

From: Elsenaar, Marnix <marnix.elsenaar@addleshawgoddard.com>

Date: 31/7/18

Dear Sir/Madam

EN010068, Deadline 6

We are instructed by Network Rail Infrastructure Limited in relation to the DCO application by Millbrook Power Limited (**Applicant**) for the Millbrook Power Project and we attach a submission setting out Network Rail's comments on the draft DCO submitted by the Applicant at Deadline 5.

Yours faithfully

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Application by Millbrook Power Limited for an Order granting Development Consent for the Proposed Millbrook Power Gas Fired Power Station

Deadline 6 Submission of Network Rail Infrastructure Limited (Reference 20010104)

Planning Inspectorate Reference: – EN010068

Introduction

1. This document constitutes the Deadline 6 submission of Network Rail Infrastructure Limited (**Network Rail**).
2. In its Deadline 4 submission [**REP4-005**], Network Rail explained that Network Rail and the Applicant were in ongoing discussions about:
 - a. the impact of construction traffic on the level crossing at Green Lane; and
 - b. the control of traffic using the access road between Green Lane and Rookery South Pit (**Access Road**) and the installation of appropriate fencing.
3. As a result of those discussions the Applicant has, at Deadline 5, submitted an amended draft DCO [**REP5-010**] that includes protective provisions for Network Rail's benefit (**Protective Provisions**) at Part 7 of Schedule 10(a) and amendments to the draft Requirements at Schedule 2.
4. The new Protective Provisions and amended Requirements go some way to addressing Network Rail's concerns but Network Rail has a number of outstanding concerns as set out below.

Green Lane Level Crossing

New Protective Provisions

5. Protective Provision (**PP**) 69(1) states that the Applicant must consult Network Rail regarding the construction traffic management plan (**CTMP**) before submitting it to the planning authority in accordance with Requirement 11.
6. PP 69(2) states that the Applicant will provide Network Rail with a draft of the CTMP and take into account any reasonable comments or requirements notified to the Applicant by Network Rail within a period of 21 days beginning with the date on which the draft CTMP is submitted to Network Rail.

Requirement 11

7. Requirement 11(1) states that the authorised development shall not be commenced until a CTMP has been submitted to and approved by the relevant planning authorities *in consultation with, amongst other bodies, Network Rail*.
8. Requirement 11(1) also states that the CTMP must be substantially in accordance with the outline construction traffic management measures and must include the following (the underlined section has been added by the Applicant in its draft DCO submitted at Deadline 5) -
 - a. construction vehicle routing plans;
 - b. site access plans;
 - c. measures to ensure the protection of users of any footpath within the Order limits which may be affected by the construction of the authorised development;
 - d. proposals for the management of junctions to and crossings of highways and other public rights of way;
 - e. proposals for the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads;
 - f. details of escorts for abnormal indivisible loads;
 - g. proposals for temporary warning signs and banksman and escort details;

- h. details of any temporary or permanent improvements to highways;
 - i. proposals for traffic management controls (such as temporary signals), diversion routes and signage required during any of the activities, operations or works associated with the creation or upgrading of any permanent or temporary means of access pursuant to this Order; and
 - j. proposals for traffic management controls (such as temporary signals) to ensure the safe operation of Green Lane level crossing; and
 - k. details of any comments made by Network Rail pursuant to paragraph 69(2) of Part 7 of Schedule 10 (protective provisions) and an explanation of how such comments have been taken into account.
9. Requirement 11(2) states that the CTMP must be implemented as approved.

Network Rail's requested amendments to the Protective Provisions and the Requirements

10. Requirement 11 and the Protective Provisions only require the Applicant to **consult** Network Rail and to take into account Network Rail's reasonable comments and explain in the CTMP how Network Rail's comments have been taken into account.
11. Network Rail submits that the safe operation of the Green Lane Level Crossing at all times is the overriding priority. Accordingly, Network Rail submits that it must have the final say about the measures that are included in the CTMP that relate to the level crossing. It is, in Network Rail's view, entirely inappropriate for the final say on such measures to rest with the local highway authority. As custodian of the railway, that role must sit with Network Rail.
12. Accordingly, we request that Requirement 11 and PP 69 are amended so that Network Rail must *approve* the traffic management measures (contained in the CTMP and relating to the use of the Green Lane level crossing) before they are submitted to the relevant authorities for approval and that those measure required by Network Rail are complied with.

