuel Store;
- Access Control Building; and
- Intermediate Level Waste Interim Storage Facility.

(h) Ancillary and supporting buildings, structures and plant including:

- Operational Service Centre;
- Main Control and Access Building;
- Entry Relay Building;
- Auxiliary Administration Centre;
- Medical Centre;
- EDF Site Offices;
- Meteorological Station;
- Meteorological Mast;
- Garage for Handling Facilities;
- Oil and Grease Storage and Oil Ancillary Building;

- Areva Warehouse;
- Raw Water and Potable Water Supply;
- Outage Access Control Building;
- Contaminated Tools Store (2 structures);
- Conventional Waste Storage;
- Transit Area for Very Low Level Waster and Low Level Waste;
- Vehicle search area building adjacent to the C182; and
- Service Access Buildings.

(i) Buildings and structures housing:

- Simulator Building/Training Centre; and
- Public Information Centre.

(j) National Grid Substation and associated buildings and plant;

(k) Transmission towers (pylons) and associated overhead line transmission infrastructure to provide connection to the National Grid Substation (Work No. 1A (j));

(l) Landscape works, comprising temporary and permanent works, external lighting, footpaths, maintenance buildings and car parking;

(m) Site access points, internal access roads, internal rail track, hardstanding and vehicle, motorcycle and bicycle parking areas, helipad, access roundabout;

(n) Perimeter and internal fencing, signage, secured entrance, security buildings, CCTV poles, gates, barriers and bollards;

(o) Establishment and maintenance of a sea walls and associated coastal defences, including foreshore rock armour revetments; and

(p) An emergency access road, including junction to existing highway, and Bridge over Bum Brook.

The location of the above works is shown on sheet no. 2.

**Work No. 1B**

A new access road, approximately 700m in length, and roundabout connecting to the C182, associated laying, replacement, realignment and diversions of apparatus and associated works, the location of which is shown on sheet no. 2.

**Work No. 1C**

Vehicle search area, layby and turning head, adjacent to the C182, the location of which is shown on sheet no. 2.

**HPC DEVELOPMENT SITE: COOLING WATER INFRASTRUCTURE**

**In the District of West Somerset and the County of Somerset and the territorial sea**

- Work No. 2A** A cooling water intake tunnel for seawater extraction, with an internal diameter of 6m, commencing at the Cooling Water Forebay for Unit 1 (Work 1A (d)), including earthworks and tunnelling, down to approximately 40m below Ordnance Datum as it crosses the coastline, with an upward gradient meeting the offshore vertical shafts, Work No. 2B, offshore at approximately 35m below Ordnance Datum and generally running in a north-westerly direction for a distance of approximately 3.4km, the locations of which is shown on sheet nos. 3 and 4.
- Work No. 2B** Two off-shore intake heads for seawater extraction, associated acoustic fish deterrent systems and navigational aids and vertical shafts with an internal diameter of 4.6m, including excavation and capital dredging works, commencing from Work No. 2A, located approximately 200m apart, the locations of which is shown on sheet no. 4.
- Work No. 2C** A second cooling water intake tunnel for seawater extraction, with an internal diameter of 6m, commencing at the proposed Cooling Water Forebay for Unit 2 (Work 1A (e)), including earthworks and tunnelling, down to approximately 40m below Ordnance Datum as it crosses the coastline, with an upward gradient meeting the vertical shafts, Work No. 2D, offshore at approximately 35m below Ordnance Datum and generally running in a north-westerly direction for a distance of approximately 3.5km, the locations of which is shown on sheet nos. 3 and 4.
- Work No. 2D** Two off-shore intake heads for seawater extraction, associated acoustic fish deterrent systems and navigational aids and vertical shafts with an internal diameter of 4.6m, including excavation and capital dredging works, commencing from Work No. 2C, located approximately 200m apart, the locations of which is shown on sheet no. 4.
- Work No. 2E** A cooling water outfall tunnel for seawater return, with an internal diameter of approximately 7m, commencing in the location shown on sheet no. 3, approximately 25m below Ordnance Datum at the landward end with a downward gradient meeting the vertical shafts, Work No. 2F, offshore at approximately 35m below Ordnance Datum and running in a north-westerly direction for a distance of approximately 1.8km, the location of which is shown on sheet nos. 3 and 4.
- Work No. 2F** Two off-shore outfall heads and vertical shafts for seawater return, with an internal diameter of 4.6m, commencing from Work No. 2E, including excavation and capital dredging works, located approximately 75m apart, the locations of which is shown on sheet no. 4.
- Work No. 2G** A fish return tunnel, with an internal diameter of approximately 1 m, commencing in the location shown on sheet no. 3 including earthworks and tunnelling falling to approximately 15m below Ordnance Datum at its lowest point before rising to the sea bed and meeting Work No. 2H at a point approximately 500m north of the shore, the location of which is shown on sheet no. 3.
- Work No. 2H** An off-shore sea bed fish return outfall with an internal diameter of

approximately 1m commencing from Work No. 2G, including excavations, located at the offshore terminus of work no 2G, the locations of which is shown on sheet no. 3.

## **HPC DEVELOPMENT SITE: HPC ACCOMMODATION CAMPUS**

### **In the District of West Somerset and the County of Somerset**

#### **Work No. 3**

An accommodation campus comprising the following works:

- (a) Site preparation works including construction hoardings, perimeter enclosure, ecological fencing and security; establishment of site construction compounds, construction related buildings, structures, plant, machinery and construction lighting;
- (b) Earthworks including site levelling, utilities trenches and surface water drainage system;
- (c) Campus accommodation buildings, amenity building, security buildings, associated structures and plant;
- (d) Bus stops and associated structures;
- (e) Sports pitches, WC building, associated structures and plant;
- (f) Landscape works;
- (g) Site access, internal access roads, site access from Work No. 1B, servicing yard, emergency access, hardstanding, car, motorcycle and bicycle parking areas;
- (h) CCTV poles and mountings, lighting poles and fittings;
- (i) Perimeter and internal fencing, signage, secured entrance, security building, gates and barriers; and
- (j) Demolition / removal of buildings, hard-standing areas, parking areas and below ground services; and landscape works pursuant to Work No. 1A(I).

The location of the above works is shown on sheet no. 5.

## **BRIDGWATER A**

### **In the District of Sedgemoor and the County of Somerset**

#### **Work No. 4A**

An accommodation campus comprising the following works:

- (a) Site preparation works including demolition, site clearance, construction hoardings, perimeter enclosure, ecological fencing and security; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;
- (b) Earthworks including stockpiling of spoil, remediation of the land,

utilities trenches; surface water drainage system including excavation of drainage channels;

(c) Campus accommodation buildings and associated structures and plant;

(d) Landscape works including open space; sports pitches and changing rooms;

(e) Highway works to existing site access, internal access roads, servicing yard, emergency access, hardstanding, car, bus, motorcycle and bicycle parking areas;

(f) Amenity buildings, security buildings and associated structures and plant;

(g) Bus stops and associated structures;

(h) CCTV poles and mountings, lighting poles and fittings; traffic signals and associated controls;

(i) Perimeter and internal fencing, signage, secured entrance, gates and barriers; and

(j) Demolition / removal of any relevant temporary buildings, structures, surfacing and associated post operation phase works.

The location of the above works is shown on sheet no. 12.

**Work No. 4B** Widening of the existing A39 Bath Road adjacent to Frederick Road passing north-eastward terminating west of the Trevor Road and associated landscape works, the location of which is shown on sheet no. 12.

**Work No. 4C** A new site access road commencing at A39 Bath Road and running in a north-westerly direction from the A39 Bath Road connecting into internal site roads, including physical works to close off the Frederick Road junction off A39 Bath Road, the location of which is shown on sheet no. 12.

## **BRIDGWATER C**

### **In the District of Sedgemoor and the County of Somerset**

**Work No. 5A** An accommodation campus comprising the following works:

(a) Site preparation works including construction, perimeter enclosure, ecological fencing and security; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;

(b) Earthworks including raising of ground levels, utilities trenches; surface water drainage system and landscape works;

(c) Site access from College Way, internal access roads, hardstanding and vehicle, motorcycle and bicycle parking areas;



- (d) Landscape works, including open space; sports pitch;
- (e) Campus accommodation buildings, temporary canteen facilities and associated structures and plant;
- (f) CCTV poles and mountings, lighting poles and fittings;
- (g) Perimeter and internal fencing, signage, secured entrance, gates and barriers; and
- (h) Demolition / removal of temporary canteen building and associated post operation phase works.

The location of the above works is shown on sheet no. 13.

**Work No. 5B** Bus stops and associated structures, highways works to provide layby area and associated landscape works, the location of which is shown on sheet no. 13.

## **CANNINGTON BYPASS**

### **In the District of Sedgemoor and the County of Somerset**

**Work No. 6A** A new bypass comprising the following works:

- (a) Site preparation works including construction hoardings, perimeter enclosure, ecological fencing and security, construction related buildings, structures, plant, machinery and construction lighting;
- (b) Earthworks including creation of acoustic bunds, utilities trenches, surface water drainage system including balancing ponds and landscape works, including ‘bat hop-overs’;
- (c) Access roads, tracks and hardstanding;
- (d) Toucan crossing;
- (e) Animal underpass and culverting of watercourse;
- (f) Traffic signal poles and fittings;
- (g) Lighting poles and fittings; and
- (h) Perimeter fencing, ecological fencing, animal corrals, signage, gates and barriers.

The location of the above works is shown on sheet no. 14.

**Work No. 6B** A new road (1.5km in length) commencing at the A39 roundabout and terminating at Work No. 6G, the location of which is shown on sheet no. 14.

**Work No. 6C** Improvements to A39 (245 metres in length) commencing 123 metres to the south-west and terminating 122 metres to the south-east of the A39

roundabout, the location of which is shown on sheet no. 14.

- Work No. 6D** Improvements to unnamed road (90 metres in length) commencing at Work No. 6B and terminating 90 metres to the north-east of the A39 roundabout, the location of which is shown on sheet no. 14.
- Work No. 6E** A new road (255 metres in length) commencing 380 metres from the junction of Sandy Lane and Chad's Hill and terminating at Work No. 6B, the location of which is shown on sheet no. 14.
- Work No. 6F** A new road (135 metres in length) commencing 315 metres from the junction of Chad's Hill and Sandy Lane and terminating at Work No. 6B, the location of which is shown on sheet no. 14.
- Work No. 6G** A new road (350 metres in length) commencing 108 metres from the junction of C182 (Rodway) and Straddling's Hill and terminating 345 metres from the junction of C182 (Rodway) and Park Lane, the location of which is shown on sheet no. 14.
- Work No. 6H** A new footpath (diversion of footpath BW5/8) (84 metres in length) commencing 205 metres to the west of Chad's Hill and terminating 252 metres to the west of Chad's Hill, the location of which is shown on sheet no. 14.
- Work No. 6I** A new footpath and cycleway (82 metres in length) commencing 33 metres to the west of the junction of Chad's Hill and Sandy Lane and terminating at Work No. 6B, the location of which is shown on sheet no. 14.
- Work No. 6J** A new footpath and cycleway (117 metres in length) commencing 198 metres from the junction of C182 (Rodway) and Straddling's Hill and terminating 462 metres from the junction of C182 (Rodway) and Park Lane, the location of which is shown on sheet no. 14.

## **CANNINGTON PARK AND RIDE**

### **In the District of Sedgemoor and the County of Somerset**

- Work No. 7A** A park and ride facility comprising the following works:
- (a) Site preparation works including construction, perimeter enclosure, ecological fencing and security; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;
  - (b) Earthworks including ground levelling, creation of spoil bunds; utilities trenches; surface water drainage system including detention pond; foul water drainage system including waste water treatment works; enabling works for flood relief channel; and landscape works, including the provision of ecological habitat;
  - (c) Bus stops and associated structures;

- (d) Site access junction and bridge, internal access roads and badger tunnel, hardstanding and vehicle, motorcycle and bicycle parking areas;
- (e) Amenity and security buildings, associated structures and plant;
- (f) CCTV poles and mountings, lighting poles and fittings;
- (g) Perimeter and internal fencing, pedestrian / footpath connections, ecological fencing, signage, secured entrance, gates and barriers; and
- (h) Demolition / removal of temporary buildings, structures, hard-standing areas and parking areas and associated post operation phase works.

The location of the above works is shown on sheet no. 15.

**Work No. 7B**

Widening of the existing A39 road at the proposed site access, including provision of a pedestrian island and a footway, approximately 372m in length, from the proposed site access to the A39 Roundabout, the location of which is shown on sheet no. 15.

**COMBWICH**

**In the District of Sedgemoor and the County of Somerset**

**Work No. 8A**

Combwich Wharf Refurbishment and Extension:

- (a) Site preparation works including site clearance and demolition, construction hoardings, perimeter enclosure, ecological fencing and security establishment of site construction compounds, construction related buildings, structures, plant, machinery and construction lighting;
- (b) Earthworks including retaining structures, utilities trenches and laying of utilities; surface water drainage system;
- (c) Internal access and circulation routes to connect to existing access route;
- (d) Marine works, including removal of existing structures; piling provision of a new raised berthing mattress;
- (e) Refurbishment and expansion of Combwich Wharf, abnormal loads quay, mobile crane, slipways, revetments, goods wharf and associated plant and structures; navigational lighting;
- (f) Hardstanding areas for unloading;
- (g) Landscape works, including screen planting and temporary footpath diversions; and
- (h) Perimeter acoustic and internal fencing, signage, gates and barriers.

Combwich Freight Laydown Facility:

- (i) Site preparation works comprising site clearance works, construction

hoardings and perimeter enclosure; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;

(j) Earthworks including provision of retaining walls, structures and piling; stockpiling of spoil; spoil bunds for noise attenuation, flood defence and landscape screening; utilities trenches and laying of utilities; surface water drainage system, attenuation ponds, culverts, foul water drainage systems and septic tanks;

(k) Reinforcement works and use of existing Combwich Wharf access road for construction and operation needs associated with Combwich Wharf and temporary Freight Laydown Facility; vegetation clearance and highway works at the junction with the C182 and internal access and circulation routes to connect to existing Combwich Wharf access road;

(l) Hardstanding for storage of materials and vehicle parking;

(m) CCTV poles and mountings, lighting poles and fittings;

(n) Buildings for welfare, security, office / administration; freight handling contractor compound and associated buildings and structures;

(o) Perimeter and internal fencing, signage, gates and barriers; and

(p) Demolition / removal of the freight laydown facility and associated post operation phase works.

The location of the above works is shown on sheet no.16.

**Work No. 8B**

Highway works to widen C182 at the junction with the Combwich Wharf access road the location of which is shown on sheet no. 16.

**JUNCTION 23**

**In the District of Sedgemoor and the County of Somerset**

**Work No. 9A**

A park and ride facility, a freight management facility, a consolidation facility for postal / courier deliveries and an induction centre, comprising the following works:

(a) Site preparation works including construction hoardings, perimeter enclosure, ecological fencing and security; establishment of site construction compounds, construction related buildings, structures, plant, machinery and construction lighting;

(b) Earthworks including ground levelling, creation of spoil bunds and temporary stockpiling; utilities trenches; surface water drainage system including pumping station and detention pond and attenuation system; foul water drainage system including pumping station and waste water treatment works; and improvement works to River Parrett flood defences;

(c) Internal access roads, including the realignment of the access road to the

Bridgwater Business Park;

(d) Landscape works; including the provision of ecological habitat at hardstanding and vehicle, motorcycle and bicycle parking areas;

(e) Bus stops and shelters and associated structures;

(f) Buildings including amenity / welfare, administration, security, induction centre, consolidation facility for postal / courier deliveries and associated structures and plant;

(g) CCTV poles and mountings, lighting poles and fittings;

(h) Perimeter and internal fencing, signage, secured entrance gates, barriers and ecological fencing; and

(i) Demolition / removal of any relevant buildings, structures, surfacing and associated post operation phase works;

The location of the above works is shown on sheet no. 17.

**Work No. 9B**

Realignment of western arm of A38 Dunball Roundabout and new access road running in a north-westerly direction connecting to internal site roads, revised road markings and new highways signage, the location of which is shown on sheet no. 17.

**JUNCTION 24**

**In the District of Sedgemoor and the County of Somerset**

**Work No. 10**

A park and ride facility, a freight management facility, a temporary consolidation facility for postal / courier deliveries and a temporary induction centre, comprising the following works:

(a) Site preparation works including demolition, perimeter enclosure, and security; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;

(b) Ground levelling, modifications / alterations to existing utilities; foul water system, surface water drainage system;

(c) Modifications to two existing access points from Huntworth Business Park access road, including an uncontrolled pedestrian crossing, internal access roads, hardstanding and vehicle and bicycle parking areas;

(d) Bus stops and associated structures;

(e) Modifications to existing warehouse, tray wash and vehicle maintenance building and security building; new buildings / structures to include security, temporary consolidation facility for postal / courier deliveries, associated structures and plant;

(f) CCTV poles and mountings, lighting poles and fittings;

(g) Landscape works;

(h) Perimeter and internal fencing, signage, secured entrance gates and barriers; and

(i) Demolition / removal of temporary buildings, structures and associated post operation phase works.

The location of the above works is shown on sheet no. 18.

## **WILLITON**

### **In the District of West Somerset and the County of Somerset**

**Work No. 11** A park and ride facility comprising the following works:

(a) Site preparation works including site clearance works, construction hoardings, perimeter enclosure, ecological fencing and security; establishment of site construction compounds; construction related buildings, structures, plant, machinery and construction lighting;

(b) Earthworks including creation of spoil bunds; utilities trenches; surface water drainage system including underground attenuation tank; foul water drainage systems including waste water treatment plant;

(c) Bus stops and associated structures;

(d) Hardstanding, parking area and landscape works;

(e) Amenity and security building and associated structures;

(f) CCTV poles and mountings, lighting poles and fittings;

(g) Perimeter and internal fencing, signage, gates and barriers; and

(h) Earthworks, demolition / removal of temporary buildings, structures and kerb lines.

The location of the above works is shown on sheet no. 19.

## **C182 FARRINGDON HILL LANE, HORSE CROSSING**

### **In the District of West Somerset, and the County of Somerset**

**Work No. 12** A new horse crossing of the existing C182 road at Farringdon Hill Lane comprising: site preparation works, perimeter enclosure, vegetation clearance, bridleway track, horse waiting area, and horse crossing warning signage and associated push buttons, the location of which is shown on sheet no. 20.

## **CLAYLANDS CORNER JUNCTION**

### **In the Districts of West Somerset, Sedgemoor and the County of Somerset**

**Work No. 13** An improvement of the existing C182 road and junction at Claylands Corner comprising: vegetation clearance, site preparation works, perimeter enclosure, carriageway realignment and surface treatment, associated road signage and markings and landscape works, the location of which is shown on sheet no. 21.

### **A39 NEW ROAD/B3339 SANDFORD HILL ROUNDABOUT**

#### **In the District of Sedgemoor and the County of Somerset**

**Work No. 14A** A new four arm roundabout junction with modifications to existing approach roads comprising: site preparation works, perimeter enclosure, earthworks, surface water drainage system, utilities trenches, carriageway widening and surface treatment, road lighting poles and fittings, associated road signage and markings, and landscape works, the location of which is shown on sheet no. 22.

**Work No. 14B** Realignment and widening of A39 New Road and B3339 Sandford Hill connecting to new roundabout, the location of which is shown on sheet no.22.

**Work No. 14C** Realignment and widening of A39 Quantock Road connecting to new roundabout, the location of which is shown on sheet no.22.

### **WASHFORD CROSS ROUNDABOUT**

#### **In the District of West Somerset and the County of Somerset**

**Work No. 15A** A new four arm roundabout junction with modifications to existing approach roads comprising: site preparation works, perimeter enclosure, earthworks, surface water drainage system, utilities trenches, culverting, carriageway widening and surface treatment, road lighting poles and fittings, associated road signage and markings, and landscape works, the location of which is shown on sheet no. 23.

**Work No. 15B** Realignment and widening of A39 connecting to new roundabout, the location of which is shown on sheet no. 23.

**Work No. 15C** Realignment and widening of B3190 connecting to new roundabout, the location of which is shown on sheet no. 23.

### **A38 BRISTOL ROAD/THE DROVE JUNCTION**

#### **In the District of Sedgemoor and the County of Somerset**

**Work No. 16** An improvement of the existing A38 Bristol Road comprising site preparation works, perimeter enclosure, utilities trenches, surface water drainage works, carriageway widening, footway works, road lighting poles and fittings and associated road signage and markings, the location of which is shown on sheet no. 24.

### **WYLDS ROAD/THE DROVE JUNCTION**

### **In the District of Sedgemoor and the County of Somerset**

**Work No. 17A** An improvement of the existing Wylds Road/The Drove traffic signal controlled junction comprising: site preparation works, vegetation clearance, earthworks, carriageway widening, utilities trenches, surface water drainage works, footway works, works to existing and new traffic islands, modifications to traffic signals and associated controls, road lighting poles and fittings and associated road signage and markings, the location of which is shown on sheet no. 25.

**Work No. 17B** A new left turn slip lane connecting Western Way and Wylds Road, the location of which is shown on sheet no. 25.

### **A39 BROADWAY/A38 TAUNTON ROAD JUNCTION**

#### **In the District of Sedgemoor and the County of Somerset**

**Work No. 18** An improvement of the existing A39 Broadway/A38 Taunton Road traffic signal controlled junction comprising: site preparation works, carriageway widening and surface treatment, utilities trenches, surface water drainage works, footway works, works to existing and new traffic islands, modifications to traffic signals and associated controls, road lighting poles and fittings and associated road signage and markings, the location of which is shown on sheet no. 26.

### **M5 JUNCTION 23 ROUNDABOUT**

#### **In the District of Sedgemoor and the County of Somerset**

**Work No. 19** An improvement of the existing M5 Junction 23 roundabout along with associated approach roads and motorway slip roads comprising: site preparation works, perimeter enclosure, earthworks, surface water drainage works, utilities trenches, carriageway widening and surface treatment, footway works, road lighting poles and fittings, traffic signals and associated controls and associated road signage and markings, the location of which is shown on sheet no. 27.

### **CANNINGTON TRAFFIC CALMING MEASURES**

#### **In the District of Sedgemoor and the County of Somerset**

**Work No. 20** Improvements to High Street, Fore Street, Rodway and Brook Street comprising: site preparation works, perimeter enclosure, surface water drainage works, carriageway narrowing and surface treatment, footway works, new and improved pedestrian facilities, speed reduction measures and associated roads signage and markings, the location of which is shown on sheet no. 28.

### **A38 BRISTOL ROAD/WYLDs ROAD JUNCTION**

#### **In the District of Sedgemoor and the County of Somerset**



**Work No. 21** An improvement of the existing A38 Bristol Road and junction with Wylds Road comprising site preparation works, perimeter enclosure, carriageway widening, footway works, surface water drainage works, road lighting poles and fittings and associated road signage and markings, the location of which is shown on sheet no. 29.

## **HUNTWORTH ROUNDABOUT**

### **In the District of Sedgemoor and the County of Somerset**

**Work No. 22** An improvement of A38 Huntworth Roundabout entry from Huntworth Business Park comprising: vegetation clearance, site preparation works, perimeter enclosure, surface water drainage works, carriageway widening and surface treatment, footway works and modifications to traffic island and associated road signage and markings, the location of which is shown on sheet no. 30.

## **Part 1A**

### **TEMPORARY JETTY WORKS**

#### **In the District of West Somerset and the County of Somerset and the territorial sea**

**Work No. TJ1** A jetty of open piled construction including an elevated roadway and comprising a concrete deck supported on steel tubular piles commencing at a point at ST1953846080 and extending in a north westerly direction into Bridgwater Bay for a distance of 506 metres and terminating at a point at ST1928546519 and the location of which is shown on sheet no. 7 and the sections of which are shown on sheet no. 10.

**Work No. TJ2** A covered conveyor for transporting aggregates installed on Work No. 1 commencing at a point at ST1968845829 and extending in a north westerly direction for a distance of 788 metres and terminating at a point at ST1931146515 and the location of which is shown on sheet no. 8 and the sections of which are shown on sheet no. 10.

**Work No. TJ3** A pipeline for transporting cement and cement replacement products installed on Work No. 1 commencing at a point at ST1968846053 and extending generally in a north westerly direction for a distance of 655 metres and terminating at a point at ST1929246510 and the location of which is shown on sheet no. 9 and the sections of which are shown on sheet no. 10.

**Work No. TJ0** Demolition and removal of Work Nos. TJ1, TJ2 and TJ3 shown on sheet nos. 7, 8 and 9 and associated restoration work.

