

**A14**  
**Cambridge to Huntingdon  
improvement scheme**  
Development Consent Order Application

HE/A14/EX/137

**TR010018**

HE/A14/EX/137

Revised Schedule 2 to the draft Development Consent Order

September 2015

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



## SCHEDULE 2 REQUIREMENTS

Article 5

### PART 1 REQUIREMENTS

#### **Interpretation**

**1.** In this Schedule—

“the borrow pits restoration and aftercare strategy” means the borrow pits restoration and aftercare strategy certified by the Secretary of State as the borrow pits restoration and aftercare strategy for the purposes of this Order and which sets out the general restoration and aftercare arrangements for the borrow pits referred to in Schedule 1, together with the process by which a borrow pit restoration and aftercare plan for each borrow pit will be prepared, consulted upon and finalised;

“the code of construction practice” means the code of construction practice certified by the Secretary of State as the code of construction practice for the purposes of this Order and which contains obligations on the undertaker to prepare, amongst other things, construction environmental management plans and local environmental management plans in order to secure a number of specified mitigation measures during construction of the authorised development in respect of general site operations, air quality, cultural heritage, community and private assets, geology and soils, landscape, material resources, nature conservation, noise and vibration, road drainage and the water environment and traffic, transport and all travellers;

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010(a); and

“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981.

#### **Time limits**

**2.** The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

#### **Detailed design**

**3.** The authorised development must be carried out in accordance with the scheme design shown on the works plans and the engineering drawings and sections unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions.

#### **Code of construction practice**

**4.** The authorised development must be carried out in accordance with the provisions of the code of construction practice.

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(a) S.I. 2010/490, to which there are amendments not relevant to this Order.

### **Protected species**

5.—(1) No part of the authorised development is to commence until final pre-construction survey work for that part has been carried out, reflecting that contained in the environmental statement, to establish whether European or nationally protected species are present on any of the land affected, or likely to be affected, by any part of the authorised development or in any of the trees and shrubs to be lopped or felled as part of the authorised development.

(2) Where a protected species is shown to be, or where there is a reasonable likelihood of it being present, the relevant parts of the relevant works must not begin until a scheme of protection and mitigation measures including their design and management has been submitted to and approved in writing by the Secretary of State after consultation with Natural England. Except to the extent otherwise approved, the scheme of protection and mitigation measures including their design and management must be in accordance with the guidance in the Design Manual for Roads and Bridges (Volume 10, section 4).

(3) The relevant works must be carried out in accordance with the approved scheme, and under licence where necessary, unless otherwise agreed in writing by the Secretary of State, after consultation with Natural England.

### **Contaminated land and groundwater**

6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the relevant planning authority or the Environment Agency (as appropriate) and the undertaker must complete a risk assessment of the contamination.

(2) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose, must be submitted to and approved by the Secretary of State, following consultation with the relevant planning authority or the Environment Agency (as appropriate).

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

### **Implementation and maintenance of landscaping**

7.—(1) No part of the authorised development must commence until a landscaping scheme applicable to that part has been submitted and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The landscaping scheme must reflect the mitigation measures included in the environmental statement and set out details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed aquatic or terrestrial planting;
- (b) landscaping works associated with any noise fences and walls (as appropriate);
- (c) cultivation, importing of materials and other operations to ensure plant establishment;
- (d) proposed finished ground levels;
- (e) hard surfacing materials;
- (f) details of existing trees to be retained, with measures for their protection during the construction period;
- (g) retained historic landscape features and proposals for restoration, where relevant; and
- (h) implementation timetables for all landscaping works.

(3) All landscaping works must be carried out in accordance with the approved landscaping scheme and carried out to a reasonable standard in accordance with the relevance recommendations of appropriate British Standards or other recognised codes of good practice.

(4) Any tree or shrub planted as part of the landscaping scheme that, within a period of five years after planting, dies or becomes, in the opinion of the relevant planning authority, seriously

diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

### **Archaeology**

**8.**—(1) No authorised development must commence until a written scheme for the investigation of areas of archaeological interest, reflecting the mitigation measures included in the environmental statement, has been submitted to and approved in writing by the Secretary of State.

(2) Prior to the submission of the written scheme to the Secretary of State for approval under paragraph 8(1) above, the relevant planning authority must be consulted on its content.

(3) The authorised development must be carried out in accordance with the scheme as approved under sub-paragraph (1).

### **Traffic management**

**9.**—(1) No part of the authorised development must commence until a traffic management plan applicable to the construction of that part has been submitted to and approved by the Secretary of State, following consultation with the local highway authority.

(2) The authorised development must be constructed in accordance with the approved details referred to in sub-paragraph (1).

### **Surface water drainage**

**10.**—(1) No part of the authorised development must commence until written details of the surface water drainage system to be constructed for that part, reflecting the mitigation measures included in the environmental statement and including means of pollution control, have been submitted to and approved by the Secretary of State, following consultation with the relevant planning authority.

(2) The surface water drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1).

### **Borrow pits**

**11.** The restoration and aftercare of the borrow pits must be carried out in accordance with the borrow pits restoration and aftercare strategy.

### **Noise mitigation**

**12.**—(1) No part of the authorised development must commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development, including noise barriers, have been submitted to and approved by the Secretary of State, [following consultation with the relevant planning authority](#).

(2) The written details referred to in sub-paragraph (1) must either reflect the mitigation measures included in the environmental statement or, where the mitigation proposed materially differs from the mitigation identified in the environmental statement, the undertaker must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially new or materially worse adverse environmental effects than those reported in the environmental statement taking into account the mitigation identified in it.

(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1).

### **Brampton Meadows Site of Special Scientific Interest mitigation areas**

**13.**—(1) Work Nos. 1, 2, 3, 40 and 44 must not commence until the details of the establishment and management of the mitigation areas to be provided under Works Nos. 2 and 3 to the north and

west of Brampton Meadows Site of Special Scientific Interest (as shown in plot 5/38a and part of plots 5/11 and 5/10 of the land plans), including details of all proposed planting, landscaping and access works, have been submitted to and approved in writing by the Secretary of State, after consultation with Natural England.

(2) The establishment and management of the mitigation areas must be carried out in accordance with the approved details referred to in sub-paragraph (1).

### **Highway lighting scheme**

**14.**—(1) No part of the authorised development must commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development, ~~has been submitted to and approved by the Secretary of State, following consultation with the local planning authority and, in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article 12(4) of this Order, the highway authority, the local~~ highway authority.

(2) The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting ~~standards~~ included in the environmental statement or, where the standard of the highway lighting ~~standards~~ proposed materially ~~differ~~ differs from the standard of the highway lighting ~~standards~~ identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting ~~standards~~ proposed would not give rise to any materially new or materially worse adverse environmental effects than those reported in the environmental statement taking into account the lighting identified in it.

(3) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1).

(4) Nothing in this requirement restricts lighting of the authorised development during its construction or where temporarily required for maintenance.

### **Amendments to approved details**

**15.** With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved in writing.

## **PART 2**

### **PROCEDURE FOR DISCHARGE OF REQUIREMENTS**

#### **Applications made under requirements**

**16.**—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order the Secretary of State must give notice to the undertaker of his decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 17; or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order; and
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially worse environmental effects in comparison with the authorised development as approved,

then the application is taken to have been refused by the Secretary of State at the end of that period.

**Further information**

17.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph 17 in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 16 and in this paragraph.