Applicant's Transport Assessment – no simultaneous Covanta and Millbrook construction activity

13. The Applicant's Environmental Statement (ES) [APP-033] states that construction is anticipated to commence in 2020 at the earliest with a construction period of 22 months. However, the Applicant is unable to confirm when its construction works will commence.
14. Similarly, Network Rail does not know when the works for construction of Covanta's Rookery South Resource Recovery Facility (**Covanta Scheme**) will be completed. It is possible that the construction works for both schemes may occur simultaneously and the impacts of that scenario have not been assessed in the ES.
15. The ES only assesses the potential cumulative effect of the operation of the Covanta Scheme and the peak construction activity of the Millbrook scheme. Were construction activities for both schemes to take place at the same time, without a full barrier crossing having been completed for the Green Lane Level Crossing, this would, in Network Rail's opinion (based on the information available to it at this time), result in unacceptable impacts on the Green Lane Level Crossing. Network Rail submits that such impacts may not be capable of being adequately mitigated by measures included in a construction traffic management plan and could result in a risk of accidents occurring.
16. Accordingly, Network Rail asks that a Requirement is included in the DCO stating that the Applicant shall not undertake any works of construction of its scheme if works for construction of the Covanta Scheme are in progress. We propose the following new Requirement:

Construction works for the authorised development shall not occur simultaneously with any construction works carried out under the Rookery South (Resource Recovery Facility) Order 2011 unless a full barrier has been installed at the Green Lane level crossing and is operational.

Access Road

17. We note that the Applicant's amendments to the draft DCO submitted at Deadline 5 includes the following amendments in relation to the Access Road.

Requirement 6

18. Requirement 6(2) (headed "Fencing and other means of site perimeter enclosure") states that numbered Work 2A must not commence until written details of any proposed permanent fence or other means of enclosure for that numbered work have been submitted to an approved by Central Bedfordshire Council (in consultation with Network Rail).
19. Requirement 6(4) states that the fencing and other means of enclosure must be constructed and maintained in accordance with the approved details.

Protective Provisions

20. PP 67 states that the Applicant shall include provisions relating to anti-dazzle fencing in the written details of any proposed permanent fence or other means of enclosure for numbered work 2A ... such provisions to be substantially in accordance with the equivalent provisions in the approved details submitted pursuant to paragraph 11 of Schedule 2 to the Rookery South (Resource Recovery Facility) Order 2011 unless otherwise agreed by Network Rail.
21. PP 68(1) states that Millbrook shall construct the anti-dazzle fencing.... as soon as is reasonably practicable following written notice from Network Rail.
22. PP 68(2) states that Network Rail shall only serve the written notice referred to in PP 68(1) in the event that train drivers have reported to Network Rail that they are experiencing conflicts between railway signals and the oncoming traffic headlights from vehicles using numbered work 2A for the construction or use of the authorised development and Network Rail shall provide evidence of such reports to Millbrook if requested.

Network Rail's requested amendments to the Protective Provisions and the Requirements

23. Network Rail submits that it should be consulted on and approve the fencing before it is submitted to the Central Bedfordshire Council for its approval. Network Rail must have the final say on the adequacy of fencing that is required to ensure the safe operation of the railway.
24. Network Rail is also extremely concerned by PP 68(2) which states that "Network Rail shall only serve the written notice referred to in PP 68(1) in the event that train drivers have reported to Network Rail that they are experiencing conflicts between railway signals and the oncoming traffic headlights from vehicles using numbered work 2A". Network Rail submits that it must be able to require anti-dazzle fencing to be constructed before its drivers have experienced dazzle from vehicles using the access road. Such dazzle could result in an accident occurring and Network Rail cannot accept a Requirement which limits its ability to require appropriate fencing until after problems have arisen. Network Rail requires that the Applicant submits details of the

proposed fencing and an assessment of the impact of glare from vehicle headlights on train drivers before the Access Road is brought into use.