## **Part 2**

### **APPROVED PLANS**

**HPC DEVELOPMENT SITE**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
<b><i>HPC Permanent Development Site</i></b>				
<b>Site Plans</b>				
HINK-A1-SL-00-GA-002	01	HPC Site Parameter Plan	1:1000	A0
HINK-A1-SL-00-GA-010	01	Site Layout Plan (Operational)	1:2500	A1
<b><i>Nuclear Island (Unit 1)</i></b>				
<b>Unit 1: Reactor Bldg / Fuel Bldg / Fuel Bldg Hall / Boron Storage / Safeguard Bldgs / Nuclear Auxiliary Bldg / Access Tower</b>				
HINK-A2-HR-01-GP-090	01	Roof Plan	1:200	A0
HINK-A2-HR-01-GE-001	01	South & West Elevations	1:200	A0
HINK-A2-HR-01-GE-002	01	North & East Elevations	1:200	A0
HINK-A2-HR-01-DT-001	01	Part Elevation Detail	1:50	A0
<b>Radioactive Waste Storage / Radioactive Waste Process Building</b>				
HINK-A2-HQ-00-GA-001	01	Roof Plan & Elevations	1:200	A0
HINK-A2-HQ-00-DT-001	01	Part Elevation Detail	1:50	A0
<b>Hot Laundry / Hot workshop / Hot warehouse / Facilities for Decontamination / Effluent Tanks</b>				
HINK-A2-HV-00-GP-020	01	Roof Plan	1:200	A1
HINK-A2-HV-00-GE-001	01	Elevations	1:200	A1
HINK-A2-HV-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Emergency Diesel Generator – A</b>				
HINK-A2-HD-01-GP-040	01	Roof Plan	1:200	A1
HINK-A2-HD-01-GE-001	01	Elevations	1:200	A1
HINK-A2-HD-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Emergency Diesel Generator – B</b>				
HINK-A2-HD-02-GP-040	01	Roof Plan	1:200	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A2-HD-02-GE-001	01	Elevations	1:200	A1
HINK-A2-HD-02-DT-001	01	Part Elevation Detail	1:50	A1
<b><i>Nuclear Island (Unit 2)</i></b>				
<b>Unit 2: Reactor Bldg / Fuel Bldg / Fuel Bldg Hall / Boron Storage / Safeguard Bldgs / Nuclear Auxiliary Bldg / Access Tower</b>				
HINK-A2-HR-02-GP-090	01	Roof Plan	1:200	A0
HINK-A2-HR-02-GE-001	01	South & West Elevations	1:200	A0
HINK-A2-HR-02-GE-002	01	North & East Elevations	1:200	A0
HINK-A2-HR-02-DT-001	01	Part Elevation Detail	1:50	A0
<b>Radioactive Waste Treatment Building</b>				
HINK-A2-HQC-00-GP-040	01	Roof Plan	1:100	A1
HINK-A2-HQC-00-GE-001	01	Elevations	1:100	A1
HINK-A2-HQC-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Emergency Diesel Generator – C</b>				
HINK-A2-HD-03-GP-040	01	Roof Plan	1:200	A1
HINK-A2-HD-03-GE-001	01	Elevations	1:200	A1
HINK-A2-HD-03-DT-001	01	Part Elevation Detail	1:50	A1
<b>Emergency Diesel Generator – D</b>				
HINK-A2-HD-04-GP-040	01	Roof Plan	1:200	A1
HINK-A2-HD-04-GE-001	01	Elevations	1:200	A1
HINK-A2-HD-04-DT-001	01	Part Elevation Detail	1:50	A1
<b><i>Conventional Island (Unit 1)</i></b>				
<b>Unit 1: Turbine Hall</b>				
HINK-A1-HM-01-GA-006	01	Roof Plan, North & South Elevations	1:200	A0
HINK-A1-HM-01-GE-001	01	West & East Elevations	1:200	A0
HINK-A1-HM-01-DT-001	01	Part Elevation Detail	1:50	A0

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
<b>Unit 1: Sky Bridges</b>				
HINK-A1-BR-01-GP-010	01	Roof Plan	1:100	A1
HINK-A1-BR-01-GE-001	01	North & South Elevations	1:100	A1
HINK-A1-BR-01-GE-002	01	East & West Elevations	1:100	A1
HINK-A1-BR-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 1: Non Classified Electrical Building</b>				
HINK-A2-HF-01-GP-030	01	Roof Plan (Lev 10.70m)	1:100	A1
HINK-A2-HF-01-GE-001	01	South Elevation	1:100	A1
HINK-A2-HF-01-GE-002	01	North & East Elevations	1:100	A1
HINK-A2-HF-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 1: Gas Insulated Switch Gear / Main Transformer / Unit Transformer / Auxiliary Transformer</b>				
HINK-A2-HT-01-GP-003	01	Roof	1:200	A1
HINK-A2-HT-01-GE-001	01	Elevations	1:200	A1
HINK-A2-HT-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 1: Hydrazine &amp; Ammonia Storage</b>				
HINK-A2-SIR-01-GA-001	01	Roof Plan & Elevations	1:100	A1
<b>Unit 1: Auxiliary Feedwater Storage</b>				
HINK-A2-HSB-01-GA-001	01	Plan, Section A:A & East and South Elevations	1:100	A1
<b>Conventional Island (Unit 2)</b>				
<b>Unit 2: Turbine Hall</b>				
HINK-A1-HM-02-GA-006	01	Roof Plan, North & South Elevations	1:200	A0
HINK-A1-HM-02-GE-001	01	West & East Elevations	1:200	A0
HINK-A1-HM-02-DT-001	01	Part Elevation Detail	1:50	A0
Unit 2: Sky Bridges				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A1-BR-02-GP-010	01	Roof Plan	1:100	A1
HINK-A1-BR-02-GE-001	01	North & South Elevations	1:100	A1
HINK-A1-BR-02-GE-002	01	East & West Elevations	1:100	A1
HINK-A1-BR-02-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 2: Non Classified Electrical Building</b>				
HINK-A2-HF-02-GP-030	01	Roof Plan (Lev 10.70m)	1:100	A1
HINK-A2-HF-02-GE-001	01	South Elevation	1:100	A1
HINK-A2-HF-02-GE-002	01	North & West Elevations	1:100	A1
HINK-A2-HF-02-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 2: Gas Insulated Switch Gear / Main Transformer / Unit Transformer / Auxiliary Transformer</b>				
HINK-A2-HT-02-GP-003	01	Roof	1:200	A1
HINK-A2-HT-02-GE-001	01	Elevations	1:200	A1
HINK-A2-HT-02-DT-001	01	Part Elevation Detail	1:50	A1
<b>Unit 2: Hydrazine &amp; Ammonia Storage</b>				
HINK-A2-SIR-02-GA-001	01	Roof Plan & Elevations		
<b>Unit 2: Auxiliary Feedwater Storage</b>				
HINK-A2-HSB-02-GA-001	01	Plan, Section A:A & East and South Elevations	1:100	A1
<b>Operations</b>				
<b>Operational Service Centre</b>				
HINK-A1-HB-00-GP-090	01	Roof Plan	1:200	A1
HINK-A1-HB-00-GE-001	01	North & South Elevations	1:200	A1
HINK-A1-HB-00-GE-002	01	East & West Elevations	1:200	A1
HINK-A1-HB-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Cooling Water Pumphouse &amp; Associated Buildings (Unit 1)</b>				
<b>Unit 1: Cooling Water Pumphouse / Forebay / Outfall Pond (Surge Chamber) / Filtering</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
<b>Debris Recovery Pit</b>				
HINK-A2-HP-01-GP-030	01	Roof Plan	1:200	A0
HINK-A2-HP-01-GE-001	01	Elevations	1:200	A0
HINK-A2-HP-01-DT-001	01	Part Elevation Detail	1:50	A0
<b>Unit 1: Fire-Fighting Water Building</b>				
HINK-A2-HOJ-01-GA-003	01	Roof Plan & Elevations	1:200	A1
HINK-A2-HOJ-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Cooling Water Pumphouse &amp; Associated Buildings (Unit 2)</b>				
<b>Unit 2: Cooling Water Pumphouse / Forebay / Outfall Pond (Surge Chamber) / Filtering Debris Recovery Pit</b>				
HINK-A2-HP-02-GP-030	01	Roof Plan	1:200	A0
HINK-A2-HP-02-GE-001	01	Elevations	1:200	A0
HINK-A2-HP-02-DT-001	01	Part Elevation Detail	1:50	A0
<b>Unit 2: Fire-Fighting Water Building</b>				
HINK-A2-HOJ-02-GA-003	01	Roof Plan & Elevations	1:200	A1
HINK-A2-HOJ-02-DT-001	01	Part Elevation Detail	1:50	A1
<b>Remaining Balance of Plant and Other Plant (Unit 1)</b>				
<b>Unit 1: Hydrogen Storage</b>				
HINK-A2-HZH-01-GA-002	01	Roof Plan & Elevations	1:100	A1
<b>Unit 1: Oxygen Storage</b>				
HINK-A2-HZO-01-GA-002	01	Roof Plan & Elevations	1:100	A1
<b>Remaining Balance of Plant and Other Plant (Unit 2)</b>				
<b>Unit 2: Hydrogen Storage</b>				
HINK-A2-HZH-02-GP-010	01	Roof Plan	1:100	A1
HINK-A2-HZH-02-GE-001	01	Elevations	1:100	A1
<b>Unit 2: Oxygen Storage</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A2-HZO-02-GA-002	01	Roof Plan & Elevations	1:100	A1
<b><i>Remaining Balance of Plant and Other Plant (Shared Between both Units)</i></b>				
<b>Attenuation Pond</b>				
HINK-A2-01-HXO-00-GA-001	01	Roof Plan & Elevations	1:200	A1
<b>Demineralisation Station</b>				
HINK-A2-HY-00-GP-030	01	Roof Plan	1:100	A1
HINK-A2-HY-00-GE-001	01	North & South Elevations	1:100	A1
HINK-A2-HY-00-GE-002	01	East & West Elevations	1:100	A1
HINK-A2-HY-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Auxiliary Boilers</b>				
HINK-A2-HVB-00-GA-004	01	Roof Plan	1:100	A1
HINK-A2-HVB-00-GE-001	01	Elevations	1:100	A1
HINK-A2-HVB-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Chemical Products Storage</b>				
HINK-A2-HZC-00-GA-001	01	Roof Plan & Elevations	1:100	A1
HINK-A2-HZC-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Sewage Treatment Plant</b>				
HINK-A2-STP-00-GA-001	01	Plans & Elevations	1:100	A1
<b>Conventional Island Water Storage Tank – A</b>				
HINK-A2-SER-01-GA-002	01	Roof Plan & East Elevation	1:200	A1
<b>Conventional Island Water Storage Tank – B</b>				
HINK-A2-SER-02-GA-002	01	Roof Plan & East Elevation	1:200	A1
<b>Nuclear Island Water Storage Tank</b>				
HINK-A2-SED-00-GA-002	01	Roof Plan & South and East Elevations	1:100	A1
<b>Fuel Waste and Storage</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
<b>Interim Spent Fuel Store</b>				
HINK-A2-HHK-00-GP-000	01	Plan	1:200	A0
HINK-A2-HHK-00-GE-001	01	North & South Elevations	1:200	A0
HINK-A2-HHK-00-GE-002	01	East & West Elevations	1:200	A0
<b>Access Control Building</b>				
HINK-A2-HUD-00-GA-001	01	Plan & Elevations	1:100	A1
<b>Intermediate Level Waste Interim Storage Facility</b>				
HINK-A2-HHI-00-GA-002	01	Roof Plan & Elevations	1:200	A0
HINK-A2-HHI-00-DT-001	01	Part Elevation Detail	1:50	A0
<i>Ancillary, Office &amp; Storage</i>				
<b>Main Access Control Building</b>				
HINK-A2-HU-00-GP-010	01	Roof Plan	1:100	A1
HINK-A2-HU-00-GE-001	01	Elevations	1:100	A1
HINK-A2-HU-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Entry Relay Building</b>				
HINK-A2-ERB-00-GA-002	01	Roof Plan & Elevations	1:100	A1
HINK-A2-ERB-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Off-site Vehicle Search Area</b>				
HINK-A2-VSA-00-GA-001	01	Roof Plan & Elevations	1:50	A1
<b>Auxiliary Administration Centre</b>				
HINK-A2-HUC-00-GP-020	01	Roof Plan	1:100	A1
HINK-A2-HUC-00-GE-001	01	North & South Elevations	1:100	A1
HINK-A2-HUC-00-GE-002	01	East & West Elevations	1:100	A1
HINK-A2-HUC-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Medical Centre</b>				
HINK-A2-HBM-00-GP-010	01	Roof Plan	1:100	A1



<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A2-HBM-00-GE-001	01	External Elevations	1:100	A1
HINK-A2-HBM-00-GE-002	01	Courtyard Elevations	1:100	A1
HINK-A2-HBM-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>EDF Site Offices</b>				
HINK-A2-HAO-00-GP-020	01	Roof Plan	1:200	A1
HINK-A2-HAO-00-GE-001	01	Elevations	1:200	A1
HINK-A2-HAO-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Garage for Handling Facilities</b>				
HINK-A2-HBG-00-GP-010	01	Roof Plan	1:100	A1
HINK-A2-HBG-00-GE-001	01	Elevations	1:100	A1
HINK-A2-HBG-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Oil and Grease Storage + Oil Ancillary Building</b>				
HINK-A2-HOG-00-GA-002	01	Roof Plan	1:100	A1
HINK-A2-HOG-00-GE-001	01	North & South Elevations	1:100	A1
HINK-A2-HOG-00-GE-002	01	East & West Elevations	1:100	A1
HINK-A2-HOG-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>AREVA Warehouse</b>				
HINK-A2-HBW-00-GP-010	01	Roof Plan	1:200	A1
HINK-A2-HBW-00-GE-001	01	Elevations	1:200	A1
HINK-A2-HBW-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Meteorological Station</b>				
HINK-A2-HSM-00-GA-002	01	Roof Plan & Elevations	1:50	A1
<b>Outage Access Control Building</b>				
HINK-A2-TU1-00-GA-002	01	Roof Plan & Elevations	1:100	A1
HINK-A2-TU1-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Contaminated Tools Storage 1</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A2-HHC-01-GA-002	01	Roof Plan & Elevations	1:200	A1
HINK-A2-HHC-01-DT-001	01	Part Elevation Detail	1:50	A1
<b>Contaminated Tools Storage 2</b>				
HINK-A2-HHC-02-GA-002	01	Roof Plan & Elevations	1:200	A1
HINK-A2-HHC-02-DT-001	01	Part Elevation Detail	1:50	A1
<b>Conventional Waste Storage</b>				
HINK-A2-CWS-00-GA-002	01	Roof Plan & Elevations	1:200	A1
<b>Transit Area for Very Low Level Waste and Low Level Waste</b>				
HINK-A2-HHL-00-GE-001	01	Elevations	1:100	A1
<b>Public &amp; Training</b>				
<b>Simulator Building / Training Centre</b>				
HINK-A1-HBS-00-GP-020	01	Roof Plan	1:200	A1
HINK-A1-HBS-00-GE-001	01	Elevations	1:200	A1
HINK-A1-HBS-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>Public Information Centre</b>				
HINK-A1-PIC-00-GP-040	01	Roof Plan	1:100	A1
HINK-A1-PIC-00-GE-001	01	North & West Elevations	1:100	A1
HINK-A1-PIC-00-GE-002	01	South & East Elevations	1:100	A1
HINK-A1-PIC-00-DT-001	01	Part Elevation Detail	1:50	A1
<b>National Grid Substation</b>				
HINK-A2-SS-00-GP-010	01	Roof Plan	1:200	A0
HINK-A2-SS-00-GE-001	01	Elevations	1:200	A0
HINK-A2-SS-00-DT-001	01	Part Elevation Detail	1:50	A0
<b>Other Site Structures</b>				
<b>Sea Wall (Incorporating Coastal Footpath)</b>				
HINK-A2-HSW-00-GA-001	01	Plans	1:500	A0

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HINK-A2-HSW-00-GA-002	01	North Elevation	1:50	A0
HINK-A2-HSW-00-GA-003	01	Detail Plans & Elevations	1:50	A0
HINK-A2-HSW-00-GA-004	01	Detail Plan & Elevation	1:100	A0
<b>EDF Energy Pylons</b>				
HINK-A1-PL-00-GA-001	01	Location Plan, Plans, Elevations & Axonometric	Various	A1
<b>Highways Plans</b>				
HPC-GEN124-R1-RFC-DRW-000045	01	Northern Roundabout Proposed Layout	1:500	A1
HPC-GEN124-R1-RFC-DRW-000046	01	Vehicle Search Area Layby and Turning Head Proposed Layout	1:250	A1
HPC-GEN124-R1-RFC-DRW-000047	01	Southern Roundabout Proposed Layout During Operation	1:500	A1
HPC-GEN124-R1-RFC-DRW-000048	01	Southern Roundabout Proposed Layout During Construction	1:500	A1
HPC-GEN124-R1-RFC-DRW-000049	01	Emergency Access Road Junction with Existing Highway Proposed Layout	1:250	A1
<b>Site Preparation Plans</b>				
HPCSPW002a Rev1	01	Site Layout Plan	1:3500	A1
HPCSPW002b	00	Beach Access Road Plan and Cross Sections	1:250/1:50	A1
HPCSPW004 Rev1	01	Planning Application Fencing Arrangement (Sheet 1 of 3)	1:3500	A1
HPCSPW005 Rev1	01	Fencing Enlarged Detail West (Sheet 2 of 3)	1:1500	A1
HPCSPW006 Rev1	01	Fencing Enlarged Detail East (Sheet 3 of 3)	1:1500	A1
HPCSPW007 Rev1	01	Indicative Earthworks Cut and Fill Arrangement	1:3500	A1
HPCSPW008	00	Early Works Water Management Zone (Q1 2011)	1:2500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
		Approx)		
HPCSP009 Rev1	01	Surface Water Catchment Area Overall General Arrangement	1:3000	A1
HPCSPW010	00	Arrangement of Construction Drainage Outfall to Foreshore	1:75	A1
HPCSPW011 Rev1	01	Surface Water Drainage Holford Stream Culvert	1:1500/1:150	A1
HPCSPW012a	00	Deep Water Drainage Arrangement	1:2000/1:100	A1
HPCSPW012b	00	Deep Water Arrangement Spine Drain Sections A & B	1:200	A1
HPCSPW012c	00	Deep Water Assessment Spine Drain Sections C	1:200	A1
HPCSPW013b	00	Typical Cross Section Through Haul Road	1:50	A1
HPCSPW014	00	11kv Sub Station Plan & Elevations	1:100	A1
HPCSPW015	00	Raw Water Reservoir Plans & Sections	1:150	A1
HPCSPW016 Rev1	01	Surface Water Drainage in the Built Development Areas	1:1750	A1
HPCSPW017	00	Site Access Control Arrangement, Floor & Elevation	1:50	A1
HPCSPW019 Rev1	01	Landscape Proposal Plan	1:5000	A1
HPCSPW022	00	Proposed Sewage Treatment Plant – Plans & Sections	1:100	A1
HPCSPW023a	00	Existing & Reinstated Ground Level Cross Sections	1:2500/ 1:500	A1
HPCSPW023b	00	Earthworks Platforms Cross Sections	1:2500/ 1:500	A1
HPCSPW025a Rev2	02	Tree & Hedgerow Retention & Removal	1:4000	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper Size</i>
HPCSPW025b Rev1	01	Proposed Advanced Planting, Plan	1:1000	A1
HPCSPW026	00	Primary and Secondary Access Tracks	1:3500	A1
HPCSPW027	00	NW Boundary Mitigation During Construction Cross Sections A and B	1:200	A1
HPCSPW028	00	NW Boundary Mitigation During Construction Cross Sections C and D	1:200	A1
HPCSPW029	00	NW Boundary Mitigation During Construction Planting Plan	1:750	A1

#### **HPC ACCOMMODATION CAMPUS**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
810201	01	Proposed Site Layout Plan	1:500	A1
810203	01	Proposed Ground Floor Plan (1 of 4)	1:200	A0
810204	01	Proposed Ground Floor Plan (2 of 4)	1:200	A0
810205	01	Proposed Ground Floor Plan (3 of 4)	1:200	A0
810206	01	Proposed Ground Floor Plan (4 of 4)	1:200	A0
810209	01	Proposed Site Boundary Elevations East and South	1:200	A0
810210	01	Proposed Site Boundary Elevations West and North	1:200	A0
810213	01	Proposed Internal Street Elevations	1:200	A0
810302	01	Typical Accommodation Building (Blocks 1-15) Proposed Elevations	1:100	A1
810326	01	Amenity Building Proposed Elevations	1:100	A1
810340	01	Security Building Proposed Floor Plans,	1:100	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
		Sections and Elevations		
810342	01	Toilet Building Proposed Floor Plans, Sections and Elevations	1:50	A1
810350	01	Sewage Plant and Services Structure Proposed Plan, Sections and Elevations	1:100	A1
810351	01	Domestic Water and Fire Hydrant Compound Proposed Plan, Sections and Elevations	1:100	A1
810353	01	Air Source Heat Pump Compounds Proposed Floor Plans, Sections and Elevations	1:50	A1
810354	01	Packaged Substation Compound and Amenity Air Source Heat Pump Proposed Floor Plans, Sections and Elevations	1:50	A1
500103	01	Proposed Hard and Soft Landscape Works During Operation	1:500	A0
001001	01	Proposed Highway Works General Arrangement Plan	1:500	A1
001101	01	Proposed Highway Works Finished Levels Plan	1:500	A1
005001	02	Proposed Highway Works Drainage Plan	1:500	A1
007001	02	Proposed Highways Works Surface Finishes Plan	1:500	A1
520003	01	Proposed Drainage Layout	1:100	A1

## **BRIDGWATER A**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
820201	01	Proposed Site Layout	1:1000	A1
820202	01	Proposed Ground Floor Plan (1 of 6)	1:200	A0
820203	01	Proposed Ground Floor Plan (2 of 6)	1:200	A0
820204	01	Proposed Ground Floor Plan (3 of 6)	1:200	A0
820205	01	Proposed Ground Floor Plan (4 of 6)	1:200	A0

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
820206	01	Proposed Ground Floor Plan (5 of 6)	1:200	A0
820207	01	Proposed Ground Floor Plan (6 of 6)	1:200	A0
820212	01	Proposed North Boundary Elevation	1:200	A0
820213	01	Proposed East Boundary Elevation	1:200	A0
820214	01	Proposed South East Boundary Elevation	1:200	A0
820215	01	Proposed West Boundary Elevation	1:200	A0
820231	01	Proposed Internal Street Elevation BB	1:200	A0
820233	01	Proposed Internal Street Elevation EE	1:200	A0
820234	01	Proposed Internal Street Elevations FF and GG	1:200	A0
820235	01	Proposed Internal Street Elevations Blocks B, C and D	1:200	A0
820236	01	Proposed Internal Street Elevations Block A	1:200	A0
820302	01	Typical Accommodation Building Proposed Elevations	1:100	A1
820332	01	Amenity Building Proposed Elevations (1 of 2)	1:100	A0
820333	01	Amenity Building Proposed Elevations (2 of 2)	1:100	A0
820342	01	Changing Rooms Proposed Sections and Elevations	1:100	A1
820350	01	Security Building Plans, Sections and Elevations	1:100	A1
820360	01	Domestic Water and Fire Hydrant Compound Proposed Floor Plan, Sections and Elevations	1:100	A1
820363	01	Air Source Heat Pump Compound Proposed Floor and Roof Plans, Sections and Elevations	1:50	A1
820364	01	Electrical Transformer Compounds Proposed Floor and Roof Plans,	1:50	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
		Sections and Elevations		
500108	01	Tree and Hedgerow Retention and Removal Plan	1:1000	A1
500106	01	Proposed Hard and Soft Landscape Works During Operation	1:1000	A1
001001	01	Proposed Highways General Arrangement	1:500	A1
001101	01	Proposed Highway Finished Levels	1:500	A1
005001	01	Existing and Proposed Highways Drainage	1:500	A1
007001	01	Proposed Highways Surface Finishes	1:500	A1
013001	01	Proposed Highways Street Lighting	1:500	A1
520002	01	Existing and Proposed Surface Water Drainage	1:1000	A1

### **BRIDGWATER C**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
830200	01	Proposed Site Layout	1:500	A1
830201	01	Proposed Ground Floor Plan	1:200	A0
830203	01	Proposed Site Boundary Elevations	1:200	A0
830210	01	Internal Street Elevation	1:200	A0
830208	01	Site Entrance Layout	1:100	A1
830302	01	Accommodation Building A1 Proposed Elevations	1:100	A1
830308	01	Accommodation Building A2, A3 and A4 Proposed Elevations	1:100	A1
830323	01	Southern Plant Enclosure Proposed Sections and Elevations	1:100	A1
500100	01	Tree and Hedgerow Retention and Removal Plan	1:500	A1



<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
500103	01	Proposed Hard and Soft Landscape Works During Operation	1:500	A1
001001	01	Proposed Highways General Arrangement Plan	1:500	A1
001101	01	Proposed Highways Finished Levels	1:500	A1
005001	01	Proposed Highway Drainage	1:500	A1
007001	01	Proposed Highway Surface Finishes	1:500	A1
520002	01	Existing and Proposed Surface Water Drainage	1:500	A1

### **CANNINGTON BYPASS**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
000101	02	Proposed Site Layout	1:2500	A1
001001	02	Proposed Detailed Site Layout (1 of 6)	1:500	A1
001002	01	Proposed Detailed Site Layout (2 of 6)	1:500	A1
001003	01	Proposed Detailed Site Layout (3 of 6)	1:500	A1
001004	01	Proposed Detailed Site Layout (4 of 6)	1:500	A1
001005	01	Proposed Detailed Site Layout (5 of 6)	1:500	A1
001006	01	Proposed Detailed Site Layout (6 of 6)	1:500	A1
001101	01	Proposed Finished Levels (1 of 6)	1:500	A1
001102	01	Proposed Finished Levels (2 of 6)	1:500	A1
001103	01	Proposed Finished Levels (3 of 6)	1:500	A1
001104	01	Proposed Finished Levels (4 of 6)	1:500	A1
001105	01	Proposed Finished Levels (5 of 6)	1:500	A1
001106	01	Proposed Finished Levels (6 of 6)	1:500	A1
005001	02	Proposed Drainage (1 of 6)	1:500	A1
005002	01	Proposed Drainage (2 of 6)	1:500	A1
005003	01	Proposed Drainage (3 of 6)	1:500	A1
005004	01	Proposed Drainage (4 of 6)	1:500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
005005	01	Proposed Drainage (5 of 6)	1:500	A1
005006	01	Proposed Drainage (6 of 6)	1:500	A1
007001	01	Proposed Pavement Finishes (1 of 6)	1:500	A1
007002	01	Proposed Pavement Finishes (2 of 6)	1:500	A1
007003	01	Proposed Pavement Finishes (3 of 6)	1:500	A1
007004	01	Proposed Pavement Finishes (4 of 6)	1:500	A1
007005	01	Proposed Pavement Finishes (5 of 6)	1:500	A1
007006	01	Proposed Pavement Finishes (6 of 6)	1:500	A1
010101	01	Proposed Plan and Profile	1:500/ 1:2500	A1
010201	01	Proposed Cross Sections (1 of 2)	1:200	A1
010202	01	Proposed Cross Sections (2 of 2)	1:200	A1
017001	01	Proposed Highway Structures (1 of 2)	1:100/ 1:200/ 1:500	A1
017002	02	Proposed Highway Structures (2 of 2)	1:100/ 1:200	A1
500129	02	Detailed Landscape Plan (1 of 6)	1:500	A1
500130	01	Detailed Landscape Plan (2 of 6)	1:500	A1
500131	01	Detailed Landscape Plan (3 of 6)	1:500	A1
500132	01	Detailed Landscape Plan (4 of 6)	1:500	A1
500133	01	Detailed Landscape Plan (5 of 6)	1:500	A1
500134	01	Detailed Landscape Plan (6 of 6)	1:500	A1
500103	01	Tree and Hedgerow Retention and Removal Plan (1 of 6)	1:500	A1
500104	01	Tree and Hedgerow Retention and Removal Plan (2 of 6)	1:500	A1
500105	01	Tree and Hedgerow Retention and Removal Plan (3 of 6)	1:500	A1
500106	01	Tree and Hedgerow Retention and Removal Plan (4 of 6)	1:500	A1
500107	01	Tree and Hedgerow Retention and Removal Plan (5 of 6)	1:500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
500108	01	Tree and Hedgerow Retention and Removal Plan (6 of 6)	1:500	A1

### **CANNINGTON PARK AND RIDE**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
000101	02	Proposed Site Layout	1:1000	A1
001001	02	Proposed General Arrangement (1 of 2)	1:500	A1
001002	02	Proposed General Arrangement (2 of 2)	1:500	A1
001101	01	Proposed Finished Levels	1:500	A1
005001	01	Proposed Drainage	1:500	A1
007001	02	Proposed Surface Finishes (1 of 2)	1:500	A1
007002	02	Proposed Surface Finishes (2 of 2)	1:500	A1
012001	01	Proposed Lighting, CCTV and Signage	1:500	A1
017001	02	Proposed Temporary Bridge	1:100/ 1:200	A1

#### **Amenity/Welfare/Security Building (Workforce Side)**

860304	01	Proposed Plans, Sections and Elevations	1:100	A1
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#### **Amenity/Welfare Building (Visitor Side)**

860300	01	Proposed Plans, Sections and Elevations	1:100	A1
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#### **Landscaping**

500102	01	Tree and Hedgerow Retention and Removal During Operation	1:1000	A1
500106	01	Tree and Hedgerow Retention and Removal Site Access	1:100	A3
500109	02	Planting Plan During Operational Phase	1:1000	A1