Speed limit

25. There is no requirement in the draft DCO regarding speed limits on the Access Road but the draft Construction Environment Plan (**CEMP**) [REP5-003] submitted at Deadline 5 includes new paragraph 3.10.3, which states “*A restriction should be placed on the access road to limit the speed of construction traffic. This will most likely be 10mph.*” Therefore, the speed limit is only 'likely' to be 10mph and the CEMP is a document that Network Rail is not formally consulted upon.
26. Requirement 10 of the DCO states that the final CEMP must be "substantially in accordance with the outline CEMP" and must be approved by the relevant planning authorities.
27. In order to minimise the risks of accidents involving construction traffic in proximity to the railway and of distraction to train drivers, Network Rail asks that a Requirement is included that imposes a speed limit of 10mph in relation to the Access Road.

Protective Provisions and Requirements

28. We attach the Protective Provisions and relevant Requirements showing the amendments requested by Network Rail.

Addleshaw Goddard LLP
31 July 2018

Annex 1

Amended Protective Provisions

PART 7

FOR THE PROTECTION OF NETWORK RAIL

64. For the protection of ~~National~~Network Rail as referred to in this part of this Schedule the following provisions shall, unless otherwise agreed in writing between the undertaker and Network Rail, have effect.

65. In this part of this Schedule—

“Network Rail” means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at ~~Kings Place, 90 York Way~~1 Eversholt Street, London, N NW1 9AG~~2DN~~ and any associated company of Network Rail which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

66.—(1) Where under this Part Network Rail is required to give its consent, agreement or approval in respect of any matter, that consent, agreement or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) Subject to subparagraph (1) where Network Rail is asked to give its consent or agreement pursuant to this Part, such consent or agreement must not be unreasonably withheld but may be given subject to reasonable conditions.

67. The undertaker shall include provisions relating to anti-dazzle fencing in the written details of any proposed permanent fence or other means of enclosure for numbered work 2A submitted pursuant to requirement 6 of Schedule 2 such provisions to be substantially in accordance with the equivalent provisions in the approved details submitted pursuant to paragraph 11 of Schedule 2 of The Rookery South (Resource Recovery Facility) Order 2011 unless otherwise agreed by Network Rail.

68.—(1) The undertaker shall ~~construct the anti-dazzle fencing approved pursuant to requirement 6 of Schedule 2 as soon as is reasonably practicable following written notice from Network Rail to that effect.~~not submit details of any proposed fencing in relation to numbered work 2A in accordance with requirement 6 of Schedule 2 without first submitting those details to Network Rail and obtaining Network Rail's approval in accordance with subparagraph (2).

(2) ~~Network Rail shall only serve the written notice referred to in subparagraph (1) in the event that train drivers have reported to Network Rail that they are experiencing conflicts between railway signals and the oncoming traffic headlights from vehicles using numbered work 2A for the construction or use of the authorised development and Network Rail shall provide evidence of such reports to the undertaker if requested.~~The undertaker shall provide to Network Rail for approval the details of its proposed fencing in relation to numbered work 2A (including the proposed anti-dazzle measures) together with an assessment of the impact of glare from vehicle headlights on train drivers and provided that Network Rail has provided details of any required amendments within 21 days of receipt of the proposed details the undertaker shall incorporate such amendments as are required by Network Rail in the details it submits to Central Bedfordshire Council pursuant to requirement 6 of Schedule 2.

69.—(1) The undertaker shall not submit the construction traffic management plan to the relevant planning authorities in accordance with requirement 11 of Schedule 2 (construction traffic management ~~plant plan~~) without having first consulting with~~submitted the application to~~ Network Rail for approval in accordance with ~~subparagraphs~~subparagraphs (2) and (3).

(2) The undertaker shall provide Network Rail with a draft of the construction traffic management plan and the undertaker shall take into account ~~any~~ and amend the construction traffic management plan to reflect all reasonable comments or requirements notified to the undertaker by Network Rail within a period of 21 days beginning with the date on which the draft construction traffic management plan is ~~submitted to~~ received by Network Rail.

70.—(1) Any difference or dispute arising between the undertaker and Network Rail under this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and Network Rail, be referred to and settled in arbitration in accordance with the Rules at Schedule 13 of this Order, by a single arbitrator to be agreed upon by the parties within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.

(2) Should the Secretary of State fail to appoint an arbitrator under subparagraph (1) within 14 days of the application, the referring party may refer to the Centre of Effective Dispute Resolution for appointment of an arbitrator.

Article 42 (arbitration) shall not apply to any difference or dispute under any provisions of the Part of this Schedule.

71. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

Annex 2

Amended Requirements

SCHEDULE 2 REQUIREMENTS

Article 3

Time limits

1. The authorised development must commence no later than the expiration of five years beginning with the date this Order comes in to force.

Detailed design approval

2.—(1) The authorised development must be carried out in accordance with the approved plans, inclusive of any limits of deviation, bearing the references listed below and any other plans, drawings, documents, details, schemes, statements or strategies which are approved by the relevant planning authorities pursuant to any requirement (as the same may be amended by approval of the relevant planning authorities pursuant to requirement 19)—

Table 1

| |
|---|
| <u>Works plans</u> <u>Rights of way, streets and access plan</u> <u>The access road visibility splay plan</u> |
|---|

(2) The authorised development must be carried out in accordance with the parameters specified below (as the same may be amended by approval of the relevant planning authorities pursuant to requirement 19)—

Table 2

| <i>Building or structure</i> | <i>Maximum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Minimum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Maximum length (metres)</i> | <i>Minimum length (metres)</i> | <i>Maximum width (metres)</i> | <i>Minimum width (metres)</i> |
|--|---|---|--------------------------------|--------------------------------|-------------------------------|-------------------------------|
| The gas turbine generator (including gas turbine, generator, air inlet filter house, air inlet duct, exhaust | 27 | – | 50 | – | 40 | – |

| <i>Building or structure</i> | <i>Maximum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Minimum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Maximum length (metres)</i> | <i>Minimum length (metres)</i> | <i>Maximum width (metres)</i> | <i>Minimum width (metres)</i> |
|---|---|---|--------------------------------|--------------------------------|-------------------------------|-------------------------------|
| auxiliaries such as lube oil system, air dryers, fuel gas filter package, instrument air system, compressor washing) (Part of numbered work 1A) | | | | | | |
| The exhaust gas emission flue stack (part of numbered | 35 | 32.5 | 12 | - | 12 | - |
| Control room/office / workshop (part of numbered work 1B) | 7 | - | 45 | - | 25 | - |
| Emergency generator (part of numbered work 1B) | 6 | - | 13 | - | 5 | - |
| Raw/fire water tank (part of numbered | 15 | - | 15 | - | 15 | - |
| Demineralised water tank (part of numbered work 1B) | 5 | - | 5 | - | 5 | - |
| Gas receiving | 10 | - | 70 | - | 50 | - |

| <i>Building or structure</i> | <i>Maximum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Minimum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Maximum length (metres)</i> | <i>Minimum length (metres)</i> | <i>Maximum width (metres)</i> | <i>Minimum width (metres)</i> |
|--|---|---|--------------------------------|--------------------------------|-------------------------------|-------------------------------|
| station (including compression station, emergency generator, Joule-Thomson boilers and other auxiliary control cabinets) (part of numbered work 1B) | | | | | | |
| Fin Fan Cooler(s) (part of numbered work 1A) | 10 | - | 28 | - | 14 | - |
| Transformer compound (including generator step up transformer, unit and other transformers, overhead line gantry and associated equipment) (part of numbered | 15 | - | 65 | - | 60 | - |
| Gatehouse (part of numbered work 1D) | 4.5 | - | 9 | - | 8 | - |
| Above ground | 3 | - | 85 | - | 35 | - |

| <i>Building or structure</i> | <i>Maximum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Minimum height (metres above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i> | <i>Maximum length (metres)</i> | <i>Minimum length (metres)</i> | <i>Maximum width (metres)</i> | <i>Minimum width (metres)</i> |
|---|---|---|--------------------------------|--------------------------------|-------------------------------|-------------------------------|
| installation (numbered work 3A)* | | | | | | |
| Pipeline inspection gauge facility (part of numbered | 3 | - | 35 | - | 30 | - |
| Minimum offtake connection (part of numbered work 3A)* | 3 | - | 35 | - | 35 | - |
| Substation (including the auxiliary building) (part of numbered work 5) | 14 | - | 200 | - | 150 | - |
| Each sealing end compound (part of numbered | 17 | - | 45 | - | 35 | - |
| Transmission tower (part of numbered work 6)** | 49 | - | 40 | - | 30 | - |
| Each temporary tower or mast (part of numbered | 55 | - | 47 | - | 32 | - |

* Existing site level is approximately 70m AOD

** Existing site level is approximately 49m AOD

(3) To the extent that design principles for any numbered work are set out in the design principles statement, that numbered work must be designed substantially in accordance with the relevant design principle set out therein.