### **COMBWICH**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
<b>Combwich Wharf Proposed</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
1520	01	Demolition Plan	1:200	A1
1600	01	Proposed Site Layout and Levels	1:500	A1
1610	01	Proposed Site Elevations	1:200	A1
1615	01	Proposed Surface Finishes	1:2500	A1
1620	01	Proposed Drainage Layout	1:500	A1
1625	01	Proposed Signage Strategy	1:500	A1
<b>Combwich Wharf Access Road and C182 Improvements Proposed</b>				
000101	01	Proposed Site Layout	1:250	A1
001101	01	Proposed Finished Levels	1:250	A1
005001	01	Proposed Drainage	1:250	A1
007001	01	Proposed Surface Finishes	1:250	A1
012001	01	Proposed Road Markings and Signage	1:250	A1
<b>Combwich Freight Laydown Proposed</b>				
1003	01	Proposed Site Layout and Levels Plan	1:1250	A0
1005	01	Proposed Surface Finishes	1:1000	A0
1013	01	Proposed Drainage Layout	1:1000	A0
1015	01	Proposed Access and Egress	1:500	A0
1016	01	Proposed Combwich Wharf Access Road Improvements	1:100/ 1:1000	A0
1018	01	Site Restoration	1:1250	A0
1022	01	Proposed Site Signage Plan	1:1000	A0
<b>Security Building</b>				
880305	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Welfare/Amenity/Administration Building</b>				
880300	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Landscaping Site-Wide</b>				
500101	01	Tree and Hedgerow Retention and Removal Plan	1:2000	A1
500103	01	Landscape Planting Plan During Operation	1:2000	A1
500400	01	Landscape Planting Plan Post Operation	1:2000	A1
<b>Landscaping Combwich Wharf</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
500104	01	Landscape Planting Plan During Operation	1:500	A1
500105	01	Tree and Hedgerow Retention and Removal Plan	1:500	A1

### **JUNCTION 23**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
000101	01	Proposed Site Layout	1:1250	A1
001001	01	Proposed General Arrangement (1 of 4)	1:500	A1
001002	01	Proposed General Arrangement (2 of 4)	1:500	A1
001003	01	Proposed General Arrangement (3 of 4)	1:500	A1
001004	01	Proposed General Arrangement (4 of 4)	1:500	A1
001101	01	Proposed Finished Levels (1 of 4)	1:500	A1
001102	01	Proposed Finished Levels (2 of 4)	1:500	A1
001103	01	Proposed Finished Levels (3 of 4)	1:500	A1
001104	01	Proposed Finished Levels (4 of 4)	1:500	A1
005001	01	Proposed Drainage (1 of 4)	1:500	A1
005002	01	Proposed Drainage (2 of 4)	1:500	A1
005003	01	Proposed Drainage (3 of 4)	1:500	A1
005004	01	Proposed Drainage (4 of 4)	1:500	A1
007001	01	Proposed Surface Finishes (1 of 4)	1:500	A1
007002	02	Proposed Surface Finishes (2 of 4)	1:500	A1
007003	01	Proposed Surface Finishes (3 of 4)	1:500	A1
007004	01	Proposed Surface Finishes (4 of 4)	1:500	A1
012001	01	Proposed Signage, Lighting and CCTV (1 of 4)	1:500	A1
012002	01	Proposed Signage, Lighting and CCTV (2 of 4)	1:500	A1
012003	01	Proposed Signage, Lighting and CCTV (3 of 4)	1:500	A1
012004	01	Proposed Signage, Lighting and CCTV (4 of 4)	1:500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
<b>Park and Ride Amenity/Welfare Building</b>				
840300	01	Proposed Ground Floor and Roof Plans	1:100	A1
840301	01	Proposed Sections and Elevations	1:100	A1
<b>Park and Ride Security Building</b>				
840310	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Freight Management Administration/Amenity and Security Building</b>				
840320	01	Proposed Ground Floor and Roof Plans	1:100	A1
840321	01	Proposed Sections and Elevations	1:100	A1
<b>Postal/Courier Consolidation Building</b>				
840330	01	Proposed Ground Floor and Roof Plans	1:100	A1
840331	01	Proposed Sections and Elevations	1:100	A1
<b>Induction Centre</b>				
840352	01	Proposed First Floor and Roof Plans	1:100	A1
840355	01	Proposed Elevations	1:100	A1
840360	01	Proposed Refuse Storage/Air Source Heat Pump Enclosure	1:100	A1
840361	01	Proposed Fire Hydrant and Sub-Station Enclosures	1:100	A1
<b>Landscaping</b>				
500102	01	Tree and Hedgerow Retention and Removal Plan	1:1250	A1
500106	01	Tree and Hedgerow Retention and Removal Plan: Site Access Road	1:250	A1
500107	02	Planting Plan During Operation	1:1250	A1

## **JUNCTION 24**

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
000101	01	Proposed Site Layout Pre-Junction 23	1:1000	A1
000102	01	Proposed Site Layout Post-Junction 23	1:1000	A1
001001	01	Proposed General Arrangement Pre-Junction 23 (1 of 2)	1:500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
001002	01	Proposed General Arrangement Pre-Junction 23 (2 of 2)	1:500	A1
001003	01	Proposed General Arrangement Post-Junction 23 (1 of 2)	1:500	A1
001004	01	Proposed General Arrangement Post-Junction 23 (2 of 2)	1:500	A1
001101	01	Proposed Finished Levels Pre-Junction 23 (1 of 2)	1:500	A1
001102	01	Proposed Finished Levels Pre-Junction 23 (2 of 2)	1:500	A1
001103	01	Proposed Finished Levels Post-Junction 23 (1 of 2)	1:500	A1
001104	01	Proposed Finished Levels Post-Junction 23 (2 of 2)	1:500	A1
005001	01	Proposed Drainage Pre-Junction 23 (1 of 2)	1:500	A1
005002	01	Proposed Drainage Pre-Junction 23 (2 of 2)	1:500	A1
005003	01	Proposed Drainage Post-Junction 23 (1 of 2)	1:500	A1
005004	01	Proposed Drainage Post-Junction 23 (2 of 2)	1:500	A1
007001	01	Proposed Surface Finishes Pre-Junction 23 (1 of 2)	1:500	A1
007002	01	Proposed Surface Finishes Pre-Junction 23 (2 of 2)	1:500	A1
007003	01	Proposed Surface Finishes Post-Junction 23 (1 of 2)	1:500	A1
007004	01	Proposed Surface Finishes Post-Junction 23 (2 of 2)	1:500	A1
012001	01	Proposed Signage, Lighting and CCTV Pre-Junction 23 (1 of 2)	1:500	A1
012002	01	Proposed Signage, Lighting and CCTV Pre-Junction 23 (2 of 2)	1:500	A1
012003	01	Proposed Signage, Lighting and CCTV Post-Junction 23 (1 of 2)	1:500	A1
012004	01	Proposed Signage, Lighting and CCTV Post-Junction 23 (2 of 2)	1:500	A1
<b>Site Entrance Security Building</b>				
850130	01	Existing / Proposed Plans, Sections and	1:100	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
		Elevations		
<b>Warehouse Building</b>				
850302	01	Proposed Roof Plan	1:500	A1
850306	01	Warehouse Building Proposed Elevations	1:500	A1
850105	01	Warehouse Building Existing Roof Plan	1:500	A1
850109	01	Warehouse Building Existing Elevations	1:500	A1
<b>Amenity/Welfare/Administration/Security Areas</b>				
850307	01	Proposed Ramps and Stair Access	1:50	A1
<b>Temporary Postal/Courier Consolidation Building</b>				
850326	01	Proposed Ground Floor Plan and Roof Plan	1:100	A1
850327	01	Proposed Sections and Elevations	1:100	A1
<b>Tray Wash and Vehicle Maintenance Building - Induction Centre</b>				
850322	01	Proposed Roof Plan	1:100	A1
850324	01	Proposed Elevations	1:100	A1
850330	01	Proposed Pedestrian Ramp	1:50	A1
<b>Refuse/Air Source Heat Pump Enclosures</b>				
850328	01	Proposed Plans, Sections and Elevations	1:50/ 1:100	A1
<b>Temporary Induction Centre Security Building</b>				
850329	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Freight Management Security Building</b>				
850325	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Landscaping</b>				
500100	01	Tree and Hedgerow Retention and Removal Plan	1:1000	A1
500104	01	Tree and Hedgerow Retention and Removal Plan: Detailed Area	1:200	A1
500102	01	Planting Plan During Operation Pre-Junction 23	1:1000	A1
500403	01	Planting Plan During Operation Post-Junction 23	1:1000	A1



## WILLITON

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
000101	01	Proposed Site Layout	1:500	A1
001101	01	Proposed Finished Levels	1:500	A1
005001	01	Proposed Drainage	1:500	A1
007001	01	Proposed Surface Finishes	1:500	A1
012001	01	Proposed Lighting, CCTV and Signage	1:500	A1
<b>Amenity/welfare/security building</b>				
870300	01	Proposed Plans, Sections and Elevations	1:100	A1
<b>Landscaping</b>				
500100	01	Tree and Hedgerow Retention and Removal Plan	1:500	A1
500102	01	Planting Plan During Operational Phase	1:500	A1

## HIGHWAY IMPROVEMENTS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
<b>A38 Bristol Road/The Drove Junction</b>				
900	01	Construction Area Boundary	1:1000	A2
902	01	General Arrangement	1:500	A2
<b>A39 Broadway/A38 Taunton Road Junction</b>				
500	01	Construction Area Boundary	1:1000	A2
502	01	General Arrangements, Road Markings and Signage	1:250	A0
<b>A38 Bristol Road/Wylds Road Junction</b>				
1000	02	Construction Area Boundary	1:500	A1
1002	02	General Arrangement	1:500	A1
<b>Wylds Road/The Drove Junction</b>				
700	01	Construction Area Boundary	1:250	A1
702	01	General Arrangement	1:250	A1
<b>A39 New Road/B3339 Sandford Hill Roundabout</b>				

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
300	01	Construction Area Boundary	1:500	A1
302	01	General Arrangements, Road Markings and Signage	1:500	A1
304	01	Proposed Surface Water Drainage	1:500	A1
305	01	Proposed Street Lighting	1:500	A1
306.1	01	Proposed Cross Sections (Sheet 1 of 2)	1:200	A1
306.2	01	Proposed Cross Sections (Sheet 2 of 2)	1:200	A1
307	01	Tree and Hedgerow Retention and Removal	1:500	A1
308	01	Proposed Levels	1:500	A1
<b>M5 Junction 23 Roundabout</b>				
600	02	Construction Area Boundary	1:2000	A2
602	02	General Arrangement	1:2000	A2
<b>Washford Cross Roundabout</b>				
000110	01	Construction Area Boundary	1:500	A1
000101	02	Proposed Site Layout and General Arrangement	1:500	A1
001101	02	Proposed Finished Levels	1:500	A1
005001	02	Proposed Drainage	1:500	A1
007001	02	Proposed Surface Finishes	1:500	A1
013001	02	Proposed Street Lighting	1:500	A1
002003	01	Tree and Hedgerow Retention and Removal Plans	1:500	A1
<b>Claylands Corner Junction</b>				
200	01	Construction Area Boundary	1:500	A1
202	01	General Arrangements, Road Markings and Signage	1:500	A1
204	01	Tree and Hedgerow Removal	1:250	A1
<b>C182 Farrington Hill Lane Horse Crossing</b>				
100	01	Construction Area Boundary	1:1250	A2
102	01	General Arrangement, Road Markings and Signage	1:1000	A1
104	01	Tree and Hedgerow Retention and Removal	1:1000	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Description</i>	<i>Scale</i>	<i>Paper Size</i>
Plan				
<b>Cannington Traffic Calming Measures</b>				
400	01	Construction Area Boundary	1:1250	A2
402.1	01	General Arrangements, Road Markings and Signage, 1 of 3	1:250	A0
402.2	01	General Arrangements, Road Markings and Signage, 2 of 3	1:250	A0
402.3	01	General Arrangements, Road Markings and Signage, 3 of 3	1:250	A0
<b>Huntworth Roundabout</b>				
800	01	Construction Area Boundary	1:500	A2
802	01	General Arrangement	1:500	A2

**Schedule 2**

**Article 8**

**STREETS SUBJECT TO STREET WORKS**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>	<i>(3)</i> <i>Relevant site</i>
<b>In the District of West Somerset and the County of Somerset</b>	C182 Wick Moor Drove	HPC development site
	Unnamed road, Shurton	HPC Development Site
<b>In the District of Sedgemoor and the County of Somerset</b>	A39 Bath Road	Bridgwater A
	College Way	Bridgwater C
	A39	Cannington bypass
	Brymore School access road	Cannington bypass
	Withiel Drive	Cannington bypass
	Sandy Lane	Cannington bypass
	Chads Hill	Cannington bypass
	C182 Rodway	Cannington bypass

	A39 Cannington southern bypass	Cannington park and ride
	C182 Rodway	Combwich
	A38 Bristol Road	Junction 23
<b>In the District of West Somerset and the County of Somerset</b>	C182	C182 Farrington Hill Lane, Horse Crossing
	C182	Claylands Corner Junction
<b>In the District of Sedgemoor and the County of Somerset</b>	C182	Claylands Corner Junction
	A39 New Road	A39 New Road/B3339 Sandford Hill Roundabout
	A39 Quantock Road	A39 New Road/B3339 Sandford Hill Roundabout
	Sandford Hill	A39 New Road/B3339 Sandford Hill Roundabout
<b>In the District of West Somerset and the County of Somerset</b>	A39	Washford Cross Roundabout
	B3190	Washford Cross Roundabout
<b>In the District of Sedgemoor and the County of Somerset</b>	A38 Bristol Road	A38 Bristol Road/The Drove Junction
	The Drove	A38 Bristol Road/The Drove Junction
	Wylds Road	Wylds Road/The Drove Junction
	The Drove	Wylds Road/The Drove Junction
	Western Way	Wylds Road/The Drove Junction
	A38 Taunton Road	A39 Broadway /A38 Taunton Road
	A39 Broadway	A39 Broadway /A38 Taunton Road

A39	M5 Junction 23 Roundabout
High Street	Cannington Traffic Calming Measures
C182 Rodway	Cannington Traffic Calming Measures
Brook Street	Cannington Traffic Calming Measures
A38 Bristol Road	A38 Bristol Road/Wylds Road Junction
Wylds Road	A38 Bristol Road/Wylds Road Junction
Huntworth Business Park Road	Huntworth Roundabout

**Schedule 3**

**Article 8A**

**FOOTPATHS TO BE STOPPED UP ON THE HPC DEVELOPMENT SITE**

**Part 1**

**FOOTPATHS TO BE PERMANENTLY STOPPED UP ON THE HPC DEVELOPMENT SITE**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
<b>In the District of West Somerset and the County of Somerset</b>	Footpath WL 23/56	Between points X1/1, X1/2, X1/3, X1/4, X1/5, X1/23, X1/24, X1/25 and X1/26
	Footpath WL 23/70	Between points X1/3, X1/6, X1/7, X1/8, X1/9, X1/20 and X1/21
	Footpath WL 23/105	Between points X1/11, X1/10, X1/4 and X1/6
	Footpath WL 23/68	Between points X1/14, X1/13, X1/12 and X1/2

Footpath WL 23/50	Between points X1/17, XI/16 and X1/15
Footpath WL 23/48	Between points X1/27, X1/15, X1/11, X1/14 and X1/18
Footpath WL 23/110	Between points X1/19 and X1/20
Footpath 23/69	Between points X1/22 and X1/23
Such footpaths as may be created under the temporary jetty harbour empowerment order	Between points J1, J4, J5, J6, J7, J8, J9, J10 and J19; and between points J20 and J22; and between points J12, J13, J14 and J15; and between points J3 and J16

**Part 2**

**FOOTPATHS TO BE TEMPORARILY STOPPED UP ON THE HPC DEVELOPMENT SITE**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
<b>In the District of West Somerset and the County of Somerset</b>	Footpath WL 23/110	Between points TSF1/1 and TSF1/2
	Footpath WL 23/95	Between points TSF1/3, TSF1/4 and TSF1/5

**Schedule 4**

**Article 9**

**STREETS TO BE PERMANENTLY STOPPED UP**

**Part 1**

**STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New street to be substituted</i>	<i>(5)</i> <i>Relevant site</i>
<b>In the District of West</b>	Wick Moor	Between points	Between points	HPC development

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New street to be substituted</i>	<i>(5)</i> <i>Relevant site</i>
<b>Somerset and the County of Somerset</b>  <b>In the District of Sedgemoor and the County of Somerset</b>	Drove	S1/3 and S1/4	N1/1 and N1/2	site
	Sandy Lane	Between points S6/7 and S6/8	Between points N6/2 and N6/3 (Work No. 6E); and such part of Work No.6B between point N6/3 and points N6/1, N6/6 and N6/7	Cannington bypass
	Chads Hill	Between points S6/9 and S6/10	Between points N6/4 and N6/5 (Work No 6F); and such part of Work No.6B between point N6/5 and points N6/1, N6/6 and N6/7	Cannington bypass
	Footpath BW5/8	Between points X6/1 and X6/2	A new footpath to be provided between points NF6/1, NF6/2, NF6/3 and NF6/4 (Work No. 6H)	Cannington bypass
	A38 Dunball Roundabout	Between points S9/1 and S9/2	Between points N9/1 and N9/2 (Work No. 9B)	Junction 23

## Part 2

### STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>Relevant site</i>
<b>In the District of West</b>	Wick Moor Drove	Between points S1/1	HPC development

<b>Somerset and the County of Somerset</b>  <b>In the District of Sedgemoor and the County of Somerset</b>	Unnamed road	and S1/2  Between points S6/1 and S6/2	site  Cannington bypass
	Unnamed road	Between points S6/1 and S6/3	Cannington bypass
	Withiel Drive	Between point S6/6 and points S6/4 and S6/5	Cannington bypass

**Schedule 5**

**Article 10**

**STATUS OF FOOTPATHS CREATED OR IMPROVED**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Existing or new footpath</i>	<i>(3)</i> <i>New status</i>	<i>(4)</i> <i>Relevant site</i>	
<b>In the District of West Somerset and the County of Somerset</b>	Existing footpath WL 23/95 between points TSF1/5, TSF1/4 and TSF1/3	Footpath	HPC development site	
	Realigned footpath WL23/48 between points NF1/1 and NF1/2	Footpath	HPC development site	
	Realigned footpath WL 23/110 between points NF1/10 and NF1/11	Footpath and bridleway	HPC development site	
	Realigned footpath WL 23/56 between points NF1/3, NF1/4, NF1/5, NF1/6, NF1/7 and NF1/8	Footpath between points NF1/3 and NF1/4, and between points NF1/7 and NF1/8; footpath and bridleway between points NF1/4, NF1/5, NF1/6 and NF1/7		HPC development site
	A new footpath between	Footpath and		HPC development site



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Existing or new footpath</i>	<i>(3)</i> <i>New status</i>	<i>(4)</i> <i>Relevant site</i>
<b>In the District of Sedgemoor and the County of Somerset</b>	points NF1/4 and NF1/10	bridleway	
	Realigned footpath WL23/69 between points NF1/12, NF1/5 and NF1/13	Footpath	HPC development site
	A new footpath between points NF1/14, NF1/15, NF1/7 and NF1/19	Footpath between points NF1/14 and NF1/15; footpath and bridleway between points NF1/15, NF1/7 and NF1/9	HPC development site
	A new footpath between points NF1/15 and NF1/16	Footpath and bridleway	HPC development site
	A new footpath to be provided between points NF6/1, NF6/2, NF6/3 and NF6/4 (Work No. 6H)	Footpath	Cannington bypass
	A new combined footpath and cycleway between points NF6/5 and NF6/6 (Work No.6I)	Footpath with cycle rights	Cannington bypass
	A new combined footpath and cycleway between points NF6/7 and NF6/8 (Work No.6J)	Footpath with cycle rights	Cannington bypass
<b>In the District of Sedgemoor and the County of Somerset</b>	A new footpath between points NF12/1 and NF12/2	Footpath and bridleway	C182 Farringdon Hill Lane, Horse Crossing

**STREETS TO BE TEMPORARILY STOPPED UP**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping</i>	<i>(4)</i> <i>Relevant site</i>
<b>In the District of Sedgemoor and the County of Somerset</b>	Footway of A39 Bath Road	Between points TSF4/1 and TSF4/2; and between points TSF4/3 and TSF4/4; and between points TSF4/5 and TSF4/6; and between points TSF4/7 and TSF4/8	Bridgwater A
	Footway of College Way	Between points TSF5/1 and TSF5/2; and between points TSF5/3 and TSF5/4	Bridgwater C
	Footpath BW5/8	Between points TSF6/1 and TSF6/2; and between points TSF6/3 and TSF6/4	Cannington bypass
	Footway of Rodway	Between points TSF6/5 and TSF6/6;	Cannington bypass
	Footpath BW25/31	Between TSF8/1 and TSF8/2	Combwich
	Footpath BW28/10	Between points TSF9/1 and TSF9/2	Junction 23
	Dunball Drove	Between points TS9/1 and TS9/2	Junction 23
	Footway of A38 Bristol Road	Between points TSF9/3 and TSF9/4	Junction 23
	Footway of A38 Bristol Road	Between points TSF9/5 and TSF9/6	Junction 23
	Footway of A39 New Road	Between points TSF14/1 and TSF14/2	A39 New Road/B3339 Sandford Hill Roundabout

(1) <i>Area</i>	(2) <i>Street to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping</i>	(4) <i>Relevant site</i>
	Footway of A39 Quantock Road and Sandford Hill	Between points TSF14/3 and TSF14/4	A39 New Road/B3339 Sandford Hill Roundabout
	Footway of A39 Quantock Road	Between points TSF14/5 and TSF 14/6	A39 New Road/B3339 Sandford Hill Roundabout
	Footway of A39 Bristol Road	Between points TSF16/1 and TSF16/2	A38 Bristol Road/The Drove junction
	Footway of Wylds Road and Western Way	Between points TSF17/1 and TSF17/2; and between points TSF17/3 and TSF17/4	Wylds Road/The Drove junction
	Footway of A39 Broadway and Taunton Road	Between points TSF18/1 and TSF18/2	A39 Broadway/A38 Taunton Road Junction
	Footway of Taunton Road and A39 Broadway	Between points TSF18/3 and TSF18/4	A39 Broadway/A38 Taunton Road Junction
	Footway of A39 Broadway and A38 Taunton Road	Between points TSF18/5 and TSF18/6	A39 Broadway/A38 Taunton Road Junction
	Footway of A38 Taunton Road and A39 Broadway	Between points TSF18/7 and TSF18/8	A39 Broadway/A38 Taunton Road Junction
	Footway of A39	Between points TSF19/1 and TSF19/2	M5 Junction 23 Roundabout
	Footway of High Street	Between points TSF20/1 and TSF20/2;	Cannington Traffic Calming Measures

(1) <i>Area</i>	(2) <i>Street to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping</i>	(4) <i>Relevant site</i>
	<p>Footway of Church Street, High Street and Fore Street</p> <p>Footway of A38 Bristol Road, Wylds Road and Allerton Road</p> <p>Footway of Wylds Road and A38 Bristol Road,</p> <p>Footway of A38 Huntworth Roundabout</p>	<p>and between points TSF20/3 and TSF20/4</p> <p>Between points TSF20/5 and TSF20/6</p> <p>Between points TSF21/1 and TSF21/2</p> <p>Between points TSF21/3 and TSF21/4</p> <p>Between points TSF22/1 and TSF22/2; and between points TSF22/3 and TSF22/4</p>	<p>Cannington Traffic Calming Measures</p> <p>A38 Bristol Road/Wylds Road Junction</p> <p>A38 Bristol Road/Wylds Road Junction</p> <p>Huntworth Roundabout</p>

**Schedule 7**

**Article 12**

**ACCESS TO WORKS**

(1) <i>Area</i>	(2) <i>Description of access</i>	(3) <i>Relevant site</i>
<p><b>In the District of West Somerset and the County of Somerset</b></p>	<p>Access No. A1/1 from unnamed road</p> <p>Access No. A1/2 from Work No 1B</p> <p>Access No. A1/3 from Work No 1B</p> <p>Access No. A1/4 from Work No 1B</p>	<p>HPC development site</p> <p>HPC development site</p> <p>HPC development site</p> <p>HPC development site</p>
<p><b>In the District of Sedgemoor and the County of Somerset</b></p>	<p>Access No. A4/1 from A38 Bath Road</p>	<p>Bridgwater A</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>	<i>(3)</i> <i>Relevant site</i>
<b>In the District of West Somerset and the County of</b>	Access No. A4/2 from A38 Bath Road	Bridgwater A
	Access No. A5/1 from College Way	Bridgwater C
	Access No. A6/1 from Work No. 6B	Cannington bypass
	Access No. A6/2 from Work No. 6B	Cannington bypass
	Access No. A6/3 from Work No. 6B	Cannington bypass
	Access No. A6/4 from Work No. 6B	Cannington bypass
	Access No. A6/5 from Work No. 6B	Cannington bypass
	Access No. A6/6 from Work No. 6B	Cannington bypass
	Access No. A6/7 from Work No. 6B	Cannington bypass
	Access No. A6/8 from Work No. 6B	Cannington bypass
	Access No. A6/9 from Work No. 6B	Cannington bypass
	Access No. A6/10 from Work No. 6B	Cannington bypass
	Access No. A6/11 from Work No. 6E	Cannington bypass
	Access No. A6/12 from Work No. 6F	Cannington bypass
	Access No. A6/13 from Work No. 6B	Cannington bypass
	Access No. A6/14 from Work No. 6B	Cannington bypass
	Access No. A6/15 from Work No. 6B	Cannington bypass
	Access No. A6/16 from Work No. 6G	Cannington bypass
	Access No. A7/1 from A39	Cannington park and ride
	Access No. A7/2 from footpath BW5/22	Cannington park and ride
Access No. A8/1 from Work No. 8B	Comwich	
Access No. A9/1 from Work No. 9B	Junction 23	
Access No. A9/2 from Work No. 9B	Junction 23	
Access No. A11/1 from B3190	Williton	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>	<i>(3)</i> <i>Relevant site</i>
<b>Somerset</b>	Access No.13/1 from C182	Claylands Corner Junction
<b>In the District of Sedgemoor and the County of Somerset</b>	Access No. 14/1 from Work No 14C	A39 New Road/B3339 Sandford Hill Roundabout
<b>In the District of West Somerset and the County of Somerset</b>	Access No. 15/1 from Work No 15C	Washford Cross Roundabout
	Access No. 15/2 from Work No 15B	Washford Cross Roundabout
	Access No. 15/3 from Work No 15C	Washford Cross Roundabout
	Access No. 15/4 from Work No 15C	Washford Cross Roundabout
	Access No. 15/5 from Work No 15C	Washford Cross Roundabout
<b>In the District of Sedgemoor and the County of Somerset</b>	Access No. 16/1 from A39 Bristol Road	A38 Bristol Road/The Drove Junction
	Access No. 16/2 from A39 Bristol Road	A38 Bristol Road/The Drove Junction
	Access No. 16/3 from A39 Bristol Road	A38 Bristol Road/The Drove Junction
	Access No. 18/1 from A38 Taunton Road	A39 Broadway/A38 Taunton Road Junction
	Access No. 18/2 from A38 Taunton Road	A39 Broadway/A38 Taunton Road Junction
	Access No. 18/3 from A38 Taunton Road	A39 Broadway/A38 Taunton Road Junction
	Access No. 20/1 from High Street	Cannington Traffic Calming Measures
	Access No. 20/2 from High Street	Cannington Traffic Calming Measures

(1) <i>Area</i>	(2) <i>Description of access</i>	(3) <i>Relevant site</i>
	Access No. 20/3 from High Street	Cannington Traffic Calming Measures
	Access No. 20/4 from High Street	Cannington Traffic Calming Measures
	Access No. 20/5 from High Street	Cannington Traffic Calming Measures
	Access No. 20/6 from High Street	Cannington Traffic Calming Measures
	Access No. 20/7 from High Street	Cannington Traffic Calming Measures
	Access No. 20/8 from High Street	Cannington Traffic Calming Measures
	Access No. 20/9 from High Street	Cannington Traffic Calming Measures
	Access No. 20/10 from High Street	Cannington Traffic Calming Measures
	Access No. 20/11 from High Street	Cannington Traffic Calming Measures
	Access No. 20/12 from High Street	Cannington Traffic Calming Measures
	Access No. 20/13 from High Street	Cannington Traffic Calming Measures
	Access No. 20/14 from C182 Rodway	Cannington Traffic Calming Measures
	Access No. 20/15 from C182 Rodway	Cannington Traffic Calming Measures
	Access No. 21/1 from A38 Bristol Road	A38 Bristol Road/Wylds Road Junction
	Access No. 21/2 from A38 Bristol Road	A38 Bristol Road/Wylds Road Junction

**MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE  
ENACTMENTS FOR CREATION OF NEW RIGHTS**

*Compensation enactments*

**1.** The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation, on the compulsory purchase of land and interests in land.