(4) Except to the extent approved pursuant to requirement 5, numbered works 1, 3A, 5 and 6(a) must not commence until, for that numbered work, details of the layout, scale and external appearance of the numbered work have been submitted to and approved by the relevant planning authorities.

Provision of landscaping and ecological mitigation

3. Each of numbered works 1, 2, 3A, 4, 5, 6 and 7 of the authorised development must not commence until, for that numbered work, a written strategy substantially in accordance with the outline landscape and ecological mitigation and management strategy has been submitted to and approved by Central Bedfordshire Council. The strategy must include details of all proposed hard and soft landscaping works and ecological mitigation measures and include details of—

- (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree planting and the proposed times of such planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) bunds and proposed finished ground levels;
- (d) hard surfacing materials;
- (e) measures for the management of the ecological resources that will remain within the Order land on completion of the authorised development.

Implementation and maintenance of landscaping and ecological mitigation measures

4.—(1) All landscaping works and ecological mitigation measures must be carried out in accordance with the strategy approved under requirement 3.

(2) The landscaping works and ecological mitigation measures must be carried out in accordance with implementation timetables approved in the strategy approved under requirement 3.

Highway accesses

5.—(1) Numbered work 1 of the authorised development must not commence until either the Rookery South access road and numbered work 2B have been completed to a suitable standard for construction or the junction with Green Lane (comprising part of numbered work 2A) and numbered work 2B have been completed to a suitable standard for construction.

(2) Each of numbered works 2, 3 and 6 of the authorised development must not commence until for that numbered work, written details of the siting, design and layout (to the extent either not provided as part of or differing from, the details contained in Schedule 1, the works plans or requirement 2 Table 1) of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic has been submitted to and approved by the relevant planning authorities (in consultation with the highway authority).

(3) The highway accesses must be constructed in accordance with the approved details.

(4) Following the completion of construction of numbered work 2, unless the Rookery South access road is constructed pursuant to the Rookery South (Resource Recovery Facility) Order 2011, the access road visibility splay must be kept clear at all times of obstructions, buildings and vegetation that may obstruct or impair visibility from or to Green Lane to or from numbered work 2.

[\(5\) Following completion of the Rookery South access road, a speed limit of 10 miles per hour shall at all times be maintained on the Rookery South access road.](#)

6.—(1) Each of numbered works 1, 3A, 4, 5, 6 and 7 of the authorised development must not commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for that numbered work have been submitted to and approved by Central Bedfordshire Council.

(2) Numbered work 2A of the authorised development must not commence until written details of any proposed permanent fence or other means of enclosure for that numbered work have been submitted to and approved by [Network Rail and](#) Central Bedfordshire Council ~~(in consultation with Network Rail)~~.

(3) Any construction sites must remain securely fenced at all times during construction of the authorised development.

(4) The fencing and other means of enclosure must be constructed and maintained in accordance with the approved details.

Surface and foul water drainage

7.—(1) Each of numbered works 1, 2, 3A, 5 and 6 must not commence until, for that numbered work, written details of the surface and foul water drainage strategy, which shall incorporate appropriate elements of the low level restoration scheme drainage strategy where applicable, for the construction and operational phases of the authorised development have been submitted to and approved by Central Bedfordshire Council..

(2) The surface and foul water drainage system must be constructed in accordance with the approved details before the operational phase of that part of the authorised development commences.

Contamination and groundwater

8.—(1) Each of numbered works 1 to 8 must not commence until, for that numbered work, a scheme (which may be included in the construction environment management plan) to deal with the contamination of any land, including groundwater, which is likely to cause significant harm to persons or significant pollution of controlled waters or the environment and ground conditions relevant to foundation design and ground stability has been submitted to and approved in writing by Central Bedfordshire Council.

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

(3) The scheme must include an investigation and assessment report to identify ground conditions and ground stability matters and must identify appropriate foundation design measures.

(4) Remediation must be carried out in accordance with the approved scheme.

(5) Foundation design measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) Each of numbered works 3A, 4A, 6 and 7(a) of the authorised development must not commence until, for that numbered work, a written scheme of archaeological investigation has been submitted to and approved in writing by Central Bedfordshire Council. The submitted written scheme of archaeological investigation must include the following -

(a) provision to be made for a programme of excavation fieldwork and post-excavation assessment should significant archaeological remains be encountered, and where warranted post-excavation analysis;

- (b) provision to be made for publication and dissemination of the results of any assessment made pursuant to sub-paragraph (a), including for public benefit and understanding, should the nature of the archaeology warrant it; and
 - (c) provision to be made for the deposition of the finds assemblage and the site archive.
- (2) The archaeological investigation must be carried out in accordance with the approved scheme.

Construction Environment Management Plan

10.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until a construction environment management plan covering that numbered work has been submitted to and approved by the relevant planning authorities. The final construction environment management plan must be substantially in accordance with the outline construction environment management plan and must include the following—

- (a) the construction and phasing programme;
- (b) liaison procedures to discuss and agree all relevant construction aspects with the relevant planning authorities;
- (c) complaints procedures;
- (d) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, lighting, noise and vibration);
- (e) waste management;
- (f) an assessment of the site specific risks to and mitigation measures designed to protect controlled waters (surface and groundwaters) including pollution incident control;
- (g) procedure for crossing watercourses (by reference to best practice methods);
- (h) landscape and visual impact mitigation (specifically the protection of trees and hedgerows to be retained in accordance with BS 5837: 2012 (or its updates) and a scheme to minimise visual intrusion of the construction works);
- (i) security measures;
- (j) measures for the maintenance of construction equipment;
- (k) restoration of site following completion of construction; and
- (l) liaison procedures with all other contractors working within Rookery Pit regarding programmed construction movements and processes.

(2) All construction works must be undertaken in accordance with the approved construction environment management plan.

Construction traffic management plan

11.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until, for that numbered work, a construction traffic management plan has been submitted to ~~and approved by~~ the relevant planning authorities in consultation with the relevant highway authorities, and Marston Moretaine Parish Council ~~and Network Rail~~. The construction traffic management plan must be substantially in accordance with the outline construction traffic management measures and must include the following—

- (a) construction vehicle routing plans;
- (b) site access plans;
- (c) measures to ensure the protection of users of any footpath within the Order limits which may be affected by the construction of the authorised development;
- (d) proposals for the management of junctions to and crossings of highways and other public rights of way;
- (e) proposals for the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads;

- (f) details of escorts for abnormal indivisible loads;
 - (g) proposals for temporary warning signs and banksman and escort details;
 - (h) details of any temporary or permanent improvements to highways;
 - (i) proposals for traffic management controls (such as temporary signals), diversion routes and signage required during any of the activities, operations or works associated with the creation or upgrading of any permanent or temporary means of access pursuant to this Order;
 - (j) proposals for traffic management controls (such as temporary signals) to ensure the safe operation of Green Lane level crossing; and
 - (k) details of any comments made by Network Rail pursuant to paragraph 69(2) of Part 7 of Schedule 10 (protective provisions) and an explanation of how such comments have been taken into account.
- (2) The construction traffic management plan must be implemented as approved.

Control of noise during operation

12.—(1) Prior to the date of final commissioning a written noise scheme providing for the control of noise generated during the operation of the authorised development must be submitted to and approved by Central Bedfordshire Council. The noise scheme must include the following:

- (a) the locations at which noise will be monitored;
- (b) the defined representative background sound level at South Pilling Farm house;
- (c) the method of noise measurement (which must be in accord with BS 4142:2014, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances) and when such measurements will be carried out; and
- (d) a complaints procedure.

(2) Except in the case of an emergency, noise (in terms of the BS 4142:2014 rating level) emitted from the operation of the authorised development must be no greater than the defined representative background sound level as approved in the noise scheme submitted pursuant to sub-paragraph (1).