**2.—**(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973<sup>(1)</sup> has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” there are substituted the words “a right over land is purchased”; and
- (b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there are substituted the words “a right over land consisting”;
- (b) for the word “severance” there are substituted the words “right over the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there are substituted the words “right proposed”; and
- (d) for the words “part is” there are substituted the words “right is”.

*Application of the 1965 Act*

**3.—**(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is or is to be exercisable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

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(1) 1973 c. 26.



4. For section 7 of the 1965 Act (measure of compensation) there is substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the tribunal; and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, and—
  - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
  - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Hinkley Point C (Nuclear Generating Station) Order 201[x](1) (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section is to be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

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(1) S.I. 201[x]/[x]

are so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

### Schedule 9

### Article 28

#### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant Site</i>
<b>In the District of West Somerset and the County of Somerset</b>	MAIN_15, MAIN_16,	Highway works (Work No. 1B) and delivery of AILs	HPC development site
	MAIN_17, MAIN_18	Highway works (Work No. 1C)	HPC development site
	BRI-A_1, BRI-A_4, BRI-A_5, BRI-A_10, BRI-A_12, BRI-A_13, BRI-A_15, BRI-A_18	Demolition of existing structures, use for construction purposes, site remediation and temporary surfacing (Work No. 4A)	Bridgwater A
	BRI-A_2, BRI-A_6, BRI-A_7, BRI-A_8,	Highway works (Work No. 4B and Work No. 4C)	Bridgwater A

BRI-C_3, BRI-C_8	Highway works (Work No. 5A and Work No. 5B)	Bridgwater C
BRI-C_4 and BRI-C_5, BRI-C_7	Construction purposes (Work No. 5A)	Bridgwater C
BRI-C_2	Highway works and construction purposes (Work No. 5A and Work No 5B)	Bridgwater C
WEST_13, WEST_14, WEST_15, WEST_16, WEST_17, WEST_19, WEST_20, WEST_21, WEST_22, WEST_23, WEST_24, WEST_25, WEST_26, WEST_27, WEST_28, WEST_29, WEST_30, WEST_31, WEST_32, WEST_33, WEST_34, WEST_35, WEST_36, WEST_37, WEST_38, WEST_40, WEST_41, WEST_42, WEST_43, WEST_44, WEST_45, WEST_46, WEST_47, WEST_48, WEST_49, WEST_50, WEST_51, WEST_52, WEST_53, WEST_54, WEST_55, WEST_56, WEST_59, WEST_61, WEST_62, WEST_64, WEST_65, WEST_66, WEST_68, WEST_69, WEST_70, WEST_71, WEST_72, WEST_73.	Construction purposes and highway works (Work Nos. 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I and 6J)	Cannington bypass
WEST_18, WEST_39	Construction compounds	Cannington bypass
CAN_3	Highway works (Work No. 7B)	Cannington park and ride
COMB_17, COMB_18, COMB_19	Highway works (Work No. 8B)	Combwich

	COMB_35, COMB_36	Demolition of marine structures, and construction purposes related to the refurbishment and extension of the wharf (Work No. 8A)	Combwich
	COMB_32	Windrowing	Combwich
<b>In the District of West Somerset and the County of Somerset</b>	J23_A_19, J23_A_20	Highway works (Work No. 9B)	Junction 23
	J23_A_14, J23_A_32, J23_A_33, J23_A_34, J23_A_35, J23_A_39, J23_A_40, J23_A_41, J23_A_42, J23_A_43	Construction purposes (Work No. 9A)	Junction 23
	J23_A_2	Windrowing	Junction 23
<b>In the District of West Somerset and the County of Somerset</b>	WIL_2	Access works (Access A11/1)	Williton
	FHL_1, FHL_2, FHL_3, FHL_4	Highway works (Work No.12)	C182 Farrington Hill Lane, Horse Crossing
<b>In the Districts of West Somerset, Sedgemoor and the County of Somerset</b>	CC_1, CC_2, CC_3	Highway works (Work No.13)	Claylands Corner Junction
<b>In the District of Sedgemoor and the County of Somerset</b>	SH_1	Highway works (Work Nos. 14A, 14B and 14C)	A39 New Road/B339 Sandford Hill Roundabout
<b>In the District of West Somerset and the County of Somerset</b>	WCR_1, WCR_7, WCR_8	Highway works (Work Nos. 15A, 15B and 15C)	Washford Cross Roundabout
<b>In the District of Sedgemoor and the County of Somerset</b>	BRTD_1, BRTD_2, BRTD_3, BRTD_4	Highway works (Work Nos. 16A and 16B)	A38 Bristol Road/The Drove Junction
	WRTD_1, WRTD_2,	Highway works (Work	Wylds Road/The

WRTD_3	Nos. 17A and 17B)	Drove Junction
BWYTR_1, BWYTR_2, BWYTR_3, BWYTR_4, BWYTR_5, BWYTR_6, BWYTR_7, BWYTR_8, BWYTR_9, BWYTR_10	Highway works (Work No.18)	A39 Broadway/A38 Taunton Road Junction
JS23-S_1, J23-S_2, JS23-S_3, J23-S_4, JS23-S_5, J23-S_6, JS23-S_7, J23-S_8, JS23-S_9, JS23-S_10, J23-S_11, JS23-S_12, J23-S_13, JS23-S_14, JS23-S_15	Highway works (Work No.19)	M5 Junction 23 Roundabout
CTC_1, CTC_3, CTC_4, CTC_5, CTC_6	Highway works (Work No. 20)	Cannington Traffic Calming Measures
BRWR_2, BRWR_3, BRWR_5, BRWR_6	Highway works (Work No. 21)	A38 Bristol Road/Wylds Road Junction
HRB_1, HRB_2, HRB_3, HRB_4	Highway works (Work No. 22)	Huntworth Roundabout

**Schedule 9A**

**Article 18**

**LAND OR INTERESTS IN OR RIGHTS OVER LAND NOT TO BE ACQUIRED  
COMPULSORILY**

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on works and land plans</i>	<i>(3)</i> <i>Rights over and interests in land not to be acquired</i>
HPC Development Site	MAIN_2, MAIN_3, MAIN_4, MAIN_7, MAIN_9	Environment Agency

Comwich	COMB_22, COMB_34	Environment Agency
Junction 23	J23-A_8, J23-A_24, J23-A_26, J23-A_30, J23-A_32, J23-A_38	Environment Agency

### Schedule 10

### Article 40

#### TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Type of tree</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant site</i>
Trees subject to The West Somerset District Council (Woodland area to the west of Hinkley Point A and B Stations, Bridgwater, Somerset, TA5 1UD) Tree Preservation Order 2011	Felling	HPC development site
Trees subject to the (Cannington) No. 18 Tree Preservation Order, 1993 (18/1993/TI)	Felling	Cannington bypass

### Schedule 11

### Article 2

#### REQUIREMENTS

<i>(1)</i> “adaptive measures”	<i>(2)</i> <b><i>Interpretation</i></b> <del>1.</del> —(1) In this <del>Part of this</del> Schedule- means those measures set out in Appendix 5: Adaptive Management and Contingency Measures, section 1.3.9 (Response to Issues Raised at the Second Issue Specific Hearing, submitted on the 6 <sup>th</sup> August 2012) that will be undertaken, based on operational feedback, to adjust the acoustic fish deterrent and the fish recovery and return systems to meet the performance levels agreed pursuant to requirement CW5(1)(a).
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(1)	(2)
“advanced planting south of 144750mN”	<p><b><i>Interpretation</i></b></p> <p>means the area marked ‘advanced planting south of 144750mN’ on HPC Development Site Works Plan, Clarification of Requirements (Ref: HP/WP/REQ/01) submitted on the 6<sup>th</sup> August 2012.</p>
"commencement"	<p>means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008, comprised in or carried out for the purposes of the authorised project and the words "commence" and "commenced" and cognate expressions shall be construed accordingly.</p>
“commissioning”	<p>means the process during which plant components and systems, having been constructed or modified, are made operational and verified to be in accordance with design assumptions and to have met the appropriate safety criteria.</p>
<u>“Construction Method Statement”</u>	<p><u>is Annex 2 to the Environmental Statement submitted with the application for development consent.</u></p>
“development”	<p>means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008, comprised in or carried out for the purposes of the authorised project and such operations shall exclude non-material ecological and habitat management works.</p>
"enter operation"	<p>means the point at which a reactor unit begins generating electricity at or near its rated output.</p>
"exceptional circumstances"	<p>are those defined within the Traffic Incident Management Plan, section 3.4.2, and comprise; (a) a traffic or other similar incident on the highway network that delays a HGV such that it misses its allocated slot or falls outside the permitted working hours; (b) a breakdown of a HGV en-route to the HPC development site; (c) inclement weather (e.g. high winds, flooding, snow or ice) that significantly disrupts the normal operation of the highway network; and (d) circumstances associated with demonstrations or protests.</p>
"HGV"	<p>means any vehicle exceeding a maximum gross weight of 3.5 tonnes (being the maximum allowable total weight when loaded) travelling to or from the HPC Development Site for the purposes of the construction of the Power Station but excluding buses, minibuses and vehicles transporting abnormal indivisible loads.</p>
"HPC construction works"	<p>means construction activities associated with the construction of Work Nos.1A, 1B, 1C, 2A to 2H, 3, TJ1, TJ2, TJ3 and TJ0, 8A and 6A to 6J.</p>
“HPC operational car park”	<p>means the 430 car parking spaces for HPC operational staff, excluding spaces for disabled workers, at the permanent</p>

(1)	(2)
	<b>Interpretation</b>
	development site, in the car parking areas (no. 62) identified on Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010).
“HPC helipad”	means the proposed helipad at the permanent development site (no. 60) identified on Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010).
“incident management area”	means the area defined in Figure 4.1 of the Traffic Incident Management Plan.
"landscape restoration area"	means the area marked ‘Landscape Restoration Area’ on HPC Development Site Works Plan, Clarification of Requirements (Ref: HP/WP/REQ/01) submitted on the 6 <sup>th</sup> August 2012.
“local planning authority”	means the local planning authority for the area of land that the requirement relates to, i.e. West Somerset or Sedgemoor District Council, as the case may be.
“north-west bund”	means the earthworks and planting in the location set out in the HEO Environmental Statement Clarification Figures 11.1, 11.2 (Rev 2), 11.3 (Rev 2), 11.4 (Rev 2), 11.5 (Rev 1) and 11.6 (November 2011).
“permanent buildings or structures”	means all buildings and structures, save those temporary construction related buildings and structures brought forward pursuant to requirements MS1, OS2, BRIA4, BRIC2, CB3, CP3, C3, J23-3, J24-2 and WP2.
“permanent development site”	means the area marked ‘Permanent Development Site’ on HPC Development Site Works Plan, Clarification of Requirements (Ref: HP/WP/REQ/01) submitted on the 6 <sup>th</sup> August 2012.
“reserved matter”	means imposed requirements requiring specified details to be approved subsequently.
"security"	means activities associated with the management of a site to ensure that the site and relevant parts of the site remain secure at all times.
“start-up and shut-down”	means the period 30 minutes before the opening up of the site (start-up) and 30 minutes following the end of the working day (shut-down). Activities comprise the arrival of workers, changing into and out of work wear, pre-job briefing and leaving the site prior to closing and securing the site.
<a href="#">“temporary associated development sites”</a>	<a href="#">means the sites of Works Nos 3, 4A, 5A, 7A, 8A(i) to (p), 9A, 10 and 11.</a>
“tide tables”	means the tidal prediction tables giving the time and height of high



(1)

[“Waste Management Implementation Strategy”](#)

(2)

***Interpretation***

tides at Combnich, prepared by the National Oceanography Centre, National Tidal and Sea Level Facility.

[is Annex 5 to the Environmental Statement submitted with the application for development consent.](#)

(2) Definitions set out in article 2 (interpretation) of this Order shall apply to the interpretation of the requirements in this Schedule.

(3) Where under any of the requirements the approval or agreement of the discharging authority or another person is required, that approval or agreement must be given in writing.

(4) Where any requirement provides that the authorised project is to be carried out in accordance with the details approved by the discharging authority, the approved details shall be taken to include any amendments or revised plans that may subsequently be approved by the discharging authority.

(5) Where any requirement specifies "unless otherwise approved" by the discharging authority or requires the applicant to demonstrate the existence of exceptional circumstances such approval shall not be given or exceptional circumstances agreed except in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the discharging authority that the subject-matter of the approval sought or the undertaker's proposed response to exceptional circumstances is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(6) Where any requirement refers to a document or plan, that document or plan shall be taken to be the version certified by the Secretary of State pursuant to the provisions of this Order.

[\(7\) Where any requirement refers to West Somerset Council, that shall be taken to mean West Somerset District Council.](#)

## PROJECT WIDE

Unless otherwise indicated, requirements PW1 to PW~~36~~<sup>34</sup> relate to the whole of the authorised project.

<i>(1)</i> <b>Reference No.</b>	<i>(2)</i> <b>Requirements</b>
<b>PW1</b>	<p><b>Time limits</b></p> <p>The authorised project must commence within 5 years of the date of this Order.</p>
<b>PW2</b>	<p><b>Phasing of the HPC development site</b></p> <p>Work 1A shall be carried out in general accordance with the project progression indicated in section 4.4 of the Construction Method Statement, unless otherwise approved by West Somerset Council.</p>
<b>PW3</b>	<p><b>Buildings and structures (reserved matters)</b></p> <p>(1) Buildings and structures comprising Work Nos. 1A (d) to (k) and (o) shall be carried out in accordance with the plans as set out in Schedule 1, Part 2 of this Order, save to the extent that revised plans relating to their siting, scale or appearance have been submitted to and approved by West Somerset Council.</p> <p>(2) Any revised plans referred to in paragraph (1) above shall be in accordance with HPC Site Parameter Plan (HINK-A1-SL-00-GA-002 (Rev 01)) and chapter 6 (Design Principles) and chapter 9 (Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works referred to in paragraph (1) shall be carried out in accordance with the approved plans.</p>
<b>PW4</b>	<p>(1) Buildings and structures comprising Work Nos. 3, 4A, 5A, 7A, 8A, 9A, 10 and 11 shall be carried out in accordance with the plans as set out in Schedule 1, Part 2 of this Order, save to the extent that revised plans relating to siting, scale or appearance have been submitted to and approved by the local planning authority.</p> <p>(2) Any revised plans referred to in paragraph (1) above, shall be in accordance with section 6 (Design Principles) and section 9 (Implementation) of the relevant site-specific Design and Access Statement.</p> <p>(3) The works referred to in paragraph (1) shall be carried out in accordance with the approved plans.</p>
<b>PW5</b>	<p><b>Building design</b></p> <p>(1) No external materials shall be installed on any permanent building or structure unless and until details of such external materials for that building have been</p>

	<p>submitted to and approved by the local planning authority.</p> <p>(2) The works shall be carried out in accordance with the approved details.</p>
<b>PW6</b>	<p>(1) No additional external roof plant, equipment or machinery shall be installed on any permanent buildings or structures unless and until details of scale and appearance of such plant, equipment or machinery have been submitted to and approved by the local planning authority.</p> <p>(2) The works shall be carried out in accordance with the approved details.</p>
<b>PW7</b>	<p><b>Highway works</b></p> <p>(1) Work Nos. 1B, 1C, 4B, 4C, 5B, 6A to 6J, 7B, 8B, 9B and 12 to 22 shall be carried out in accordance with the plans set out in Schedule 1, Part 2 of this Order, save to the extent further details approved pursuant to paragraphs (2), (3) and (4) below indicate otherwise, or unless otherwise approved by Somerset County Council.</p> <p>(2) Work Nos.4C (BRIA site access), 7B (Cannington site access), 17A, 17B (Wylds Road / the Drove Junction), 18 (A39 Broadway / A38 Taunton Road Junction) and 22 (Huntworth Roundabout) shall not be commenced until details of the layout and finished surfaces of that work have been submitted to and approved by Somerset County Council. These details shall be developed in general accordance with the plans set out in Schedule 1, Part 2 of this Order and taking into account the Highway Schemes Position Statement (31<sup>st</sup> August 2012).</p> <p>(3) Work Nos.6A (Cannington Bypass) shall not be commenced until details of the layout and vertical alignment have been submitted to and approved by Somerset County Council. These details shall be developed in general accordance with the plans set out in Schedule 1, Part 2 of this Order and taking into account the Highway Schemes Position Statement (31<sup>st</sup> August 2012).</p> <p>(4) Other than that already indicated on the plans set out in Schedule 1, Part 2 of this Order and details approved pursuant to paragraph (2) and (3) above, no changes to existing finished ground levels or surface water drainage at Work Nos. 1B, 1C, 4B, 4C, 5B, 6A to 6J, 7B, 8B, 9B and 12 to 22 shall be permitted unless and until details of such have, following consultation with the Environment Agency, Sedgemoor District Council and West Somerset Council, been submitted to and approved by Somerset County Council.</p> <p>(5) The works referred to in paragraph (1) shall be carried out in accordance with the approved details.</p>
<b>PW8</b>	<p><b>Street furniture and lighting</b></p> <p>(1) No street furniture or street lighting shall be installed at Works Nos.12 to 22 unless and until such details, including a programme for implementation, have, following consultation with Somerset County Council, been submitted to and approved by the local planning authority.</p> <p>(2) The works shall be carried out in accordance with the approved details.</p>

<p><b>PW12</b></p>	<p><b>Operational Travel Plan: HPC generating station</b></p> <p>(1) The HPC operational car park shall not be used by HPC staff for the operation of the HPC generating station until an operational travel plan has, after consultation with Somerset County Council and Sedgemoor District Council, been submitted to and approved by West Somerset Council.</p> <p>(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset Council.</p>
<p><b>PW13</b></p>	<p><b>Operational Travel Plan: HPC Public Information Centre</b></p> <p>(1) The Public Information Centre (comprised in Work No. 1A(i)) shall not be brought into use until a travel plan for the Public Information Centre has, after consultation with the highway authority and Sedgemoor District Council, been submitted to and approved by West Somerset Council.</p> <p>(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset Council.</p>
<p><b>PW17</b></p>	<p>(1) Save for exceptional circumstances, HGV movements associated with the HPC construction works will not be permitted on the local highway network at the following times:</p> <ul style="list-style-type: none"> <li>(a) on Sundays or on Bank Holidays; and</li> <li>(b) between the hours of 22:00 and 07:00 (Monday to Saturday).</li> </ul> <p>(2) For the avoidance of doubt, these restrictions do not apply to the movement of HGVs on the strategic road network (e.g. the M5 motorway) and on the highway connections between the M5 and the Junction 23 and Junction 24 Freight Management Facilities or in relation to the movement of AILs.</p>
<p><b>PW19</b></p>	<p><b>Traffic Incident Management Plan</b></p> <p>(1) HPC construction traffic in the incident management area shall be monitored for the detection of incidents in accordance with section 5 and 6 of the Traffic Incident Management Plan (TIMP) <a href="#">dated 31 August 2012</a>.</p> <p>(2) In the event of a traffic incident in the incident management area during the HPC construction works, the measures set out in sections 7 to 11 and the temporary diversionary routes set out in Appendix B of the TIMP shall be implemented.</p> <p>(3) The TIMP shall be fully implemented as approved throughout the HPC construction works, unless otherwise approved by the local planning authority.</p>
<p><b>PW20</b></p>	<p><b>Waste Management Implementation Strategy</b></p> <p>(1) The authorised project shall be carried out in accordance with the Waste Management Implementation Strategy, unless otherwise agreed by the local planning authority.</p> <p>(2) No development shall commence until a site waste management plan template has,</p>

	after consultation with Somerset County Council and the Environment Agency, been submitted to and approved by the local planning authority.
<b>PW22</b>	<p><b>Sports Facilities Management Strategy</b></p> <p>(1) Work Nos. 3, 4A and 5A shall not be brought into use until the undertaker has, in consultation with the local planning authority, prepared and published a public access proposal for the sports and leisure facilities.</p> <p>(2) The published public access proposals for the sports and leisure facilities referred to in paragraph (1) shall provide a minimum of 12 hours of public access Monday to Friday, of which at least 2 hours and no more than 4 hours would be between the hours of 18:00 and 22:00, at least a further 4 hours of public access at weekends and at a charge comparable with similar facilities.</p>
<b>PW23</b>	<p><b>Off-site associated development sites: working hours: general</b></p> <p>(1) Construction and post-operation works associated with Work Nos. 4A, 4B, 4C, 5A, 5B, 9A, 9B and 10 to 22 shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 07:00 and 13:00 on Saturdays, unless otherwise approved by the local planning authority.</p> <p>(2) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.</p>
<b>PW24</b>	<p><b>Code of Construction Practice</b></p> <p>The construction of the authorised project shall be carried out in accordance with the Code of Construction Practice <a href="#">dated 14 September 2012</a>, unless otherwise approved by the local planning authority.</p>
<b>PW26</b>	<p><b>Ministry of Defence Communication Protocol</b></p> <p>(1) The undertaker shall, in consultation with the Ministry of Defence, prepare and implement a vessel communication protocol, setting out procedures for informing the Ministry of Defence of vessel movements associated with the HPC construction works travelling through or adjacent to the Lilstock Firing Range.</p> <p>(2) Vessel movements associated with the HPC construction works shall be managed in accordance with the vessel communication protocol.</p>
<b>PW27</b>	<p><b>Use of temporary associated development sites</b></p> <p>The temporary associated development sites shall only be used in connection with the authorised project and their use shall cease upon completion of the HPC construction works.</p>
<b>PW28</b>	<p><b>Cross-shore rock platform erosion and sediment transport monitoring plan</b></p> <p>(1) Work Nos. 1A(o), TJ1 to TJ3, 2B, 2D, 2F and 2H shall not commence until a cross-shore rock platform erosion and sediment transport monitoring plan has, after consultation with the Countryside Council for Wales, Natural England and the</p>

	<p>Environment Agency, been submitted to and approved by the Marine Management Organisation. The plan should include:</p> <p>(a) the geographical extent of the monitoring which shall include, but is not limited to, the intertidal shore fronting the HPC development site, the ‘pocket beach’ at the junction between the existing and proposed sea wall defences (Hinkley Point A and Hinkley Point C interface), the offshore intake and outfall heads, the jetty head and all associated dredged areas;</p> <p>(b) arrangements for monitoring of the cross-shore rock platform fronting the HPC development site to seaward to quantify platform lowering during the operation of HPC;</p> <p>(c) arrangements for sediment transport monitoring before, during and after construction, describing the mobile bed (non-suspended) sediment load and distribution, unless otherwise agreed by the Marine Management Organisation;</p> <p>(d) appropriate contingency measures that would be implemented having regard to the results of the monitoring referred to in (b) and (c) above together with the trigger points to when such measures would apply;</p> <p>(e) monitoring arrangements associated with the offshore intake and outfall heads, jetty heads and associated dredged areas; and</p> <p>(f) the monitoring methodology, frequency of monitoring and format of monitoring reports.</p> <p>(2) The cross-shore rock platform erosion and sediment monitoring plan referred to in paragraph (1) shall be implemented as approved.</p>
<b>PW29</b>	<p><b>Residential amenity: information dissemination and complaints handling (G36)</b></p> <p>(1) The authorised project shall not commence until a system for the provision of information to local residents and occupiers about the works and for the handling of complaints has, following consultation with Somerset County Council and Sedgemoor District Council, been submitted to and approved by West Somerset Council. The information to be disseminated shall include general provision of information in relation to the phasing and carrying out of construction works for the authorised project and specifically in relation to activities on-site that may lead to nuisance.</p> <p>(2) The approved information dissemination and complaints handling systems shall be implemented as approved throughout the construction of the authorised project, unless otherwise approved by West Somerset Council.</p>
<b>PW30</b>	<p><b>No Burning of Materials (G10)</b></p> <p>There shall be no burning of waste, materials or refuse on the site at any time during the construction of the authorised project.</p>
<b>PW31</b>	<p><b>Previously unidentified contamination</b></p> <p>(1) If in undertaking the construction of the authorised project, contamination not</p>

	<p>previously identified is found to be present at the site, then no further development shall be carried out until details as to how this contamination not previously identified is to be dealt with have, following consultation with Somerset County Council, been submitted to and approved by the local planning authority and put into effect.</p> <p>(2) Notwithstanding paragraph (1), a defined area or areas may be identified and agreed with the local planning authority where development can continue without approval of the details submitted in accordance with paragraph (1) above.</p>
<b>PW32</b>	<p><b>Shelduck and non-breeding birds monitoring and mitigation schemes</b></p> <p>(1) Work Nos. 8A, TJ1, TJ2 and TJ3 shall not be brought into operation until Shelduck and non-breeding birds monitoring and mitigation schemes have, following consultation with Natural England and the Marine Management Organisation, been submitted to and approved by the local planning authority. Unless otherwise agreed, the monitoring and mitigation schemes shall be developed in accordance with the Temporary Jetty Development <a href="#">Principles for an Adaptive Shelduck Monitoring Strategy</a> (ref: <a href="#">NE/9.1 E52.2, November 2014</a>) and the Combwich Wharf and River Parrett Non-breeding Wildfowl and Wader Monitoring and Mitigation Scheme (submitted 31st August <a href="#">2012</a>).</p> <p>(2) The Shelduck and non-breeding birds monitoring and mitigation schemes shall be implemented as approved.</p>
<b>PW33</b>	<p><b>Noise Monitoring Scheme (Offsite Associated Development Sites)</b></p> <p>(1) No development shall commence at Work Nos. 4A, 4B, 5A, 5B, 6A to 6J, 7A, 7B, 8A, 8B, 9A, 9B, 10 and 11 until a noise monitoring scheme for that work has been submitted to and approved by the local planning authority. The noise monitoring scheme shall set out details of:</p> <p>(a) noise monitoring to establish the effectiveness of the noise management measures;</p> <p>(b) frequency and format of reporting monitoring information to the local planning authority; and</p> <p>(c) contingency measures that would be implemented where monitoring identifies the exceedance of the noise emission levels set at table 5.2 of the Code of Construction Practice.</p> <p>(2) The noise monitoring scheme referred to in paragraph (1) shall be implemented for the duration of construction, demolition and dismantling works.</p>
<b>PW34</b>	<p><b>Piling techniques</b></p> <p>The installation of piles associated with Work Nos. 1A, TJ1 and 2A to 2H shall use the best practice methods, including the use of soft start techniques, equivalent to or better than those outlined in the Report to Inform the Habitats Regulations Assessment.</p>
<b><u>PW35</u></b>	<b><u>Dredged material arising from the authorised project shall not be disposed of except</u></b>

	<a href="#"><u>within the Severn Estuary Special Area of Conservation.</u></a>
<b><u>PW36</u></b>	<a href="#"><u>Only uncontaminated rock, subsoil, brick rubble, crushed concrete, and ceramic materials shall be permitted as infill material used within the authorised project. All site-won fill materials shall be used subject to the controls established within the Code of Construction Practice, and the protocols defined within: “The Definition of Waste: Development Industry Code of Practice, Version 2, March 2011”, published by Contaminated Land: Applications in Real Environment (CL:AIRE)</u></a>



## HPC DEVELOPMENT SITE: SITE PREPARATION WORKS

For the purpose of requirements P1 to P25~~28~~, the "site" refers to the limits of Works No. 1A as shown on sheet no. 2 of the work plans and "development" refers to Work No.1A(a) to (c) carried out pursuant to this Order. Requirements P1 to P28 relate to development carried out on the site as defined in the relevant requirement. It should be noted that requirements MS1 to MS27 will also apply to Work No. 1A(a) to (c) (site preparation works).