(3) The noise scheme must be carried out as approved.

Control of noise during construction

13.—(1) No part of the authorised development may commence until a written construction noise monitoring scheme providing for the monitoring of noise generated during the construction of the authorised development has been submitted to and approved in writing by Central Bedfordshire Council. The construction noise monitoring scheme must include the following:

- (a) the locations at which the noise will be monitored;
- (b) the frequency of noise monitoring corresponding to the construction programme and the change in plant, equipment and working practices likely to affect noise conditions during the construction programme;
- (c) the defined representative background sound level at South Pilling Farm house;
- (d) the method of noise measurement and establishment of noise limits (which must be in accordance with BS 5228:2009, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances);
- (e) a procedure for the periodic review of the construction noise monitoring scheme relating to the frequency of noise monitoring and the need for continued monitoring corresponding to the construction programme; and
- (f) a complaints procedure.

14.—(1) Subject to sub-paragraph (2) no construction work, or the delivery or removal of materials, may take place on any Sunday or public holiday and no construction work, or the delivery or removal of materials, may take place outside the hours of—

- (a) 0700 and 1900 hours on weekdays; and
- (b) 0700 and 1300 hours on Saturdays.

(2) Sub-paragraph (1) does not prevent construction works, or the delivery or removal of materials, being carried out on public holidays or outside the hours set out in sub-paragraph (1) with the prior written approval of Central Bedfordshire Council.

(3) Nothing in sub-paragraph (1) precludes a start-up period from 0630 to 0700 and a shut down period from 1900 to 1930 on weekdays (excluding public holidays) and start-up period from 0630 to 0700 and a shut down period from 1300 to 1330 on a Saturday.

Lighting strategy

15.—(1) Each of numbered works 1, 3A and 5 must not commence until a written scheme for the management and mitigation of artificial light emissions for that numbered work which is substantially in accordance with the outline lighting strategy has been submitted to and approved by Central Bedfordshire Council.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of the relevant numbered work.

Construction Travel Plan

16.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until, for that numbered work, a construction worker travel plan has been submitted to and approved by the relevant planning authorities. The construction worker travel plan must be substantially in accordance with the outline travel plan (other than the measures which relate to the operational phase).

(2) The construction worker travel plan must be carried out as approved.

Operating hours

17. Subject to requirement 19, the undertaker is not permitted to operate the generating station comprised in the authorised development for a greater number of hours than that assessed in the environmental statement.

Decommissioning strategy

18.—(1) Subject to obtaining the necessary consents and unless otherwise agreed with Central Bedfordshire Council, within twenty four months of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis), a scheme for the demolition and removal of numbered work 1 must be submitted to Central Bedfordshire Council.

(2) The demolition and removal of numbered work 1 must be implemented in accordance with the approved scheme.

(3) On the one year anniversary of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis) the undertaker must notify Central Bedfordshire Council of the same.

Amendments to approved details

19.—(1) Subject to paragraph (2), with respect to the approved plans specified in requirement

authorities for approval any amendments to the Approved Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authorities the Approved Plans, Parameters, Details or Schemes is to be taken to include the amendments approved pursuant to this subparagraph.

(2) Approval under sub-paragraph (1) must not be given except where it has been demonstrated to the satisfaction of the relevant planning authorities that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement).

Low Level Restoration Scheme

20. No part of the authorised development may commence until the low level restoration scheme baseline works have been completed to the reasonable satisfaction of Central Bedfordshire Council.

Air Safety

21.—(1) Numbered work 1A(b) of the authorised development must not commence until the following details have been submitted to the Defence Geographic Centre:

- (a) the precise location of numbered work 1A(b);
- (b) the date of commencement of construction of numbered work 1A(b);
- (c) the anticipated date of completion of construction of numbered work 1A(b);
- (d) the height above ground level of the tallest structure; and
- (e) the maximum extension height of any construction equipment.

Restriction on Simultaneous Construction

22. – Construction works for the authorised development shall not occur simultaneously with any construction works carried out under the Rookery South (Resource Recovery Facility) Order 2011 unless a full barrier has been installed at the Green Lane level crossing and said barrier is operational.