(1) Reference No.	(2) Requirements (corresponding Site Preparation Condition Reference)
<b>P1</b>	<p><b>Ecology: tree protection (G31)</b></p> <p>(1) No development shall commence until a plan has been submitted to and approved by West Somerset Council that identifies the existing trees and hedgerows (or sections of hedgerows) to be retained on the site together with the type of fencing to be used and arrangements to be made in accordance with British Standard 5837:2005 to protect the retained trees and hedgerows (or sections of hedgerows). The plan shall be implemented in accordance with the approved details.</p> <p>(2) No retained tree or hedgerow (or section of hedgerow) shall be cut down, uprooted or destroyed, nor shall any retained tree or hedgerow (or section of hedgerow) be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of West Somerset Council. Any topping or lopping approved shall be carried out in accordance with British Standard 5837:2005.</p> <p>(3) If any retained tree or hedgerow (or section of hedgerow) is removed, uprooted or destroyed or dies, another tree or replacement hedgerow (or section of hedgerow) shall be planted at the same place and that tree or hedgerow (or section of hedgerow) shall be such size and species, and shall be planted at such time, as may be specified by West Somerset Council.</p>
<b>P2</b>	<p><b>Ecology: wildlife mitigation measures – reptiles (FP14)</b></p> <p>(1) The two haul road crossings of the Green Lane shall not be brought into use until design details of reptile crossings and associated fencing have been submitted to and approved by West Somerset Council.</p> <p>(2) The reptile crossings and associated fencing shall remain in situ for the duration of the construction of Work No. 1A, unless otherwise approved by West Somerset Council.</p>
<b>P3</b>	<p><del><b>Ecology: wildlife mitigation measures – bats (FP15)</b></del></p> <p><del>Mitigation measures to maintain bat flights corridors across haul roads and along hedgerows, as set out in the Environmental Statement (Volume 2, Chapter 20, paragraph 20.6.1), shall be installed before haul roads are brought into use and the removal of hedgerows, which create gaps of over 10m. Bat habitat areas shall be</del></p>

	<del>retained, enhanced and created in accordance with the site preparation permission application document entitled Further Clarification in Relation to Barbastelle Bats (July 2011), unless otherwise approved by West Somerset Council, or details approved pursuant to MS1H.</del>
<b>P4</b>	<p><b>Historic environment: excavation and recording of buried heritage assets (G32)</b></p> <p>Archaeological works relating to buried heritage assets shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for Archaeological Mitigation, set out in the Environmental Statement (Volume 2, Chapter 23, Ref 23.21) and results published in monograph form within ten years of commencement of the development.</p>
<b>P5</b>	<p><b>Historic environment: building recording (G33)</b></p> <p>The programme of archaeological works relating to the three existing barn structures (Benhole Barn; Langborough Barn; and Sidwell Barn) shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for Historic Building Recording, set out in the Environmental Statement (Volume 2, Chapter 23, Ref 23.21) and results published in monograph form within ten years of commencement of the development.</p>
<b>P6</b>	<p><b>Historic environment: recording of important hedgerows (G34)</b></p> <p>The programme of archaeological works relating to important hedgerows shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for Archaeological Mitigation: Trenches through Green Lane and Historic Hedgerows, set out in the Environmental Statement (Volume 2, Chapter 23, Ref 23.21). The results shall be published in monograph form within ten years of commencement of the development.</p>
<b>P7</b>	<p><b>Historic environment, ecology and landscape: Green Lane - preservation in situ (G37)</b></p> <p>The development shall not commence until a scheme showing the method of working which ensures the preservation in-situ of the Green Lane as shown on drawing HPCSPW025A Rev2: Tree and Hedgerow Retention and Removal has been submitted and approved by West Somerset Council. The method of working shall be implemented as approved for the duration of the construction of Work No. 1A (a).</p>
<b>P8</b>	<p><b>Historic environment: monitoring of paleontological remains (SP15)</b></p> <p>No development shall commence until a monitoring scheme has, following consultation with Somerset County Council Historic Environment Service, been submitted to and approved by West Somerset Council, to ensure that any significant fossil finds are identified, removed, conserved and deposited with the Museum of Somerset. The scheme shall be implemented as approved, unless otherwise approved by West Somerset Council.</p>
<b>P9</b>	<p><b>Historic environment: scheduled monument management plan (SP22)</b></p>

	<p>(1) The development shall not commence until a monument management plan for Wick Barrow (SM No. 28) has, following consultation with English Heritage, been submitted to and approved by West Somerset Council. The monument management plan is to include:</p> <ul style="list-style-type: none"> <li>(a) Investigation of the landscape in which the monument was constructed;</li> <li>(b) Excavation of earlier archaeological trenches and reinstatement of material;</li> <li>(c) Scrub management and husbandry;</li> <li>(d) Details of the timing and implementation of the removal of the existing road adjacent to Wick Barrow (following construction of the replacement road and roundabout) and details of the grassing over of the existing road land; and</li> <li>(e) Updating of information relating the barrow to the National Monument Record, Somerset County Council Historic Environment Record and production of display material (including virtual and illustrated material).</li> </ul> <p>(2) The monument management plan shall be implemented as approved during the construction of Work No. 1A, unless otherwise approved by West Somerset Council.</p>
<b>P11</b>	<p><b>Drainage: oil interceptors (G35)</b></p> <p>Surface water drainage from impermeable parking areas and hardstanding for vehicles and lorry parks shall be passed through oil interceptors prior to being discharged to any watercourse, surface water sewer or soakaway system, unless otherwise approved by West Somerset Council. The oil interceptors shall have a sufficient capacity for the areas being drained and shall be constructed prior to the first use of the parking areas or hard-standing and shall thereafter be retained throughout the construction of Work No. 1A. Roof water shall not pass through the oil interceptors.</p>
<b>P11A</b>	<p><b>Surface water drainage (FP4 and SP1)</b></p> <p>(1) No development shall commence until written details of the surface and foul water drainage system for that part (including means of pollution control, details of water management zones and a programme of construction and implementation) have, after consultation with the relevant drainage authority, been submitted to and approved by West Somerset Council.</p> <p>(2) The details shall be in general accordance with figure A.1.6 of Appendix 2A of Volume 2 of the Environmental Statement and shall attenuate discharge to greenfield run-off rates.</p> <p>(3) The surface and foul water drainage system referred to in paragraph (1) shall be constructed, maintained and retained in accordance with the approved details, save to the extent MS19 indicates otherwise.</p>
<b>P12</b>	<p><b>Drainage: culvert of Holford stream (SP2)</b></p> <p>(1) No development shall commence until details of the Holford Stream Culvert</p>

	<p>and/or infilling earthworks in the Holford Stream valley have been submitted to and approved by West Somerset Council. The construction details for the culvert shall be in accordance with the concept details indicated on drawing HPCSPW011 Rev 1: Surface Water Drainage Holford Stream Culvert, unless otherwise approved by West Somerset Council.</p> <p>(2) The construction details shall include details of the method of working (including the direction of working, measures for dealing with any flows in the watercourse, backfilling of the original channel, culvert foundations, compaction of fill around the culvert), demonstration of whether the proposed perforated land drains will be able to support the structural loading of the 12m of fill material and operate as intended for their design life, future ownership, maintenance and inspection (including of the proposed trash and security screen), repair, and operation of the culvert, and the full hydraulic design of the Holford Stream to demonstrate that there will be no loss of depth upstream or downstream during low flow conditions.</p> <p>(3) The culvert works to the Holford Stream shall be carried out in accordance with the approved details. The culvert works shall thereafter be retained for the duration of the authorised project.</p>
<p><b><u>P13</u></b></p>	<p><u>No development shall occur until a flood risk management strategy has, after consultation with the Environment Agency, been submitted to and approved by West Somerset Council.</u></p>
<p><b>P14A</b></p>	<p><b>Geology &amp; Contaminated Land: Contamination Risk Assessment and Implementation (SP11)</b></p> <p>(1) No development shall commence until the following components of a scheme to deal with the risks associated with potential and known contamination of the site shall each have been submitted to and approved by West Somerset Council. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and must include:</p> <ul style="list-style-type: none"> <li>a. A preliminary risk assessment which identifies all previous uses of the site and surrounding land, potential contaminants associated with those uses and a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.</li> <li>b. A site investigation scheme, based on (a.) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</li> <li>c. An options appraisal and remediation strategy based upon the site investigation results and the detailed risk assessment in (b.) above giving full details of the remediation measures required and how they are to be undertaken.</li> <li>d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c.) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and</li> </ul>

	<p>arrangements for contingency action.</p> <p>(2) The scheme referred to in paragraph (1) shall be implemented as approved. Any changes to the scheme require the prior written approval of West Somerset Council.</p> <p>(3) West Somerset Council shall be given two weeks prior written notification of commencement of the remediation works. Following completion of a measure identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation must be produced and submitted to West Somerset Council for approval prior to the commencement of any further development.</p>
<b>P14B</b>	<p><b>Storage of Oils, Fuels, Concrete and Chemicals (G20)</b></p> <p>In the construction of Work No. 1A, any facilities for the storage of oils, fuels, concrete or chemicals shall be sited on an impervious base and either be graded to drain to a sump/collector or surrounded by impervious walls to form a bunded compound. The volume of the sump/collector or bunded compound shall be at least equivalent to the capacity of the storage tank plus 10%. All filling points, vents, gauges and sight glasses must be located on the impervious base and the drainage system shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be designed to discharge into the sump/collector or bunded compound.</p>
<b>P14C</b>	<p><b>Geology and Land Contamination: Spoil Mound Remediation (G5)</b></p> <p>Unless otherwise approved by the local planning authority, no development shall commence within the Built Development Area East (as shown on drawing number HP/MR/01 Rev A of planning permission reference 3/32/10/025 dated 13 January 2011 (issued by Somerset County Council)) until:</p> <p>(a) remediation works in any defined area of the site pursuant to planning permission reference 3/32/10/025 dated 13 January 2011 (issued by Somerset County Council) have been completed to the satisfaction of the local planning authority and the validation report and completion certificate for that defined area have been submitted to and approved by the local planning authority; except</p> <p>(b) within areas confirmed in writing by the local planning authority in which there is no known or identified contamination, whereby development can proceed subject to condition PW31 (G38).</p>
<b>P15</b>	<p><b>Geology &amp; contaminated land: radiological monitoring (SP10)</b></p> <p>(1) No development shall commence until a scheme for radiological monitoring of the land within a 30 metre radius of sample locations GB2 and TE312 specified on figure 15.19 (Volume 2 of the Environmental Statement) has been submitted to and approved by West Somerset Council.</p> <p>(2) The radiological monitoring scheme shall be implemented in accordance with the approved details.</p>

<b>P16</b>	<p><b>Vegetation clearance (FP7)</b></p> <p>(1) Before undertaking any vegetation clearance within the period from October to March inclusive, a Winter Clearance Scheme designed to avoid or reduce impacts on over-wintering birds which are interest features of the Severn Estuary SPA shall be submitted to and approved by West Somerset Council.</p> <p>(2) Any vegetation clearance undertaken during the period October to March inclusive shall be carried out in accordance with the requirements of the Winter Clearance Scheme.</p>
<b>P16A</b>	<p><b>Ecological Mitigation and Monitoring Plan (FP1)</b></p> <p>(1) No development shall commence until an Ecological Mitigation and Monitoring Plan has been submitted to and approved by West Somerset Council. The submitted details shall reflect the survey results and ecological mitigation and enhancement measures included in Volume 2, Chapter 20 of the Environmental Statement and shall include details of:</p> <ul style="list-style-type: none"> <li>(a) works for plant community development based on the National Vegetation Classification across the grasslands woodland and hedgerow habitats;</li> <li>(b) the monitoring of invertebrates (butterflies and other indicator species);</li> <li>(c) the scale and timing of habitat creation and enhancement works;</li> <li>(d) the monitoring of bat activity;</li> <li>(e) a scheme for the protection of badgers;</li> <li>(f) undertaking bird counts of the site, and</li> <li>(g) a timetable for implementation.</li> </ul> <p>(2) The Ecological Mitigation and Monitoring Plan shall be implemented as approved for the duration of the construction of Work No. 1A.</p>
<b>P16B</b>	<p><b>Habitat Management Plan (FP3)</b></p> <p>(1) No development shall commence until a Habitat Management Plan has been submitted to and approved by West Somerset Council. The submitted details shall include all areas of habitats proposed to be retained or created and include information on proposals for the management and monitoring of retained features.</p> <p>(2) The Habitat Management Plan shall be implemented as approved.</p>
<b>P17</b>	<p><b>Transport: HGV emissions (FP10)</b></p> <p>Unless otherwise agreed by West Somerset Council, all HGVs to be used in the HPC construction works will be of the Euro standard that is at least EURO IV. All HGVs to be used in the HPC construction works shall register on a database held by the undertaker but accessible to Somerset County Council, Sedgemoor District Council</p>

	and West Somerset Council.
<b>P18</b>	<p><b>Engineering details of foreshore access road (SP5)</b></p> <p>No works to construct the foreshore access road shall commence until engineering construction details for the road including any associated drainage works have been submitted to and approved by West Somerset Council. The foreshore access road shall be removed on completion of construction of the offshore works, unless otherwise approved by West Somerset Council.</p>
<b>P19</b>	<p><b>Access to foreshore (SP7)</b></p> <p>(1) The foreshore access shall not be brought into use until demarcations are in place to prevent the movement of vehicles and plant outside the works area/access corridor on intertidal habitats that form part of the designated features of the Severn Estuary European sites and SSSI.</p> <p>(2) Construction vehicles and plant shall not be permitted to have access to any other areas of the foreshore outside the works area/access corridor.</p>
<b>P20</b>	<p><b>Flooding: foreshore access (SP8)</b></p> <p>The foreshore access road shall not be brought into use for any HPC construction works until flood warning notices have been erected in suitable and visible positions, such positions and wording of the signs to be approved by West Somerset Council. The flood warning notices shall be retained throughout the period during which the foreshore access road is in place.</p>
<b>P21</b>	<p><b>Flooding / erosion: retaining wall (SP9)</b></p> <p>No works to construct the temporary earthworks retaining wall on the cliff / foreshore shall commence until engineering construction details of the temporary earthworks retaining wall have been submitted to and approved by West Somerset Council. The works shall be carried out and retained in accordance with the approved details.</p>
<b>P22</b>	<p><b>Landscape and visual: concrete batching plants (SP12)</b></p> <p><a href="#">Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification)</a> the concrete batching plants and associated integral silos to be constructed on the site shall be finished in a neutral colour and matt finish, unless otherwise approved by West Somerset Council.</p>
<b>P25</b>	<p><b>General Permitted Development Order – Sleeping accommodation (G22)</b></p> <p>Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, save in respect of Work No. 3, no part of the site shall be used for the stationing of sleeping accommodation for site workers <a href="#">at any time during the construction of the power station</a>, unless the written approval of the local planning authority has first been obtained.</p>

**P26**

**Air Quality Monitoring (FP5)**

~~(1) No development shall commence until an air quality monitoring scheme has been submitted to and approved by West Somerset Council. The scheme shall include the following elements:~~

~~a. Air quality monitoring comprising continuous ambient particle (PM10, PM2.5 and Total Suspended Particles) monitoring at or near to Doggetts, Bishops Farm House, Knighton Farm and one close to the hamlet of Wick. The monitoring sites should be sited in agreement with West Somerset Council. Monitoring should include where possible real time logging of averaging periods not less than 15 minutes and remote interrogation and downloading. Automatic notification of concentrations above the trigger levels should be agreed with West Somerset Council (including the frequency, averaging period, threshold(s), format (e.g. text message, email) and relevant persons (e.g. site manager, Environmental Health Officer).~~

~~b. Monitoring should start at least one month prior to commencement of development in order to establish a baseline. The most suitable open monitoring station shall also monitor wind speed, direction, temperature, relative humidity and rainfall.~~

~~c. Maximum hourly mean concentrations of PM10, PM2.5 and TSP must be set at trigger levels to be agreed by West Somerset Council in consultation with Environmental Health Officers.~~

~~d. Concentrations above the trigger levels should be notified to West Somerset Council automatically within 10 minutes of the end of the relevant averaging period and action must immediately be taken to reduce any dust generating activities being undertaken, to include additional mitigation measures and/or cessation of any or all dust generating activities being undertaken as part of the works, until the monitored concentrations are below the trigger values.~~

~~e. Trigger values may be set as short term means with averaging periods of 1 hour or less and so monitoring should be carried out in accordance with these trigger levels. An initial trigger level of 200µg/m<sup>3</sup> PM10 as a 15 minute mean is proposed which shall be reviewed by the local planning authority and the undertaker and revised levels approved by West Somerset Council if it proves to be too high or too low the aim being to ensure adequate protection without excessive alerts.~~

~~f. Suitable and competent persons to carry out visual inspections at locations and frequencies approved by West Somerset Council in order to review the potential for dust nuisance and in the event of dust nuisance complaints being made, to help quantify the actual or potential dust nuisance.~~

~~g. Dust deposition (total dust) monitoring to be commenced at least one month prior to the commencement of the development, for the duration of construction of Work No. 1A(a) and continue in accordance with the details approved under MS1B. Monitoring shall be at 1.8 metres above ground level at locations every~~



	<p>500 metres taking account of the presence of potential receptors unless otherwise approved by the West Somerset Council or unless there are no receptors within 500 metres of the proposed monitoring point along the site boundary and at other locations as approved by West Somerset Council.</p> <p>h. Monitoring shall be for continuous periods of 30 days for the first year of works after which the effectiveness of the monitoring shall be reviewed by the undertaker and West Somerset Council and other stakeholders as approved by West Somerset Council, to determine whether modifications should be made. Sampling and averaging should be designed to yield data comparable with and indicative threshold criterion of 200mg/m<sup>2</sup>/day (30 day mean). As soon as practicable after any data become available they shall be reviewed and where any data are above this threshold, activities on site shall be reviewed along with any other dust monitoring to determine if additional mitigation can and should be applied and if required, such measures shall be submitted to West Somerset Council for approval and if approved implemented and carried out in accordance with such approval.</p> <p>i. Measures to ensure that any diesel fuel used on site shall be ultra low sulphur diesel (ULSD) (&lt;10mgS/kg). Diesel fuelled construction vehicles travelling off-site shall also use ULSD.</p> <p>(2) The air quality scheme shall be implemented as approved throughout construction of Work No. 1A(a). The data resulting from the scheme monitoring shall be submitted in an agreed format to West Somerset Council and Environmental Health and shall be in compliance with the statutory guidance.</p>
<p><b>P27</b></p>	<p><b>Noise and Vibration: Control of Noise During Construction and Maintenance (FP6)</b></p> <p>(1) No development shall commence until a written scheme for noise management during the development has been submitted to and approved by West Somerset Council. The scheme shall set out the particulars of:</p> <ul style="list-style-type: none"> <li>a. The method by which the development is to be carried out.</li> <li>b. Any plant and machinery to be used in constructing Work 1A(a).</li> <li>c. The noise attenuation measures to be taken to minimise noise resulting from the works.</li> <li>d. A scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures, including submission of the monitoring information to West Somerset Council.</li> <li>e. Further measures to be implemented if the noise limits are being breached during the works.</li> </ul> <p>(2) The scheme referred to in paragraph (1) shall be implemented as approved throughout construction of Work No. 1A(a), unless otherwise agreed by West Somerset Council.</p>

<b>P28</b>	<p><b>Groundwater: Monitoring (SP16)</b></p> <p><del>(1) No development shall commence until a scheme for the management and monitoring of groundwater levels and quality has been submitted to and approved by West Somerset Council. The scheme shall include details of how the management and monitoring will be undertaken and how the system will be configured to respond to the exceedance of particular contaminants. The results of the monitoring shall be submitted to West Somerset Council once every three months during the construction of Work No. 1A(a).</del></p> <p><del>(2) The approved scheme shall be implemented as approved during the construction of Work No. 1A(a) unless otherwise approved by West Somerset Council, or details approved pursuant to MS1C.</del></p>
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## HPC DEVELOPMENT SITE: WORK NOS. 1A, 1B and 1C

For the purpose of requirements MS1 to MS27, the "site" refers to the limits of Works No. 1A as shown on sheet no. 2 of the works plans and "development" refers to Work Nos. 1A, 1B and 1C. Requirements MS1 to MS27 relate only to development carried out on the site as so defined.

(1) Reference No.	(2) Requirements
MS1A	<p><b>Ecology: wildlife mitigation measures - bat foraging</b></p> <p>(1) <u>Before haul roads are brought into use, and before vegetation is removed to create gaps in hedgerows of over 10m, mitigation measures to maintain bat flight corridors across haul roads and along hedgerows shall be installed as set out in the Environmental Statement (Volume 2, Chapter 20, paragraph 20.6.1). These mitigation measures shall be retained until replacement areas of bat habitat have been created or enhanced, in accordance with a scheme to be submitted to and approved by West Somerset Council, in consultation with Natural England and Somerset County Council.</u></p> <p>(2) Notwithstanding the 10ha of bat mitigation land secured by the site preparation permission <u>section 106 agreement, unless otherwise agreed by West Somerset Council,</u> Works No.s 1A (d) to (p), 1B and 1C shall not commence until additional bat habitat creation and enhancement works to an area of 15ha, in a location agreed with Natural England, Somerset County Council, Sedgemoor District Council and West Somerset Council, have been completed, <del>unless otherwise agreed.</del></p> <p><u>(3) (2)–Unless otherwise agreed by the local planning authority, following consultation with Natural England and Somerset County Council,</u> the bat habitat creation and enhancement works shall be carried out in accordance with the specification set out in the site preparation permission, Schedule A of “Further Clarification in Relation to Barbastelle Bats”, dated July 2011.</p> <p><u>(4) 3)–The bat habitation and enhancement works on the additional area of 15ha referred to in paragraph (2) above and works referred to in paragraph (1) and the 10ha of bat mitigation land secured by the site preparation permission s106 agreement (–identified on Plan 6 to that deed), shall be retained until the earthworks and planting in associated the Landscape Restoration proposals Area approved pursuant to MS16 have been completed in accordance with Requirement MS16.–</u></p>
MS1B	<p><b>Air Quality Monitoring Scheme</b></p> <p>(1) Works No. 1A <del>(d) to (p)</del>, 1B and 1C shall not commence until an air quality monitoring scheme has been submitted to and approved by West Somerset Council. The submitted details shall include:</p> <p>(a) The <del>air quality monitoring methodology for monitoring comprising continuous</del></p>

	<p>ambient particles (PM10, PM2.5 and Total Suspended Particles) and wind speed and direction, temperature, relative humidity and rainfall;</p> <p><u>(b) monitoring at locations, including sites at (or near to) Doggetts, Knighton Farm, Head Weir House (west of Wick Village) and Yellow Door Cottage (Shurton); which monitoring shall begin not less than one month prior to the date proposed for commencement of development and continue until completion of construction of Work No. 1A.</u></p> <p><u>(c) arrangements for real-time logging of air quality over averaging periods of not less than 15 minutes, with remote interrogation and downloading;</u></p> <p><u>(d) trigger levels, and arrangements for automatic notification of West Somerset Council when these are exceeded;</u></p> <p><del>(b) Provision for the submission of proposals for continuous periods of monitoring and the provision of the results to West Somerset Council, together with proposals for the review of monitoring periods following the first anniversary of commencement of development.</del></p> <p><del>(c) The monitoring details shall include real time logging of averaging periods of not less than 15 minutes and include remote interrogation and downloading and details of automatic notification to West Somerset Council and other persons (such as the site manager) in circumstances where monitored concentrations exceed the trigger levels.</del></p> <p><del>(ed) The steps to be taken in the event that maximum hourly mean concentrations for PM10 of 200µg/m<sup>3</sup> are exceeded;</del></p> <p><del>(fe) The identity of persons to carry out visual inspections in order to review the potential for dust nuisance and, in the event of dust nuisance complaints being made, to help quantify the actual or potential dust nuisance;</del></p> <p><del>(g) The measures to ensure that any diesel fuel used on site shall be ultra-low sulphur diesel (ULSD) (&lt;10mgS/kg).</del></p> <p><u>(2) The details of the air quality monitoring scheme may be revised from time to time, subject to the approval of West Somerset Council. The approved air quality monitoring scheme shall be implemented not less than one month prior to the commencement of the development and shall continue throughout the construction of Works Nos 1A, 1B and 1C and any subsequent landscaping and restoration works. as approved throughout the construction of Work No. 1A.</u></p>
MS1C	<p><b>Drainage: Surface Water Monitoring</b></p> <p>(1) Works No. 1A (d) to (p), 1B and 1C shall not commence until a scheme for the monitoring and sampling, including phosphorus, of the Holford Stream, including up and downstream locations, has, following consultation with the Environment Agency, been submitted to and approved by West Somerset Council.</p> <p>(2) The scheme shall be implemented in accordance with the approved details.</p>

<b>MS1D</b>	<p><b>Groundwater: Monitoring</b></p> <p>(1) No <u>development, including dewatering</u>, shall commence until a scheme for the management and monitoring of groundwater levels and quality has, following consultation with the Environment Agency, been submitted to and approved by West Somerset Council.</p> <p>(2) <u>Details of the groundwater monitoring scheme may be revised from time to time, subject to the approval of West Somerset Council, following consultation with the Environment Agency.</u></p> <p>(3) <u>The scheme shall be implemented in accordance with the approved details throughout Works Nos 1A, 1B and 1C.</u></p>
<b>MS1E</b>	<p><b>Soil Management Measures</b></p> <p>Construction works at the site shall be carried out in accordance with methodology and measures set out in Sections 2 to 4 of the Soil Management Plan (Annex 3 of the Environmental Statement), unless otherwise agreed by West Somerset Council.</p>
<b>MS1F</b>	<p>(1) <u>No</u> stockpiling shall be permitted on the site until further details of stockpiling have, following consultation with the Environment Agency, been submitted to and approved by West Somerset Council. Such further details shall comprise a materials stockpile plan which shows the location, composition, <u>maximum dimensions</u>, movement and duration of any stockpile that would be in place for greater than one year.</p> <p>(2) Any stockpiling on the site shall be carried out in accordance with the approved details referred to in paragraph (1) above.</p>
<b>MS1G</b>	<p><del><b>Infill Material</b></del></p> <p><del>Only uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic materials shall be permitted as infill material used within the site. All site won fill materials shall be used subject to the controls established within the Code of Construction Practice, and shall follow the protocols defined within: “The Definition of Waste: Development Industry Code of Practice, Version 2, March 2011”; published by Contaminated Land: Applications in Real Environments (CL:AIRE).</del></p>
<b>MS1H</b>	<p><del><b>Ecology: wildlife mitigation measures — bats</b></del></p> <p><del>The bat mitigation measures set out in requirement P3 shall be retained, enhanced and created in accordance with the approved details unless and until further or revised details of areas of created, retained and enhancements to bat habitat have been submitted to and approved by West Somerset Council.</del></p>
<b>MS1</b>	<p><b>Construction development</b></p> <p>(1) Buildings, structures, plant, equipment, uses, haul roads, construction hoardings and means of enclosure required in connection with construction works for the site will be built and used in accordance with section 4.3 of the Construction Method</p>

	<p>Statement and construction parameter plan figure 4.6, unless otherwise approved by West Somerset Council.</p> <p>(2) For the avoidance of doubt, the construction works and associated plant and equipment south of the 144750mN site boundary shall be limited to works associated with the emergency access road, the bridge over Bum Brook and landscape works.</p> <p>(3) Following completion of construction of Work No. 1A, all temporary structures, plant and equipment required for construction of the development shall be removed and landscape restoration works implemented in accordance with the details approved for MS15 and MS16.</p>
<b>MS2</b>	<p><b>Permanent fencing</b></p> <p>(1) No permanent security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance, having regard to guidance document ‘Finding A Balance, Guidance on the Sensitivity of Nuclear and Related Information and its Disclosure’, Office of Nuclear Regulation (Office for Civil Nuclear Security), April 2005, have been submitted to and approved by West Somerset Council.</p> <p>(2) No permanent fencing of Work No. 1A shall be erected unless in accordance with the approved details.</p>
<b>MS3</b>	<p><b>Construction noise</b></p> <p>(1) As determined at the <del>façade of any dwelling nearest residential receptor</del> outside of Work No. 1A, the level of noise emitted from the site during the construction of Work No. 1A, including the removal of temporary construction development and landscape restoration works, 1B, 1C, 2A to 2H and TJ0 to TJ3 shall not exceed the following levels:</p> <p style="padding-left: 40px;">Monday to Saturday:</p> <p style="padding-left: 40px;">(a) 07.00 to 19.00: 65 dB LAeq, 1 hour;</p> <p style="padding-left: 40px;">(b) 19.00 to 23.00: 60 dB LAeq, 1 hour; and</p> <p style="padding-left: 40px;">(c) 23.00 to 07:00: 45 dB LAeq, 1 hour, <u>and 65 dB LAmax.</u></p> <p style="padding-left: 40px;">Sundays and Bank Holidays:</p> <p style="padding-left: 40px;">(d) 07.00 to 19.00: 60 dB LAeq, 1 hour;</p> <p style="padding-left: 40px;">(e) 19.00 to 23.00: 55 dB LAeq, 1 hour; and</p> <p style="padding-left: 40px;">(f) 23.00 to 07:00: <del>45</del> dB LAeq, 1 hour, <u>and 65 dB LAmax.</u></p> <p>(2) The noise level restrictions referred to in paragraph (1)(a) above shall apply except for specific, short duration construction or demolition activities during which an increased noise threshold of 75dB LAeq, 1 hour shall apply. <u>A scheme for notifying local residents shall be submitted to and approved by West Somerset Council before the increased noise threshold is applied. Notice of the application and duration of the</u></p>

	<p><u>increased threshold shall be given to West Somerset Council and to local residents, in accordance with the approved scheme, at least 48 hours before the increased threshold is applied. The number and duration of occasions on which the increased noise threshold is applied shall be limited to those approved by West Somerset Council.</u><del>Any such activities and duration of such activities shall be notified to West Somerset Council and local residents at least 48 hours before they commence and the duration and number of such activities during the carrying out of the development shall be limited to those approved by West Somerset Council.</del></p> <p>(3) Monitoring of the noise levels during construction of the development shall be carried out pursuant to the details approved pursuant to requirement MS3C.</p>
<b>MS3A</b>	<p>The following construction activities will be prohibited between the hours of 23:00 and 07:00:</p> <ul style="list-style-type: none"> <li>(a) construction of the emergency access road and its bridge over Bum Brook;</li> <li>(b) landscaping works south of the 144750mN site boundary;</li> <li>(c) rock ripping and crushing associated with deep excavations; and</li> <li>(d) construction of the HPC Accommodation Campus (Work No. 3).</li> </ul>
<b>MS3B</b>	<p><del>(1) Any foghorn associated with the development shall not be installed unless and until details of the foghorn have been submitted to and approved by West Somerset Council.</del></p> <p><del>(2) The foghorn shall not be installed, retained or operated unless in accordance with the approved details.</del></p>
<b>MS3C</b>	<p><b>Noise monitoring Scheme</b></p> <p>(1) Works No. 1A <del>(d) to (p)</del>, 1B and 1C shall not commence until a noise monitoring scheme for the site has been submitted to and approved by West Somerset Council. The noise monitoring scheme shall set out details of:</p> <ul style="list-style-type: none"> <li>(a) <del>noise monitoring to establish the effectiveness of the noise management measures</del><u>a methodology for monitoring noise to ensure compliance with Requirement MS3;</u></li> <li>(b) <del>frequency and format of reporting monitoring information to West Somerset Council; and</del><u>the location of representative monitoring points outside residential properties;</u></li> <li>(c) <del>contingency measures that would be implemented where monitoring identifies the exceedance of the noise emission levels set at MS3</del><u>the frequency and format of reporting monitoring information to West Somerset Council; and</u></li> <li><u>(d) contingency measures to be taken if noise limits specified in Requirement MS3 are exceeded.</u></li> </ul> <p>(2) <u>The details of the noise monitoring scheme may be revised from time to time.</u></p>

	<p><a href="#">subject to the approval of West Somerset Council.</a></p> <p>(3) The noise monitoring scheme <del>referred to in paragraph (1)</del> <a href="#">as approved</a> shall be implemented for the duration of construction of Works Nos. <a href="#">1A, 1B and 1C, and throughout any subsequent site restoration and landscaping.</a></p>
<b><a href="#">MS3D</a></b>	<p><a href="#">When measured at the façade of any dwelling between 23:00 and 07:00 hours, operational noise from the proposed power station shall not exceed 45 dB LAeq, 1 hour.</a></p>
<b>MS4</b>	<p><b>Construction lighting</b></p> <p>Installation of external construction lighting shall be carried out in accordance with the Construction Lighting Strategy, Appendix A3 of the Construction Method Statement submitted on the 31<sup>st</sup> October 2011.</p>
<b>MS5</b>	<p><b>Construction workforce parking</b></p> <p>During the construction of Work No. 1A, the number of car and minibus parking spaces for the HPC construction workforce at the site shall not exceed 200 spaces for construction workers and a further 100 spaces for business visitors, VIP visitors, disabled parking and bus parking for the Public Information Centre, unless otherwise approved by West Somerset Council.</p>
<b>MS5A</b>	<p><b>Operational Car Parking</b></p> <p>(1) Car parking for HPC operational staff shall not exceed 430 spaces, excluding spaces allocated for disabled HPC operational staff, unless otherwise agreed by West Somerset Council.</p> <p>(2) Car parking for the Public Information Centre shall be operated in accordance with the details approved pursuant to PW13.</p> <p>(3) Car parking associated with the Training and Simulator Building and Outages and maintenance will be operated in accordance with the details approved pursuant to PW12.</p>
<b>MS6</b>	<p><b>Building design: reserved matters</b></p> <p>(1) Construction of the Interim Spent Fuel Store (comprised in Work No. 1A(g)), including associated ancillary plant, shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plans HINK-A2-HHK-00-GP-000 (Rev 01), HINK-A2-HHK-00-GE-001 (Rev 01) and HINK-A2-HHK-00-GE-002 (Rev 01) and chapters 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>



<b>MS7</b>	<p>(1) Construction of the Access Control Building (comprised in Work No. 1A(g)) shall not commence until details of the layout, scale and external appearance of that building have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plan HINK-A2-HUD-00-GA-001 (Rev 01) and chapters 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS8</b>	<p>(1) Construction of the Auxiliary Feedwater Storage buildings (comprised in Work No. 1A (d)(ii) and (e)(ii)) shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plans HINK-A2-HSB-01-GA-001 (Rev 01), HINK-A2-HSB-02-GA-001 (Rev 01) and chapter 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS9</b>	<p>(1) Construction of the Service Access Buildings (comprised in Work No. 1A (h)) shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plan HINK-A1-SL-00-GA-002 (Rev 01) and chapters 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS10</b>	<p>(1) Construction of the Sewage Treatment Plant (comprised in Work No. 1A(f)) shall not commence until details of the scale and external appearance of that plant have been submitted to West Somerset Council for approval.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plan HINK-A2-STP-00-GA-001 (Rev 01) and chapters 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS11</b>	<p>(1) Construction of the Meteorological Station Mast (comprised in Work No. 1A(h)) shall not commence until details of the siting, scale and external appearance of that Mast have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with parameter plan HINK-A1-SL-00-GA-002 (Rev 01) and chapters 6 (Design Principles)</p>

	<p>and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS12</b>	<p><b>Bridge</b></p> <p>(1) Construction of Work No. 1A(p) (Bridge over Bum Brook) shall not commence until details of the siting, design and appearance of the bridge have been submitted to and approved by West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in general accordance with chapters 6 (Design Principles) and 9 (Parameters for Implementation) of the HPC development site Design and Access Statement and, as set out in section 8.5.50 of the HPC development site Flood Risk Assessment, the soffit level of the bridge shall be no lower than 21.2m above ordnance datum, unless otherwise approved by West Somerset Council.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS12A</b>	<p><b>Emergency Access Road</b></p> <p>(1) Construction of the Emergency Access Road (Work No.1A(p)) shall not commence until details of its proposed siting, layout and horizontal alignment have been submitted for approval to West Somerset Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in general accordance with section 7.23 and Figure D.17 of the HPC development site Design and Access Statement and 8.5.50 of the HPC development site Flood Risk Assessment.</p> <p>(3) The works shall be carried out in accordance with the approved details.</p>
<b>MS13</b>	<p><b>Security</b></p> <p>(1) No CCTV columns and mountings shall be installed on the perimeter fence unless and until details of their siting and scale, having regard to guidance document 'Finding A Balance, Guidance on the Sensitivity of Nuclear and Related Information and its Disclosure', Office of Nuclear Regulation (Civil Nuclear Security), April 2005, have been submitted to and approved by West Somerset Council.</p> <p>(2) The works referred to in (1) shall be carried out in accordance with the approved details, unless otherwise agreed by West Somerset Council.</p>
<b>MS14</b>	<p><b>Landscape works: permanent development site</b></p> <p>(1) Within 6 months of Unit 1 entering operation a written landscape scheme for the permanent development site shall be submitted <del>to and approved by</del> <a href="#">for the approval of West Somerset Council. Unit 2 shall not enter operation before this landscape scheme has been approved.</a> The landscape scheme shall be developed in accordance with the principles established in the HPC development site Design and Access Statement, Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010(Rev 01)), the Site Drainage Strategy (Appendix 2A, Volume 2 of the Environmental Statement) and</p>

	<p>must include details of proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details;</li> <li>(b) hard surfacing materials, including siting of the helipad;</li> <li>(c) proposed finished ground levels;</li> <li>(d) vehicular and pedestrian access, parking and circulation areas;</li> <li>(e) street furniture, refuse or other storage units; and</li> <li>(f) an implementation timetable for works.</li> </ul> <p>(2) The landscape works shall be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>MS15</b>	<p><b>Landscape works: advanced planting south of 144750mN</b></p> <p>(1) No development south of 144750mN shall be commenced until a written landscape scheme has, following consultation with Natural England, been submitted to and approved by West Somerset Council. The landscape scheme shall be developed in general accordance with the principles set out in section 2.2 of the HPC development site Landscape Strategy. The landscape scheme shall include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) location, number, species, size and planting density of any proposed planting;</li> <li>(b) cultivation, importing of materials and other operations to ensure plant establishment;</li> <li>(c) proposed finished ground levels;</li> <li>(d) pedestrian footpaths / bridleways and circulation areas;</li> <li>(e) details of existing trees to be retained, with measures for their protection during the HPC construction works; and</li> <li>(f) plant establishment, maintenance and management arrangements.</li> </ul> <p>(2) Work No. 3 (HPC Accommodation Campus) shall not be brought into use until the landscape works referred to in sub-paragraphs (1) (c) to (e) have been completed. Planting, referred to in sub-paragraph (1) (a) to (b), shall be implemented in the first available planting season thereafter.</p> <p>(3) No landscape works shall be undertaken other than in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>MS15A</b>	<p><b>Landscape Works: North-West Bund</b></p> <p>(1) No part of the superstructure of any building or structure shall be constructed in Area A identified on drawing HP/WP/REQ/MS15A until the earthworks associated</p>

	<p>with the north-west bund have been completed.</p> <p>(2) Unless otherwise approved by West Somerset Council, screen planting of the bund in accordance with the details approved pursuant to Condition SP23 of the site preparation permission shall be undertaken in the first available planting season (November to March inclusive), following completion of the earthworks referred to in paragraph (1), in accordance with the heights and specification shown on the HEO Environmental Statement Clarification Figures 11.1, 11.2 (Rev 2), 11.3 (Rev 2), 11.4 (Rev 2), 11.5 (Rev 1) and 11.6 (November 2011) to provide a screen height generally at 23.0m above ordnance datum.</p> <p>(3) If during the construction of Work 1A any tree or shrub is removed, dies or becomes seriously damaged or diseased it shall be replaced with plants to the specification referred to in paragraph (2) during the next available planting season as required.</p> <p>(4) The north-west bund and associated planting shall be maintained for the duration of construction at Work No. 1A, or in accordance with the approved timetable for landscape restoration works approved under MS16.</p>
<p><b>MS16</b></p>	<p><b>Landscape works: landscape restoration</b></p> <p>(1) <u>Within 6 months of Unit 1 entering operation, a written landscape scheme for the Landscape Restoration Area shall, following consultation with Natural England, be submitted for the approval of West Somerset Council. Unit 2 shall not enter operation until this landscaping scheme has been approved.</u> <del>Unit 2 shall not enter operation until a written scheme setting out the proposed landscape works for the landscape restoration area has, following consultation with Natural England, been submitted to and approved by West Somerset Council.</del> The landscape scheme shall be <del>developed</del> in general accordance with sections 3 and 4 of the Hinkley Point C Landscape Strategy and must include details of:</p> <ul style="list-style-type: none"> <li>(a) location, number, species, size and planting density of any proposed planting;</li> <li>(b) cultivation, importing of materials and other operations to ensure plant establishment;</li> <li>(c) proposed finished ground levels;</li> <li>(d) hard surfacing materials;</li> <li>(e) vehicular and pedestrian access, parking and circulation areas;</li> <li>(f) landscape maintenance buildings, street furniture, refuse or other storage units;</li> <li>(g) details of existing trees to be retained, with measures for their protection during the implementation of the landscape works;</li> <li>(h) removal and restoration proposals for the north-west bund and the HPC Accommodation Campus (Work No. 3);</li> </ul>

	<p>(i) plant establishment, maintenance and management arrangements;</p> <p>(j) implementation timetable for the landscape works, including details of the phased removal of temporary construction related development; and</p> <p>(k) removal and restoration proposals for the HPC Accommodation Campus (Work No. 3).</p> <p>(2) The landscape works must be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>MS18</b>	<p><b>Permanent lighting</b></p> <p>(1) Installation of external lighting at the site shall be installed in accordance with the HPC Operational Lighting Strategy, Volume 2 of the Environmental Statement, Appendix 2B, save to the extent permitted by paragraph (2) below.</p> <p>(2) Further or revised lighting details may, after consultation with the highway authority, be submitted to and approved by West Somerset Council.</p> <p>(3) The approved lighting scheme shall be implemented and maintained during operation of development on the permanent development site.</p>
<b>MS19</b>	<p><b>Surface water drainage</b></p> <p>(1) Works No. 1A (d) to (p), 1B and 1C shall not commence until written details of the surface and foul water drainage system (including management and maintenance arrangements, means of pollution control, sewage treatment works and a programme of construction and implementation) for that part have, after consultation with the Environment Agency and the drainage authority, been submitted to and approved by West Somerset Council. The surface and foul water drainage proposals shall be based on sustainable drainage principles and in accordance with the Site Drainage Strategy (Appendix 2A, Volume 2 of the Environmental Statement).</p> <p>(2) The surface and foul water drainage system for that relevant part must be constructed and maintained in accordance with the approved details.</p>
<b>MS20</b>	<p><b>Coastal path</b></p> <p>(1) Following completion of construction of the sea wall, when it is safe to do so (as determined by the undertaker in consultation with Somerset County Council and West Somerset Council) and in accordance with any footpath implementation plan prepared pursuant to Article 10 of this Order, the coastal path shall be reopened.</p> <p>(2) Before the coastal path is reopened, the undertaker shall, following consultation with West Somerset Council and the highway authority, prepare and publish proposals for safety provisions relating to the coastal path.</p> <p>(3) The coastal path shall be managed in accordance with the details referred to in paragraph (2).</p>

<b>MS21</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007, no further signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset Council.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>MS22</b>	<p>During the construction and operation of Work No. 1A, the arrangements for emergency flood planning shall be carried out in accordance with section 10.7 of the HPC development site Flood Risk Assessment, including the use of the Environment Agency's Flood Warning service, emergency access routes into site and flood management measures in time of flood (e.g. signage of traffic diversions).</p>
<b>MS23</b>	<p><b>Limitations on Helipad Use</b></p> <p>(1) Excluding emergency commercial flights and those of the emergency services and Ministry of Defence, the number of flights using the HPC helipad and associated with the authorised project shall be restricted to a maximum of 12 two-way flights per calendar year, unless otherwise agreed by West Somerset Council.</p> <p>(2) No non-emergency commercial flights associated with the authorised project shall land or take-off from the HPC helipad except between the hours of 08:00 and 21:00 Monday to Saturday. There shall be no non-emergency commercial flights associated with the authorised project on Sundays and Bank Holidays.</p>
<b>MS24</b>	<p><b>Helicopter Restrictions</b></p> <p>Commercial helicopter landings, take-offs and stationing associated with the authorised project shall only take place within the confines of the HPC helipad area identified as '60' on Site Layout Plan (Operational), reference 'HINK-A1-SL-00-GA-010'.</p>
<b>MS25</b>	<p><b>Recording of Helicopter-Related Flights</b></p> <p>(1) Details of all non-emergency and emergency commercial flights (origin and destination, times of touchdown and take-off, helicopter type and registration, and purpose of the trip) shall be recorded and such records shall be kept for a minimum of two years from the date of each flight.</p> <p>(2) These records shall be made available for inspection and sent to West Somerset Council within 7 days of a request being made by West Somerset Council.</p>
<b>MS26</b>	<p>The crest level of the Sea Wall (Work No. 1A(o)) shall not be lower than 13.5m above ordnance datum (N).</p>
<b><u>MS27</u></b>	<p><u><a href="#">Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or</a></u></p>

	<u>without modification) no land outside but adjoining the site shall be used for the provision of temporary buildings, works, plant or construction machinery required for the development hereby authorised, unless the written approval of the local planning authority has first been obtained.</u>
<b><u>MS28</u></b>	<u>No effluent shall be discharged from the development until a scheme for the control of the discharge of hydrazine or other biocides has been submitted to and approved in writing by the Environment Agency. No effluent shall be discharged other than in accordance with the approved scheme.</u>

## HPC DEVELOPMENT SITE: TEMPORARY JETTY

For the purpose of requirements ~~J-1 and J-2~~ to J-5, the "site" refers to the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 as shown on sheet nos. 7, 8 and 9 of the works plans and "development" refers to Work Nos. TJ0, TJ1, TJ2 and TJ3. Requirements ~~J-1 and J-2~~ to J5 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>J-2</b>	<p><b>Cliff Management Plan</b></p> <p>(1) Prior to the removal of any part of the Jetty (Work Nos. TJ1 to TJ3), a Cliff Management Plan, which shall provide details for arrangements and responsibilities for the removal of those parts of the Jetty and its associated infrastructure which are located within 15m in any direction of the cliff edge, shall be submitted to and approved by West Somerset Council.</p> <p>(2) The Cliff Management Plan shall be implemented in accordance with the approved details.</p>
<b><u>J-3</u></b>	<p><u>(1) Prior to the removal of any part of the temporary jetty works, a detailed reinstatement strategy for the area to be occupied by the jetty lying between the northern boundary of the site of Work No 1A and the mean low water mark shall be submitted to and approved by West Somerset Council. The reinstatement strategy shall include details of:</u></p> <p><u>(a) the location and depth of all buried structures within the intertidal area, and the depth and composition of materials to be used to cover those structures;</u></p> <p><u>(b) the levels at which piles would be cut off;</u></p> <p><u>(c) the materials to be used to fill voids left after the removal of piles; and</u></p> <p><u>(d) an implementation timetable for the reinstatement works.</u></p> <p><u>(2) The reinstatement strategy referred to in (1) above shall be implemented as approved.</u></p>
<b><u>J-4</u></b>	<p><u>(1) Any foghorn associated with the development shall not be installed unless and until details of the foghorn have been submitted to and approved by West Somerset Council.</u></p> <p><u>(2) The foghorn shall not be installed, retained or operated unless in accordance with the approved details.</u></p>
<b><u>J-5</u></b>	<p><u>Prior to its installation, details of any lighting to be used on the temporary jetty must be submitted to and approved by the Marine Management Organisation. No lighting shall be installed other than in accordance with the approved details.</u></p>



## HPC DEVELOPMENT SITE: COOLING WATER INFRASTRUCTURE

For the purpose of requirements CW1 and CW5, the "site" refers to the limits of deviation for Work Nos. 2A, 2C, 2E and 2G as shown on sheet nos. 3 and 4 of the works plans and "development" refers to Work Nos. 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H. Requirements CW1 and CW5 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>CW1</b>	<p><b>Cooling water infrastructure design</b></p> <p>(1) No development shall commence until details of Work No.s 2A to 2H have, following consultation with the Countryside Council for Wales, Natural England, <a href="#">English Heritage</a> and the Environment Agency, been submitted to and approved by the Marine Management Organisation. The details shall include:</p> <p>(a) the location and design (size and shape) of the off-shore intake and outfall heads;</p> <p>(b) the alignment (horizontal and vertical) of the cooling water intake and outfall tunnels; and</p> <p>(c) the location and design of the fish recovery and return system and the low velocity side entry intakes, which shall be in accordance with the Environment Agency guidance referenced in the Environmental Statement (Volume 2, Chapter 2, paragraph 2.6.21).</p> <p>(2) The acoustic fish deterrent system shall not be installed until details of the location and design have, following consultation with the Countryside Council for Wales, Natural England and the Environment Agency, been submitted to and approved by the Marine Management Organisation.</p> <p>(3) No water abstraction shall commence until the off-shore intake and outfall heads, cooling water intake and outfall tunnels, the fish recovery and return system, the low velocity side entry intakes and the acoustic fish deterrent system have been installed in accordance with the approved details referred to in paragraphs (1) and (2).</p>
<b>CW5</b>	<p>(1) No water abstraction shall commence until a monitoring and adaptive measures plan for Work Nos. 2A to 2H has, after consultation with the Countryside Council for Wales, Natural England and the Environment Agency, been submitted to and approved by the Marine Management Organisation. The plan will set out:</p> <p>(a) the performance level to be maintained by the acoustic fish deterrent system associated with the cooling water intakes to be confirmed through trials and the fish recovery and return system, during the operation of Unit 1 and Unit 2;</p> <p>(b) the monitoring arrangements for the trialling of the acoustic fish deterrent system and the fish recovery and return system during commissioning of Unit 1</p>

	<p>and Unit 2, in respect of the performance levels set in (a) above;</p> <p>(c) the monitoring arrangements for the acoustic fish deterrent system and the fish recovery and return system during operation of Unit 1 and Unit 2, in respect of the performance levels set in (a) above;</p> <p>(d) the additional adaptive measures arising from (a), (b) and (c) that may be required during operation of Unit 1 and Unit 2, the conditions where such measures would apply and the process for their implementation; and</p> <p>(e) the monitoring methodology, frequency of monitoring and format of monitoring reports.</p> <p>(2) The development shall be operated in accordance with the approved details referred to in paragraph (1).</p>
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## HPC DEVELOPMENT SITE: HPC ACCOMMODATION CAMPUS

For the purpose of requirements OS1 to OS9, the "site" refers to land within the limits of Work No. 3 as shown on sheet no. 5 of the works plans and "development" refers to Work No. 3. Requirements OS1 to OS9 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>OS1</b>	<p><b>Car parking</b></p> <p>The number of car parking spaces to be provided and available for Work No. 3 shall not exceed 353, unless otherwise approved by West Somerset Council.</p>
<b>OS2</b>	<p><b>Construction compounds</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 4 of the Construction Method Statement and Construction parameter plan Figure 4.6, unless otherwise approved by West Somerset Council.</p> <p>(2) Following completion of construction at Work No. 3, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>OS3</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by West Somerset Council. The landscape scheme shall be developed in accordance with the landscape strategy drawing 500103 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and section 6 (Design Principles) and section 7 (Development Proposals) of the On-site campus Design and Access Statement and shall include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details;</li> <li>(b) hard surfacing materials;</li> <li>(c) vehicular and pedestrian access, parking and circulation areas;</li> <li>(d) street furniture, security cabins, bus shelters, refuse or other storage units;</li> <li>(e) plant establishment, maintenance and management arrangements; and</li> <li>(f) an implementation timetable for the landscape works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>

<p><b>OS5</b></p>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement OS2 and MS2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset Council.</p> <p>(2) The development must remain securely fenced at all times during construction and operation of the development.</p>
<p><b>OS6</b></p>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by West Somerset Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the On-site campus Design and Access Statement.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<p><b>OS7</b></p>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset Council. Signage details shall be in accordance with section 6 of the On-site campus Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<p><b>OS8</b></p>	<p><b>Surface and foul water</b></p> <p>(1) No works shall commence until written details of the surface and foul water drainage system (including means of pollution control and future responsibility and maintenance arrangements) have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<p><b>OS9</b></p>	<p><b>Sports Pitches</b></p> <p>The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.</p>

## BRIDGWATER A

For the purpose of requirements BRIA1 to BRIA22+, the "site" refers to the land within the Order limits shown on sheet no. 12 of the works plans and "development" refers to Work Nos. 4A, 4B and 4C. Requirements BRIA1 to BRIA22+ relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>BRIA1</b>	<p><b>Archaeology</b></p> <p>(1) The development shall not commence until a written scheme for geoarchaeological investigation of potential peat deposits, as outlined in the Chapter 16, Volume 3 of the Environmental Statement, has been submitted to and approved by Somerset County Council.</p> <p>(2) Any archaeological works must be carried out in accordance with the approved scheme.</p>
<b>BRIA2</b>	<p><b>Ecology</b></p> <p>(1) The development shall not commence until a written ecological mitigation and monitoring plan reflecting the survey results and ecological mitigation and enhancement measures included in Chapter 14, Volume 3 of the Environmental Statement has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.</p>
<b>BRIA3</b>	<p><b>Car parking</b></p> <p>The number of car parking spaces to be provided and available for Work No. 4A for the duration of the HPC construction works shall not exceed 543, unless otherwise approved by Sedgemoor District Council.</p>
<b>BRIA4</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 3) Construction Work Area and Access Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>BRIA5</b>	<b>Landscape works</b>

	<p>(1) No development shall commence until a written landscape scheme has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings 500106 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and 500108 (Rev 01): Tree and Hedgerow Retention and Removal Plan, and the relevant sections of the Bridgwater A Design and Access Statement and Bridgwater A Flood Risk Assessment. The written landscape scheme shall include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details;</li> <li>(b) proposed finished ground levels;</li> <li>(c) hard surfacing materials;</li> <li>(d) street furniture, security cabins, bus shelters, refuse or other storage units;</li> <li>(e) vehicular and pedestrian access, parking and circulation areas;</li> <li>(f) details of existing trees to be retained, with measures for their protection during construction of the development;</li> <li>(g) plant establishment, maintenance and management arrangements; and</li> <li>(h) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<p><b>BRIA7</b></p>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement BRIA4, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 4A must remain securely fenced at all times during construction and operation of Work No. 4A.</p>
<p><b>BRIA8</b></p>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, have been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Bridgwater A Design and Access Statement.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>

<b>BRIA9</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Bridgwater A Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>BRIA10</b>	<p><b>Flood Risk Assessment / resilience</b></p> <p>(1) No development shall commence until a flood resilience scheme for the Bridgwater A accommodation campus buildings and associated structures (Work No. 4A (c)) has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council. The flood resilience scheme shall set out the measures that will be incorporated within the building design, such as the location of service entry points, and the positioning of internal electrical sockets at appropriate heights above finished floor levels.</p> <p>(2) The development shall be carried out in accordance with the details approved in (1), unless otherwise approved by Sedgemoor District Council.</p>
<b>BRIA11</b>	<p>(1) The development of the Bridgwater A accommodation campus buildings (Work No. 4A (c)) shall not commence until details of all proposed finished floor levels have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the details approved in paragraph (1)..</p>
<b>BRIA12</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<b>BRIA13</b>	<p>(1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the details approved in</p>

	paragraph (1).
<b>BRIA14</b>	<p>(1) The development shall be connected into the wider North East Bridgwater surface water master drainage scheme already approved under North East Bridgwater Planning Permission (Ref: 09/08/00017) once the rhyne rationalisation works are available to service the site drainage.</p> <p>(2) Unless otherwise agreed, the works referred to in paragraph (1) above shall be implemented within six months of either the North East Bridgwater surface water master drainage scheme or the development being available for use, whichever is the later.</p>
<b>BRIA15</b>	<p><b>Highways</b></p> <p>The Bridgwater A accommodation buildings (Work No. 4A (c)) shall not be brought into use until Work 4A (g) (Bus Stops), 4B and 4C are available for use.</p>
<b>BRIA16</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a post operational scheme for the Bridgwater A site shall be submitted to Sedgemoor District Council for approval. The scheme shall be developed in accordance with table A4.2 of the Post Operational Strategy, Appendix A4 of the Planning Statement</del><u>All proposed buildings on the site of Work No 4A shall be demolished, and all materials resulting from their demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.</u></p> <p><del>(2) Unless otherwise approved by Sedgemoor District Council, and subject to the need for planning permission, any works required to be carried out under the approved post-operational scheme shall be completed within 24 months of completion</del></p> <p><del>(3) If after 12 months of completion of the HPC construction works the scheme referred to in paragraph (1) above has not been approved, then all buildings shall be removed within 24 months of completion of the HPC construction works.</del></p>
<b>BRIA17</b>	<p><b>Sports Pitches</b></p> <p>The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.</p>
<b>BRIA18</b>	<p><b>Contamination</b></p> <p>(1) No development shall commence until the following has been submitted to and approved by Sedgemoor District Council:</p> <p>(a) The remediation strategy required by condition 33 of the North East Bridgwater Planning Permission (Ref: 09/08/00017); or</p> <p>(b) Following consultation with the Environment Agency, a remediation strategy which details the required measures and a method statement for the remediation works.</p>



	<p>(2) Where works are undertaken pursuant to the details approved in sub-paragraph (1)(b) above, a verification plan shall be submitted to and approved by Sedgemoor District Council. The verification plan shall demonstrate that the remedial works referred to in sub-paragraph (1)(b) are complete. The verification plan will identify necessary arrangements for monitoring of pollutant linkages, maintenance and contingency measures.</p> <p>(3) The remediation strategy shall be implemented as approved, unless otherwise approved by Sedgemoor District Council.</p>
<b>BRIA19</b>	<p>(1) No infiltration of surface water drainage into the ground shall be permitted unless and until details demonstrating that there is no unacceptable risk to controlled waters have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the approved details.</p>
<b>BRIA20</b>	<p>(1) No piling or any other foundation designs using penetrative methods shall be used unless and until details demonstrating that there is no unacceptable risk to controlled waters have, in consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the approved details.</p>
<b>BRIA21</b>	<p>(1) No development shall commence until details and plans demonstrating measures to prevent underground services acting as migration pathways for contaminants have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the approved details.</p>
<b><u>BRIA22</u></b>	<p><u>No development authorised by this Order shall take place on the site of the Bridgwater Sports and Social Club, until a scheme giving assurance that the existing playing fields will be replaced by at least equivalent facilities has been submitted to and approved by the Sedgemoor District Council.</u></p>

## BRIDGWATER C

For the purpose of requirements BRIC1 to BRIC16, the "site" refers to the land within the Order limits shown on sheet no. 13 of the works plans and "development" refers to Work Nos. 5A and 5B. Requirements BRIC1 to BRIC16 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>BRIC1</b>	<p><b>Car parking</b></p> <p>The number of car parking spaces to be provided and available for Work No. 5A for the duration of the HPC construction works shall not exceed 66, unless otherwise approved by Sedgemoor District Council.</p>
<b>BRIC2A</b>	<p>(1) No vegetation clearance within the period from March to August inclusive shall be carried out unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved details referred to in paragraph (1).</p> <p>(3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.</p>
<b>BRIC2</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 4) Construction Work Area and Access Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>BRIC3A</b>	<p><b>Temporary Canteen Facility</b></p> <p>(1) Construction of the Temporary Canteen Facility (comprised in Work No.5A(e)) shall not commence until details of its siting, scale and external appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The details referred to in paragraph (1) above shall be in accordance with sections 6 (Design Principles) and 9 (Parameters for Implementation) of the BRI C Accommodation Campus Design and Access Statement.</p> <p>(3) The Temporary Canteen Facility shall be implemented in accordance with the</p>

	approved details.
<b>BRIC3</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawing 500103 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan, and section 6 (Design Principles) and section 7 (Development Proposals) of the Bridgwater C Design and Access Statement. The written landscape scheme shall include details of all proposed hard and soft landscape works, including:</p> <ul style="list-style-type: none"> <li>(i) soft landscape details;</li> <li>(j) proposed finished ground levels;</li> <li>(k) hard surfacing materials;</li> <li>(l) vehicular and pedestrian access, parking and circulation areas;</li> <li>(m) street furniture, security cabins, bus shelters, refuse or other storage units;</li> <li>(n) details of existing trees to be retained, with measures for their protection during construction of the development;</li> <li>(o) plant establishment, maintenance and management arrangements; and</li> <li>(p) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>BRIC5</b>	<p><b>Highways</b></p> <p>(1) The site access shall be carried out in accordance with the drawings 830208(Rev 01): Site Entrance Layout and 001001 (Rev 01): Proposed Highways General Arrangement Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) No works shall be carried out otherwise than in accordance with the approved plans.</p> <p>(3) Work No. 5A shall not be brought into use until Work No. 5B and the site access are available for use.</p>
<b>BRIC6</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement BRIC2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 5A must remain securely fenced at all times during construction and</p>

	operation of Work No. 5A.
<b>BRIC7</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Bridgwater C Design and Access Statement.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>BRIC8</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Bridgwater C Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>BRIC9</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in sections 5 and 6 of the Bridgwater C Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>
<b>BRIC10</b>	<p>(1) Construction of the Bridgwater C accommodation campus buildings (Work No. 5A (e)) shall not commence until details of all proposed finished floor levels have been submitted to and approved by Sedgemoor District Council. Accommodation floor levels shall be set no lower than 7.5m above ordnance datum (N), or no lower than +150mm above existing ground levels, as recommended by Section 7.1.6 of the Bridgwater C Flood Risk Assessment.</p> <p>(2) The development shall be carried out in accordance with the details approved in paragraph (1).</p>
<b>BRIC11</b>	<p><b>Surface and foul water</b></p> <p>(1) No works shall commence until written details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p>

	<p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<b>BRIC11 A</b>	<p>(1) No infiltration of surface water drainage into the ground shall be permitted unless and until details demonstrating that there is no unacceptable risk to controlled waters have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the approved details.</p>
<b>BRIC12</b>	<p>(1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the sewerage and drainage authority, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the details approved in paragraph (1).</p>
<b>BRIC13</b>	<p><b>Post-operation</b></p> <p><u>All proposed buildings on the site of Work No 5A shall be demolished, and all materials resulting from their demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.</u> <del>(1) Prior to completion of the HPC construction works, a post-operational scheme in accordance with table A4.3 of the Post-Operational Strategy, Appendix A4 of the Planning Statement, shall be submitted to Sedgemoor District Council for approval.</del></p> <p><del>(2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 12 months of completion of the HPC construction works.</del></p>
<b>BRIC14</b>	<p><b>Contamination</b></p> <p>(1) No development shall commence until a remediation strategy that takes into account the findings of the Factual Report on Ground Investigation at Associated Developments Bridgwater C Campus, Phases I, II and III (Volume 4 of the ES, Appendix 12B), has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Following completion of the remediation strategy referred to in paragraph (1), a verification plan will be submitted to Sedgemoor District Council detailing data that will be collected in order to demonstrate that the remediation strategy set out in paragraph (1) are complete and which identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(3) The remediation strategy referred to in paragraph (1) shall be implemented as approved.</p>
<b>BRIC15</b>	<p>(1) No piling or any other foundation designs using penetrative methods shall be used, or underground services installed, unless and until details demonstrating that there is</p>

	<p>no unacceptable risk to controlled waters have, in consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be carried out in accordance with the approved details.</p>
<b>BRIC16</b>	<p><b>Sports Pitches</b></p> <p>The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.</p>

## CANNINGTON BYPASS

For the purpose of requirements CB1 to CB11, the "site" refers to the land within the Order limits shown on sheet no. 14 of the works plans and "development" refers to Work Nos. 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I and 6J. Requirements CB1 to CB11 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>CB1</b>	<p><b>Archaeology</b></p> <p>(1) The development shall not commence until a written scheme of investigation for areas of archaeological interest as identified in Chapter 16, Volume 5 of the Environmental Statement has been submitted to and approved by Somerset County Council.</p> <p>(2) All archaeological works must be carried out in accordance with the approved scheme, unless otherwise approved by Sedgemoor District Council.</p>
<b>CB2</b>	<p><b>Ecology</b></p> <p>(1) The development shall not commence until a written ecological mitigation and monitoring plan reflecting the survey results and ecological mitigation measures set out in Chapter 14, Volume 5 of the Environmental Statement has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved, unless otherwise approved by Sedgemoor District Council.</p>
<b>CB2A</b>	<p>(1) The development shall not commence until a written otter protection plan, setting out the mitigation measures, as identified in Chapter 14, Volume 5 of the Environmental Statement, to protect otter populations and the timetable for implementation, has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.</p>
<b>CB3</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 5) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant</p>

	and equipment required for construction of the development shall be removed.
<b>CB4</b>	<p><b>Construction working hours</b></p> <p>(1) Construction work shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.</p>
<b>CB5A</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with drawings 500129 (Rev 02), 500130 (Rev 01), 500131 (Rev 01), 500132 (Rev 01), 500133 (Rev 01) and 500134 (Rev 01) (Detailed Landscape Plan), and must include details of:</p> <ul style="list-style-type: none"> <li>(a) location, number, species, size and planting density of any proposed planting;</li> <li>(b) cultivation, importing of materials and other operations to ensure plant establishment;</li> <li>(c) details of existing trees to be retained, with measures for their protection during construction;</li> <li>(d) plant establishment, maintenance and management arrangements; and</li> <li>(e) an implementation timetable for the landscape works.</li> </ul> <p>(2) The landscape works must be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>CB6</b>	<p><b>Lighting</b></p> <p>(1) Installation of highway lighting shall not commence until, after consultation with the highways authority, details of highway lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with the relevant sections of the Cannington Bypass Design and Access Statement.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>CB7</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Cannington Bypass Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>



<b>CB8</b>	<p>(1) The development shall not commence until full engineering details of the Mill Stream crossing, including all finished road surface levels over the crossing(s) point(s), have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The Mill Stream culvert crossing shall be constructed in accordance with the approved details and timetable.</p>
<b>CB9</b>	<p>(1) The development shall not commence until details of compensatory floodplain storage replacement lost by the road footprint at the 1 %AEP CC fluvial event have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The compensatory flood storage shall be constructed in accordance with the approved details and timetable.</p>
<b>CB10</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including details of balancing ponds, means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<b>CB11</b>	<p>(1) The development shall not commence until a scheme to treat and remove suspended solids from surface water run-off during construction works has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The scheme shall be constructed in accordance with the approved details.</p>

## CANNINGTON PARK AND RIDE

For the purpose of requirements CP1 to CP13, the "site" refers to the land within the Order limits shown on sheet no. 15 of the works plans and "development" refers to Work Nos. 7A and 7B. Requirements CP1 to CP13 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>CP1</b>	<p><b>Ecology</b></p> <p>(1) The development shall not commence until a written ecological mitigation and monitoring plan has been submitted to and approved by Sedgemoor District Council. The ecological mitigation and monitoring plan shall be prepared to reflect the ecological mitigation and measures included in Chapter 14, Volume 6 of the Environmental Statement.</p> <p>(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.</p>
<b>CP2</b>	<p><b>Car parking</b></p> <p>The number of car and minibus parking spaces to be provided and available for Work No. 7A for the duration of the HPC construction works shall not exceed 132 for the construction workforce and a further 120 for visitor parking, unless otherwise approved by Sedgemoor District Council.</p>
<b>CP3</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 6) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>CP3A</b>	<p>There shall be no storage of materials, including soil, within the part of the site liable to flood, shown in light blue on figure 4 of the Cannington Park and Ride Flood Risk Assessment (along the north-eastern boundary of the site).</p>
<b>CP4</b>	<p><b>Construction hours</b></p> <p>(1) Construction work shall only be undertaken between the hours of 08:00 and 19:00 on weekdays (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Activities excluded from the above working hours restrictions comprise non-</p>

	intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.
<b>CP5</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings (500102 (Rev 02): Tree and Hedgerow Retention and Removal Plan During Operation; 500106 (Rev 01): Tree and Hedgerow Retention and Removal Site Access; and 500109 (Rev 02): Planting Plan During Operational Phase) and must include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details, including details of landscape bunds and earth stockpiles;</li> <li>(b) hard surfacing materials;</li> <li>(c) proposed finished ground levels;</li> <li>(d) vehicular and pedestrian access, parking and circulation areas;</li> <li>(e) street furniture, security cabins, bus shelters, refuse or other storage units;</li> <li>(f) details of plant establishment maintenance and management arrangements; and</li> <li>(g) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>CP7</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement CP3, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 7A must remain securely fenced at all times during construction and operation of Work No. 7A.</p>
<b>CP8</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Cannington Park and Ride Design and Access Statement and drawing 012001: Proposed Lighting, CCTV and Signage.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation</p>

	of the development.
<b>CP9</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Cannington Park and Ride site-specific Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>CP10</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Cannington Park and Ride Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>
<b>CP10A</b>	Other than the development indicated on drawing 000101 (Rev 02), no development, including the raising of ground level, shall be undertaken within 8m of the banks of the existing flood alleviation channel, unless otherwise approved by Sedgemoor District Council.
<b>CP11</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including means of pollution control, balancing ponds and future responsibility, monitoring and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details referred to in paragraph (1).</p>
<b>CP12</b>	<p><b>Highways</b></p> <p>Work No. 7A shall not be brought into use until Work No. 7B is available for use.</p>
<b>CP12A</b>	<p>(1) No development shall commence until engineering details for the site access road crossings of the A39 roadside ditch and the new flood alleviation channel have been submitted to and approved by Sedgemoor District Council. The details shall be in general accordance with the illustrative details set out in Appendix D of the Cannington Park and Ride Flood Risk Assessment.</p> <p>(2) The details referred to in paragraph (1) shall be implemented as approved.</p>
<b>CP13</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a post-operational scheme</del></p>

~~shall, following consultation with the Environment Agency, be submitted to Sedgemoor District Council for approval. Within 12 months of the completion of the HPC construction works, all buildings on the site of Work No 7A shall be demolished; all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use, and shall be in accordance with table A4.4 of the Post-Operational Strategy, in Appendix A4 of the Planning Statement.~~

~~(2) Unless otherwise approved by Sedgemoor District Council, any works required under paragraph (1) shall be completed within 12 months of completion of the HPC construction works.~~

## COMBWICH

For the purpose of requirements C1 to C232, the "site" refers to the land within the Order limits shown on sheet no. 16 of the works plans and "development" refers to Work Nos. 8A and 8B. Requirements C1 to C232 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>C1</b>	<p><b>Ecology</b></p> <p>(1) Work No. 8A shall not commence until a written ecological mitigation and monitoring plan, reflecting the survey results and ecological mitigation and enhancement measures included in Chapter 14, Volume 7 of the Environmental Statement have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The ecological mitigation and monitoring plan shall include an implementation timetable and shall be carried out as approved.</p>
<b>C1A</b>	<p><b>Combwich intertidal monitoring and contingency plan</b></p> <p>(1) Work No. 8A shall not commence until a Combwich intertidal monitoring and contingency plan has, after consultation with the Countryside Council for Wales, the Environment Agency and Natural England, been submitted to and approved by the Marine Management Organisation. The plan should include:</p> <p>(a) the geographical extent of topographical monitoring of the intertidal shore and the associated flood defences within, surrounding and immediately adjacent to the Combwich Pill (i.e. the flood defences bordering the Combwich Pill itself and both extending 75m to the north of the Combwich Pill on the western bank of the River Parrett and 75m to the south of the Combwich Pill on that same western bank of the River Parrett);</p> <p>(b) the geographical extent of monitoring of the eastern flood defences of the River Parrett, extending beyond the predicted area of impact related to the construction of Combwich Wharf. This monitoring shall be undertaken to a level sufficient to confirm the findings of the assessment (i.e. that there are no significant effects);</p> <p>(c) the details of monitoring of tug boats without payloads, comprising visual observations of vessel wash and recording of tug boat speed, to confirm the predicted absence of impact on the intertidal zone flanking the navigational stretch of the tidal River Parrett upstream to Combwich Wharf, to be undertaken during 12 observational surveys (i.e. 6 travelling to and 6 travelling from Combwich Wharf);</p> <p>(d) appropriate contingency measures that will be implemented should monitoring of (a) and (c) above indicate that erosion of the areas concerned, and potential risk to the integrity of the associated flood defences, can be attributed to the</p>

	<p>construction or operation of Combwich wharf; and</p> <p>(e) the monitoring methodology, the frequency of monitoring and format of the monitoring reports.</p> <p>(2) The Combwich intertidal monitoring and contingency plan referred to in paragraph (1) shall be implemented as approved.</p>
<b>C2</b>	<p><b>Car parking</b></p> <p>Except for existing car parking provision associated with the continued use of the Combwich Motor Boat and Sailing Club and the Combwich Laboratory, the number of car and minibus parking spaces to be provided and available for Work No. 8A for the duration of the HPC construction works shall not exceed 50, unless otherwise approved by Sedgemoor District Council.</p>
<b>C3</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with section 6 of the Construction Method Statement and as set out in the Environmental Statement, Volume 7, Figures 3.1 and 3.2 Construction Work Area and Access Plans, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all such temporary structures, plant and equipment required for construction shall be removed, save for the welfare cabin at Combwich Wharf (illustrated on drawing 1600: Proposed Layout and Levels).</p>
<b>C3A</b>	<p><b>Construction Hours</b></p> <p>(1) Construction and demolition works associated with Combwich Wharf (Work No. 8A (a) to (h)) shall only be undertaken between the hours of 08:00 and 19:00 Monday to Friday (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by the local planning authority.</p> <p>(2) Construction and demolition works associated with the Combwich Freight Laydown Facility (Work No. 8A (i) to (p)) shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 07:00 and 13:00 hours on Saturdays, unless otherwise approved by the local planning authority.</p> <p>(3) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.</p>
<b>C3B</b>	<p>Work No. 8A (i) to (o) (Combwich Freight Laydown Facility) shall not commence until Work Nos. 6A and 6B are available for use.</p>
<b>C3C</b>	<p><b>Fill Materials</b></p> <p><del>Only uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic shall be permitted as fill material used for the construction of the laydown platform. All</del></p>

	<p><del>site won fill materials shall be subject to the excavated materials controls included in the Code of Construction Practice and shall follow the protocols defined within: “The Definition of Waste: Development Industry Code of Practice, Version 2, March 2011”; published by Contaminated Land: Applications in Real Environments (CL:AIRE).</del></p>
<b>C4</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the drawings (500103 (Rev 01) and 500104 (Rev 01): Landscape Planting Plan during Operation; 500400 (Rev 01): Landscape Planting Plan Post Operation, 500101 (Rev 01) and 500105 (Rev 01): Tree and Hedgerow Retention and Removal Plan and 1615 (Rev 01), 007001 (Rev 01) and 1005 (Rev 01): Proposed Surface Finishes), and must include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details, including details of landscape bunds and earth stockpiles;</li> <li>(b) hard surfacing materials;</li> <li>(c) proposed finished ground levels;</li> <li>(d) vehicular and pedestrian access, parking and circulation areas;</li> <li>(e) street furniture, security cabins, bus shelters, refuse or other storage units;</li> <li>(f) details of plant establishment, maintenance and management arrangements; and</li> <li>(g) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>C6</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement C3, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 8A must remain securely fenced at all times during construction and operation of Work No. 8A.</p>
<b>C7</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of</p>



	<p>the Combwich Design and Access Statement.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>C8</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Combwich Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>C9</b>	<p><b>Structures</b></p> <p>(1) The Fire Fighting Water Supply Tank (Work No. 8A (n) shall not be installed until details of the siting, scale and appearance have been submitted to and approved by Sedgemoor District Council and shall be in accordance with chapter 6 (Design Principles) and chapter 9 (Implementation) of the Combwich Design and Access Statement.</p> <p>(2) The Fire Fighting Water Supply Tank shall be installed in accordance with the approved details.</p>
<b>C10</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Combwich Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>
<b>C11</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including means of pollution control, culverts and future responsibility, monitoring of maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<b>C12</b>	<p>(1) The development shall not commence until a scheme to treat and remove suspended solids from surface water run-off during construction works has, following consultation with the Environment Agency, been submitted to and approved by</p>

	<p>Sedgemoor District Council.</p> <p>(2) The scheme referred to in paragraph (1) above shall be implemented as approved.</p>
<b>C13</b>	<p><b>Working Hours</b></p> <p>(1) In respect of the Combwich Wharf facility (Work No. 8A (a) to (h)), the unloading of both AILs and general construction goods deliveries shall be restricted to 07:30 to 18:30, seven days per week, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) In respect of the Combwich Freight Laydown Facility (Work No. 8A (a) to (h)), the arrival and departure of vehicles in connection with unloading activities at Combwich Wharf, the movement of general construction goods between the Wharf and the Laydown Facility, and other storage activities at the Laydown Facility shall not take place outside the hours of 07:00 to 20:00 Mondays to Fridays or 08:00 to 18:00 on Saturdays and Sundays and public holidays.</p> <p>(3) For the avoidance of doubt, this requirement does not apply to the arrival or departure of vehicles in connection with the berthing or departure of vessels or the departure of AILs from the Combwich Freight Laydown Facility.</p>
<b>C13A</b>	<p><b>Vessel Departures and Arrivals</b></p> <p>Unless otherwise agreed by Sedgemoor District Council, there shall be no arrival or departures of vessels from Combwich Wharf on high tides predicted to occur (as per the published tide tables) between the hours of 22:00 and 06:00.</p>
<b>C13B</b>	<p><b>Generator Noise</b></p> <p>(1) Except for emergencies, vessels berthed at Combwich Wharf shall not operate on-board generators between the hours of 23:00 and 05:30 unless the undertaker has first notified Sedgemoor District Council and erected a public notice in a location within Combwich approved by Sedgemoor District Council at least 24 hours in advance. The notification shall include details of the planned commencement and duration of the use of the on-board generators.</p> <p>(2) As determined outside of the nearest residential receptor (24 Riverside), the level of noise emitted between the hours of 23:00 to 07:00 by on-board generators of vessels berthed at Combwich Wharf shall not exceed 45dB LAeq, 8 hour, unless otherwise agreed by Sedgemoor District Council.</p> <p>(3) Monitoring of the noise levels during the HPC construction works shall be carried out pursuant to the details approved for C3D below.</p>
<b>C13C3D</b>	<p><b>Operational noise monitoring scheme</b></p> <p>(1) Combwich Wharf shall not be brought into use until a noise monitoring scheme for the site has been submitted to and approved by Sedgemoor District Council. The noise monitoring scheme shall set out details of:</p> <p>(a) noise monitoring to establish the effectiveness of the noise management</p>

	<p>measures; and</p> <p>(b) frequency and format of reporting monitoring information to the local planning authority.</p> <p>(2) The noise monitoring scheme referred to in paragraph (1) shall be implemented and maintained for the duration of the operation of Combwich Wharf.</p>
<b>C14</b>	<p><b>Highways</b></p> <p>Work No. 8A shall not be brought into use in connection with the HPC construction works until Work No. 8B is available for use.</p>
<b>C15</b>	<p><b>Storage</b></p> <p>Except for AILs, items shall not be stored at the Combwich Freight Laydown Facility (Work No. 8A (i) to (p)) in any arrangement which exceeds 6m in height, unless otherwise approved by Sedgemoor District Council.</p>
<b>C15A</b>	<p>The Combwich Freight Laydown Facility (Work No. 8A (i) to (p)) shall not be used as a contractor compound area for the HPC development site, or for the storage of construction materials from the Jetty.</p>
<b>C16</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a post-operational scheme setting out details for the removal and restoration of the laydown facility to pre-development levels shall be submitted to Sedgemoor District Council for approval and shall be in accordance with table A4.5 of the Post-Operational Strategy, Appendix A4 of the Planning Statement. Within 12 months of the completion of the HPC construction works, all buildings on the site of Work No 8A(i) to (p) shall be demolished; all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use.</del></p> <p><del>(2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 12 months of completion of the HPC construction works.</del></p>
<b>C17</b>	<p><b>Replacement pontoon</b></p> <p>(1) The pontoon located immediately to the west of the AIL Quay shall not be removed until details of the replacement pontoon have, following consultation with the Combwich Motor Boat and Sailing Club, been submitted to and approved by Sedgemoor District Council. The details shall set out the replacement pontoon's design, location and timing of its implementation.</p> <p>(2) The replacement pontoon shall be implemented in accordance with the approved details.</p>
<b>C18</b>	<p>(1) No development shall commence until a full structural survey is carried out on the Tuckett's Clyce structure and, after consultation with the Environment Agency, the</p>

	<p>written report of the survey has been submitted to and approved by Sedgemoor District Council. The written report shall set out appropriate monitoring of the structure and measures that would be implemented should monitoring indicate that erosion of Tuckett's Clyce <del>can be attributed to the operation of Combwich Wharf</del> would be likely to increase the risk of flooding.</p> <p>(2) <u>No development shall be carried out until an inspection/maintenance schedule (and if necessary an upgrade programme) for Tuckett's Clyce has, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</u></p> <p>(3) The development shall be implemented in accordance with the details approved under paragraphs (1) and (2), unless otherwise approved by Sedgemoor District Council.</p>
<b>C19</b>	<p>(1) No development shall commence until proposed ground and finished floor levels have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be implemented in accordance with the levels as approved.</p>
<b>C20</b>	<p>(1) No development shall commence until engineering details of all rhyne culvert crossings have, after consultation with the Environment Agency and the Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The development shall be implemented in accordance with the approved details.</p>
<b>C21</b>	<p>(1) No development shall commence until a scheme setting out the proposed flood defence improvements (including flood bund around the Combwich Freight Laydown Facility area and proposals for future maintenance) has, after consultation with the Environment Agency and Marine Management Organisation, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The scheme shall be implemented as approved.</p>
<b>C22</b>	<p>(1) No piling or any other foundation designs using penetrative methods shall be used unless and until a scheme detailing timing and method has, in consultation with the Environment Agency, Natural England and Marine Management Organisation, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The scheme shall be implemented as approved.</p>
<b><u>C22A</u></b>	<p><u>Other than development indicated on Drawing No 1003, no development within the Combwich Freight Laydown Area (Work No 8(i) to (p)), including the raising of ground level, shall be undertaken within 8m of the River Parrett flood defences, unless otherwise approved by the Sedgemoor District Council, following consultation with the Environment Agency.</u></p>
<b>C23</b>	<p><b>Mooring vessels:</b></p> <p>(1) Following completion of the Combwich Wharf refurbishment works, vessels carrying goods associated with the HPC construction works shall only berth on the Berthing Bed, indicated on drawing: Site Layout and Levels (Ref: 1600), unless otherwise agreed in writing by Sedgemoor District Council.</p> <p>(2) For the avoidance of doubt, this restriction shall only apply to vessels carrying</p>

	goods associated with the construction of HPC and shall not apply to small work boats, such as those used to carry mooring lines between the main vessels and the wharf.
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## JUNCTION 23

For the purpose of requirements J23-1 to J23-15, the "site" refers to the Order limits shown on sheet no. 17 of the works plans and "development" refers to Work Nos. 9A and 9B. Requirements J23-1 to J23-15 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>J23-1A</b>	<p><b>Archaeology</b></p> <p>(1) The development shall not commence until a written scheme for geoarchaeological recording of soils and sediments of geoarchaeological interest, as outlined in Chapter 16, Volume 8 of the Environmental Statement, has been submitted to and approved by Somerset County Council.</p> <p>(2) Any archaeological works must be carried out in accordance with the approved scheme.</p>
<b>J23-1</b>	<p><b>Ecology</b></p> <p>(1) The development shall not commence until a written ecological mitigation and monitoring plan for the site reflecting the survey results and ecological mitigation and enhancement measures included in Chapter 14, Volume 8 of the Environmental Statement have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.</p>
<b>J23-2</b>	<p><b>Car parking</b></p> <p>The number of car and minibus parking spaces to be provided on the site shall not exceed 1300, unless otherwise approved by Sedgemoor District Council.</p>
<b>J23-3</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 8) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant, equipment and uses required for construction of the development shall be removed or ceased.</p>
<b>J23-4</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been</p>

	<p>submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings 500102 (Rev 01): Tree and Hedgerow Retention and Removal Plan; 500106 (Rev 01): Tree and Hedgerow Retention and Removal Plan Site Access Road; 500107 (Rev 01): Planting Plan During Operation, and drawings 007001 (Rev 01), 007002 (Rev 02), 007003 (Rev 01), to 007004 (Rev 01): Proposed Surface Finishes and must include details of all proposed landscape works, including:</p> <ul style="list-style-type: none"> <li>(a) soft landscape details, including details of landscape bunds and earth stockpiles;</li> <li>(b) proposed finished ground levels;</li> <li>(c) hard surfacing materials;</li> <li>(d) vehicular and pedestrian access, parking and circulation areas;</li> <li>(e) security cabins, furniture, refuse or other storage units;</li> <li>(f) details of plant establishment, maintenance and management arrangements; and</li> <li>(g) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>J23-6</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement J23-3, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 9A must remain securely fenced at all times during construction and operation of Work No. 9A.</p>
<b>J23-7</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Junction 23 Design and Access Statement and drawings 012001 to 012004: Proposed Signage, Lighting and CCTV.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>J23-8</b>	<p><b>Signage</b></p>

	<p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Junction 23 Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>J23-9</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Junction 23 Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>
<b>J23-9A</b>	<p>Other than the development indicated on drawing 000101, no development, including the raising of ground level, shall be undertaken within 8m of the River Parrett flood defences, unless otherwise approved by Sedgemoor District Council, in consultation with the Environment Agency.</p>
<b>J23-9B</b>	<p>(1) No development shall commence until proposed ground/finished floor levels have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The details shall be implemented as approved.</p>
<b>J23-10</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including means of pollution control and future responsibility, monitoring and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.</p>
<b>J23-11</b>	<p>(1) Work No. 9A shall not commence until engineering details of all rhyne culvert crossings have, following consultation with the Environment Agency and Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The approved culverts shall be constructed in accordance with the engineering detail agreed in paragraph (1) above.</p>
<b>J23-12</b>	<p>(1) Work No. 9A shall not commence until a written scheme setting out the proposed River Parrett flood defence improvements (including future responsibility and maintenance arrangements) has, following consultation with the Environment Agency and Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor</p>



	<p>District Council.</p> <p>(2) The works shall be carried out in accordance with the approved details and be in place prior to any part of the site being brought into use.</p>
<b>J23-14</b>	<p><b>Highways</b></p> <p>Work No. 9A shall not be brought into use until Work No. 9B is available for use.</p>
<b>J23-15</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a reinstatement scheme, providing details of the ground level reinstatement, removal of temporary buildings, structures, internal access roads and areas of hardstanding, shall be submitted to Sedgemoor District Council for approval, unless a planning permission for an alternative scheme allows otherwise. Within 12 months of the completion of the HPC construction works, all temporary buildings, structures, internal access roads and areas of hardstanding shall be removed from the site of Work No 9A; and the ground shall be restored to its pre-development level, and to a condition suitable for agricultural use.</del></p> <p><del>(2) Any works required to be carried out under the approved reinstatement scheme shall be completed within 12 months of either completion of the HPC construction works or approval of the scheme, whichever is the later.</del></p>

## JUNCTION 24

For the purpose of requirements J24-1 to J24-11, the "site" refers to the land within the Order limits shown on sheet no. 18 of the works plans and "development" refers to Work No. 10. Requirements J24-1 to J24-11 relate only to development carried out on the site as so defined.

<i>(1)</i> <i>Reference</i> <i>No.</i>	<i>(2)</i> <i>Requirements</i>
<b>J24-1</b>	<p><b>Car parking</b></p> <p>The number of car and minibus parking spaces to be provided and available for Work No. 9 for the duration of the HPC construction works shall not exceed 1,300, unless otherwise approved by Sedgemoor District Council.</p>
<b>J24-2A</b>	<p>(1) No vegetation clearance within the period from March to August inclusive shall commence unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved scheme referred to in paragraph (1).</p> <p>(3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.</p>
<b>J24-2</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 9) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>J24-3</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in accordance with the approved landscape strategy drawings 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan; 500104 (Rev 01): Tree and Hedgerow Retention and Removal Plan Detailed Area; 500102 (Rev 01): Planting Plan During Operation Pre-Junction 23; 500403 (Rev 01): Planting Plan During Operation Post-Junction 23; 007001 to 007002 (Rev 01): Proposed Surface Finishes Pre-Junction 23 and 007003 to 007004 (Rev 01): Proposed Surface Finishes Post-Junction 23 and must include details of all proposed hard and soft landscape</p>

	<p>works, including—</p> <ul style="list-style-type: none"> <li>(a) soft landscape details;</li> <li>(b) hard surfacing materials;</li> <li>(c) vehicular and pedestrian access, parking and circulation areas;</li> <li>(d) security cabins, furniture, refuse or other storage units;</li> <li>(e) details of plant establishment, maintenance and management arrangements; and</li> <li>(f) an implementation timetable for all landscaping works.</li> </ul> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>J24-5</b>	<p><b>Site access</b></p> <p>Work No. 10 shall not be brought into use until the site access is available for use.</p>
<b>J24-6</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement J24-2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.</p> <p>(2) Work No. 10 must remain securely fenced at all times during construction and operation of Work No. 10.</p>
<b>J24-7</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Junction 24 Design and Access Statement and with drawings 012001 to 012002 (Rev 01): Proposed Signage, Lighting and CCTV Pre Junction 23; 012003 to 012004 (Rev 01): Proposed Signage, Lighting and CCTV Post-Junction 23.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>J24-8</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any</p>

	<p>illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Junction 24 Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.</p>
<b>J24-9</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Junction 24 Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.</p>
<b>J24-10</b>	<p><b>Surface and foul water</b></p> <p>(1) No modifications shall be made to the existing surface and foul water drainage system until details (including means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.</p> <p>(2) The surface and foul water drainage system shall be constructed in accordance with the approved details referred to in paragraph (1).</p>
<b>J24-11</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a post-operational scheme for that relevant part shall be submitted to Sedgemoor District Council for approval and shall be in accordance with table A4.7 of the Post-Operational Strategy, Appendix A4 of the Planning Statement.</del></p> <p><del>(2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 6 months of completion of the HPC construction works.</del></p>

## WILLITON

For the purpose of requirements WP1 to WP13, the "site" refers to the land within the Order limits shown on sheet no. 19 of the works plans and "development" refers to Work No. 11. Requirements WP1 to WP13 relate only to development carried out on the site as so defined.

(1) Reference No.	(2) Requirements
<b>WP1</b>	<p><b>Car parking</b></p> <p>The number of car and minibus parking spaces to be provided and available for Work No. 11 for the duration of the HPC construction works shall not exceed 160, unless otherwise approved by West Somerset Council.</p>
<b>WP-2A</b>	<p>(1) No vegetation clearance within the period from March to August inclusive shall commence unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by <del>Sedgemoor</del> <a href="#">West Somerset District</a> Council.</p> <p>(2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved scheme referred to in paragraph (1).</p> <p>(3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.</p>
<b>WP2</b>	<p><b>Construction compound</b></p> <p>(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 10) Construction Work Area Plan, unless otherwise approved by West Somerset Council.</p> <p>(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.</p>
<b>WP3</b>	<p><b>Landscape works</b></p> <p>(1) No development shall commence until a written landscape scheme has been submitted to and approved by West Somerset Council. The landscape scheme shall be developed in accordance with the approved landscape strategy drawings 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan and 007001 (Rev 01): Proposed Surface Finishes and must include details of all proposed hard and soft landscape works, including:</p> <p>(a) soft landscape details;</p>

	<p>(b) hard surfacing materials;</p> <p>(c) vehicular and pedestrian access, parking and circulation areas;</p> <p>(d) security cabins, furniture, refuse or other storage units;</p> <p>(e) plant establishment, maintenance and management arrangements; and</p> <p>(f) an implementation timetable for all landscaping works.</p> <p>(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.</p>
<b>WP5</b>	<p><b>Site access</b></p> <p>Work No. 11 shall not be brought into use until the site access is available for use.</p>
<b>WP6</b>	<p><b>Fencing</b></p> <p>(1) Except for fencing erected pursuant to requirement WP2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset Council.</p> <p>(2) The site must remain securely fenced at all times during construction and operation of Work No. 11.</p>
<b>WP7</b>	<p><b>Lighting</b></p> <p>(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by West Somerset Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Williton Design and Access Statement and drawing 012001: Proposed Lighting, CCTV and Signage.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.</p>
<b>WP8</b>	<p><b>Signage</b></p> <p>(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset Council. Signage details shall be in accordance with section 6 (Design Principles) of the Williton Design and Access Statement.</p> <p>(2) Signage referred to in paragraph (1) shall be implemented in accordance with the</p>

	approved details.
<b>WP9</b>	<p><b>Flood Risk Assessment</b></p> <p>The development shall be carried out in accordance with the recommendations set out in the Williton Flood Risk Assessment, unless otherwise approved by West Somerset Council.</p>
<b>WP10</b>	<p>(1) The development shall not commence until engineering details of the proposed surface water outfall pipe connection to the culverted watercourse have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset Council.</p> <p>(2) The works shall be implemented as approved.</p>
<b>WP11</b>	<p><b>Surface and foul water</b></p> <p>(1) The development shall not commence until written details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility, monitoring and maintenance arrangements) have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset Council.</p> <p>(2) The works shall be implemented as approved.</p>
<b>WP12</b>	<p>(1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset Council.</p> <p>(2) The scheme shall be implemented as approved.</p>
<b>WP13</b>	<p><b>Post-operation</b></p> <p><del>(1) Prior to completion of the HPC construction works, a post operational scheme shall be submitted to West Somerset Council for approval and shall be in accordance with table A4.8 of the Post Operational Strategy, Appendix A4 of the Planning Statement.</del></p> <p><del>(2) Unless otherwise approved by West Somerset Council, any works required to be carried out under the approved post operational scheme shall be completed within 6 months of completion of the HPC construction works.</del></p>

**Schedule 12****Article 48****LIMITS OF HARBOUR**

The limits of the harbour referred to in article 48 are—

- (a) the seaward limits, that is to say, the area bounded by an imaginary line commencing at a point at ST1945046126, then extending in a straight line to a point at ST1873246621, then extending in a straight line to a point at ST1964046879, then in a straight line to a point at ST1964046153, then following the line of mean high water to the point of commencement; and
- (b) the landward limits, that is to say so much of the land lying within the limits of deviation of Work No. TJ1, TJ2 and TJ3 shown on sheet nos. 7, 8 and 9 as is above the level of mean high water.

**Schedule 13****Article 2A****DEEMED APPROVAL OF REQUIREMENTS**

<i>(1)</i> <i>Site preparation permission condition</i>	<i>(2)</i> <i>Order requirement</i>
G37: Historic Environment, Ecology and Landscape: Green Lane - Preservation in situ	P7
FP14: Ecology: Wildlife Mitigation Measures – Reptiles	P2
SP2: Drainage: Culvert of Holford Stream	P12
SP3: Drainage: Holford Culvert Flood Risk Management Strategy	P13
SP5: Engineering Details of Foreshore Access Road	P18
SP9: Flooding / Erosion: Retaining Wall	P21
SP10: Geology & Contaminated Land: Radiological Monitoring	P15
SP15: Historic Environment: Monitoring of Paleontological Remains	P8
SP22: Historic Environment: Scheduled Monument Management Plan	P9
FP4 and SP1: Surface water drainage	P11A
SP11: Geology & Contaminated Land: Contamination Risk	P14A



Assessment and Implementation	
FP7: Vegetation clearance	P16
FP1: Ecological Mitigation and Monitoring Plan	P16A
FP3: Habitat Management Plan	P16B
<del>FP5: Air Quality Monitoring</del>	<del>P26</del>
<del>FP6: Noise and Vibration Monitoring</del>	<del>P27</del>
<del>SP16: Groundwater Monitoring</del>	<del>P28</del>
SP8: Flooding: foreshore access	P20

## Schedule 14

## Article 42AA

### PROCEDURE FOR DISCHARGE OF REQUIREMENTS

#### Applications made under requirement

1-(1). Where an application has been made to a discharging authority for any consent, agreement or approval required by a requirement included in this Order the discharging authority shall give notice to the undertaker of their decision on the application within a period of 8 weeks (in respect of a major detailed requirement) or 5 weeks (in respect of a minor detailed requirement) beginning with:

- (a) the day immediately following that on which the application is received by the authority;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
- (c) such longer period as may be agreed by the undertaker and the discharging authority in writing.

#### Further information

2-(1). In relation to any application to which this Schedule applies, the discharging authority shall have the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) In the event that the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a statutory consultee is required, it shall, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) In the event that the requirement specifies that consultation with a requirement consultee is required, the discharging authority shall issue the consultation to the requirement consultee within 1 business day of receipt of the application, and shall notify the undertaker in writing specifying

any further information requested by the requirement consultee within 1 business day of receipt of such a request and in any event within ~~21~~ ~~11 business~~ days of receipt of the application.

(4) In the event that the discharging authority does not give such notification within ~~this 7 day~~ the relevant period specified in sub-paragraph (2) or (3) above, it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the undertaker.

### Fees

3-(1) Where an application is made to the discharging authority for written consent, agreement or approval in respect of a requirement, a fee shall be paid to that authority as follows-;

(a) where the application relates to a major detailed requirement, fees shall be calculated in accordance with the following table:

Category 1	<p>The erection of buildings:</p> <p>(i) where no floor space is to be created by the development, £170;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 metres, £170;</p> <p>(iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £335;</p> <p>(iv) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £335 for each 75 square metres of that area;</p> <p>(v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565; and an additional £100 for each 75 square metres</p>
Category 2	<p>The carrying out of any operations not coming within Category 1, £170 for each 0.1 hectare of the site area, subject to a maximum £1,690</p>

(b) where an application is made for discharge of a major detailed requirement ("current application") in respect of which an application has been made previously, the fee payable in respect of the current application shall be £335; and

(c) where the application relates to a minor detailed requirement, £85 for each application.

(2) For the purpose of the calculation of fees pursuant to sub-paragraph 3(1)(a):

(a) the area shall be taken as consisting of the area of land to which the application relates;

- (b) where the application relates to development within Category 1, the area of gross floor space created by the development shall be ascertained by external measurement of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building;
- (c) where the application relates to development within Category 1 and the gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floorspace by the figure of 75 shall be treated as being 75 metres; and
- (d) where the application relates to development within Category 2 and the site area exceeds 0.1 hectares and is not an exact multiple of 0.1 hectares, the area remaining after division of the total number of hectares by the figure of 0.1 hectares shall be treated as being 0.1 hectares.

(3) Any fee paid under this Schedule shall be refunded to the undertaker within 8 weeks of:

- (a) the application being rejected as invalidly made; or
- (b) the discharging authority failing to determine the application within eight weeks (in respect of a major detailed requirement) and 5 weeks (in respect of a minor detailed requirement) from the date on which it is received,

unless within that period the undertaker agrees, in writing, that the fee shall be retained by the discharging authority and credited in respect of a future application.

### **Appeals**

4- (1) The undertaker may appeal in the event that-

- (a) the discharging authority refuses an application for any consent, agreement or approval required by a requirement included in this Order or grants it subject to conditions;
- (b) the relevant planning authority does not give notice of its decision to the undertaker within the time period specified in paragraph 1;
- (c) on receipt of a request for further information pursuant to paragraph 2 the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process shall be as follows:

- (a) the undertaker shall submit the appeal documentation to the Secretary of State and shall on the same day provide copies of the appeal documentation to the discharging authority and the requirement consultee;

- (b) as soon as is practicable after receiving the appeal documentation, the Secretary of State shall appoint a person to determine the appeal~~within 10 business days of receiving the appeal documentation~~ and shall ~~forthwith~~ notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person's~~his~~ attention should be sent;
- (c) the discharging authority and the requirement consultee shall submit written representations to the appointed person in respect of the appeal within 10 business days of the start date and shall ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (d) the appeal parties shall make any counter-submissions to the appointed person within 10 business days of receipt of written representations pursuant to sub-paragraph (c) above; and
- (e) the appointed person shall make his decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable, ~~and in any event within 15 business days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (d) or such longer period as may be agreed by the undertaker and the discharging authority.~~

(3) The appointment of the person pursuant to sub-paragraph (b) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable him to consider the appeal he shall as soon as is practicable, ~~within 5 business days of his appointment~~, notify the appeal parties~~undertaker~~ in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required pursuant to sub-paragraph (4) shall be provided by the party from whom the information is sought to ~~undertaker to~~ the appointed person and to other appeal parties by, ~~the discharging authority and the requirement consultee on~~ the date specified by the appointed person (the 'agreed day'), Any written representations concerning matters contained in the further information shall be submitted to the appointed person, and made available to all appeal parties within 10 business days of the 'agreed day' ~~and the appointed person shall notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal shall require submission of written representations to the appointed person within 10 business days of the agreed date but shall otherwise be in accordance with the process and time limits set out in sub-paragraph (2)(e)-(e).~~

(6) On an appeal under this paragraph, the appointed person may-

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

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

(7) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits.

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

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

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

(11) Save where a direction is given pursuant to sub-paragraph 12 requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person shall be met by the undertaker.

(12) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it shall be made, the appointed person shall have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

## **Schedule 15**

## **Article 43A**

### **FOR THE PROTECTION OF THE ENVIRONMENT AGENCY**

1.— (1) The following provisions shall apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) Where any consent, approval or agreement is required to be given by the Agency, other than under the terms of this Order, the terms of this Schedule shall apply.

(3) In this Schedule—

“the Agency” means the Environment Agency;

“completion” in relation to any work means the date on which it is brought into use;

“consented work” means a work that is required to be consented under the terms of the Water Resources Act 1991, the Land Drainage Act 1991 or the Wessex Water Authority Land Drainage Byelaws irrespective of any status as a statutory undertaker under those provisions;

“damage” includes scouring and erosion and “damaged” shall be construed accordingly;

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment, outfall or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

“erosion” means any erosion of the bed or shore of the sea or of the bed or banks of any river;

“outfall” means—

- (a) any existing land drainage outfall for which the Agency is responsible;
- (b) any sewer, pipe or drain provided for groundwater, surface water or storm overflow sewerage;

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer.

### **Surveys and maintenance of drainage works**

2.— (1) Before commencing the construction of a consented work liable to affect a drainage work, the undertaker shall procure at its expense, in liaison with and to the reasonable satisfaction of the Agency, a survey of any drainage work liable to be affected by that consented work.

(2) Subject to sub-paragraph (3), the undertaker shall, from the commencement of the construction of any consented work and except to the extent that any approval given by the Agency under this Schedule permits otherwise, maintain in good repair and condition and free from obstruction any drainage work which is already in existence which is situated within the limits of deviation and on land owned by the undertaker or which it otherwise has control of or is in occupation of for the purposes of or in connection with the ~~specified~~consented work.

(3) The obligation imposed on the undertaker by sub-paragraph (2) does not apply where the Agency or another person other than the undertaker is liable to maintain the drainage work in question and is not precluded by the exercise of the powers of this Order from doing so.

(4) If any drainage work referred to in sub-paragraph (2) is not maintained in good repair and condition and free from obstruction the Agency may by notice in writing require the undertaker to repair and restore that drainage work, or any part of it, or (if the undertaker so elects and the Agency in writing consents), to remove the drainage work and restore the site (including sea defences) to its former condition, to such extent and within such limits as the Agency reasonably requires.

(5) If within a reasonable period, being not less than 28 days beginning with the date on which a notice under sub-paragraph (4) is served on the undertaker, it has failed to begin taking steps to comply with the reasonable requirements of the notice and subsequently complete them within such reasonable period as may be specified in the notice, the Agency may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.

(6) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (4), the Agency shall not, except in a case of emergency, exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined.

### **Impairment of efficiency of drainage work for flood defence purposes**

3. — If by reason of the construction of any consented work, or of the failure of any such work, the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage shall be made good by the undertaker to the reasonable satisfaction of the Agency; and if the undertaker fails to do so within such reasonable period as the Agency may require by notice in writing to the undertaker, the Agency may make good such impairment or damage and recover from the undertaker the expense reasonably incurred by it in so doing.

### **Indemnity as to costs and expenses**

4.— (1) The undertaker shall indemnify the Agency in respect of all reasonable and proper costs, charges and expenses which the Agency may reasonably incur or have to pay or which it may sustain—

(a) in the inspection, for the purpose of compliance with this Schedule, of the construction of any consented works or any protective works required by the Agency under this Schedule.

(2) The undertaker shall indemnify the Agency against all claims, demands, proceedings, costs, damages, expenses or losses, which may be made or taken against, or recovered from or incurred by the Agency by reason of—

(a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;

(b) any raising or lowering of the water table in land adjoining the works or any sewers, drains and watercourses;

(c) any flooding or increased flooding of any land adjoining the works; or

(d) inadequate water quality in any watercourse or other surface waters or in any groundwater,

which is caused by the construction of any of the consented works or any act or omission of the undertaker, its contractors, agents or employees whilst engaged upon the consented works.

(3) The Agency shall give to the undertaker reasonable notice of any such claim, demand, or proceedings and no settlement or compromise of any such claim, demand, proceedings, costs, damages, expenses or losses shall be made without the consent of the undertaker which shall not be unreasonably withheld and if the undertaker shall not give such consent the Agency shall diligently defend such claim or demand.

5. — The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the undertaker from any liability under paragraph 4.

**Disputes and differences**

6.—(1) Any dispute arising between the undertaker and the Agency under this Schedule shall, if the parties agree, be determined by arbitration, but shall otherwise be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Energy and Climate Change acting jointly.