

PART 1 REQUIREMENTS

Interpretation

In this Part of this Schedule unless the context requires otherwise—

“demolition and construction traffic management plan” means the document of that description contained in appendix N of technical appendix 15.1 of the environmental statement;

“design and access statement” means the document of that description referred to in Schedule 15 and certified by the Secretary of State as the design and access statement for the purposes of this Order;

“development zone parameters plan” means the plans of that description identified as document 2.5 and included in the documents certified as the parameters plans by the Secretary of State for the purposes of this Order;

“flood risk assessment” means the document of that description contained in technical appendix 16.1 of the environmental statement;

“framework ecological mitigation and management plan” means the document of that description contained in technical appendix 10.4 of the environmental statement;

“green infrastructure parameters plan” means the plans of that description identified as document 2.7 and included in the documents certified as the parameters plans by the Secretary of State for the purposes of this Order;

“lighting strategy and lighting impact assessment” means the document of that description contained in technical appendix 12.8 of the environmental statement;

“map of heritage receptors” means the document of that description contained in technical appendix 9.2 of the environmental statement;

“outline demolition and construction environmental management plan” means the document of that description contained in technical appendix 2.3 of the environmental statement;

“outline written scheme of investigation” means the document of that description contained in technical appendix 8.5 of the environmental statement;

“permissive paths” means those paths identified as such on the access and rights of way plans;

“site-wide surface water drainage strategy” means the document of that description contained in technical appendix 16.3 of the environmental statement; and

“water framework directive assessment” means the document of that description contained in technical appendix 16.2 of the environmental statement.;

Time limit

1. The authorised development must not commence later than the expiration of 5 years beginning with the date that this Order comes into force.

Phases of development

2.—(1) The authorised development (excluding archaeological investigation, soil movement, geotechnical or ground contamination investigation) must not commence until a written scheme setting out all the phases of the authorised development, has been submitted to and approved in writing by the local planning authority. The approved phasing scheme must include phasing details of—

- (a) earthworks;
- (b) ecological mitigation;
- (c) rail infrastructure;
- (d) roads and bridges;
- (e) surface water and foul drainage;
- (f) development plots;
- (g) landscaping, including mounding and acoustic fencing; and
- (h) mains services.

(2) The approved phasing scheme can be subject to amendment by agreement with the local planning authority.

(3) The authorised development must be carried out in accordance with the approved phasing scheme as approved in writing by the local planning authority.

Detailed design approval

3.—(1) No phase of the authorised development (excluding archaeological investigation, soil movement, geotechnical or ground contamination investigation) is to commence until details of that phase have been submitted to and approved in writing by the local planning authority. The details of each phase must be in general accordance with the design principles set out in section 7 of the design and access statement. Following the commencement of the authorised development the design principles set out in section 7 must be reviewed, updated if necessary, and agreed with the local planning authority following the occupation of 186,000 sq. m of warehousing. Any revised design principles will apply to any phase of the development which has not been the subject of discussions pursuant to sub-paragraph (3) prior to the date of agreement of the revised design principles.

(2) The details of each phase must include details of the following where they are located within that phase—

- (a) rail infrastructure and rail terminal;
- (b) embankments and mounds;
- (c) hard landscaping, cycle tracks, footpaths, bridleways and towpaths;
- (d) advertisements for which advertisement consent under the 2007 Regulations would be required were it not for the provisions of article 46(5) of this Order;
- (e) surface and foul drainage;
- (f) bicycle, motorcycle and vehicle parking (including the location and quantum of electric charging points);
- (g) built development design (including external materials and sustainable energy measures) and layout;
- (h) site levels and finished floor levels;
- (i) estate roads and other highway works except where such details have already been approved pursuant to Parts 2 and 3 of Schedule 13 (protective provisions);
- (j) vehicular circulation routes;
- (k) bridges;
- (l) weighbridges;
- (m) gatehouses;
- (n) HGV parking and welfare facilities;
- (o) fencing walls and other means of enclosure (including acoustic fencing); and
- (p) substations and relocated telecommunications masts.

(3) Draft details of each phase, required to be submitted to sub-paragraph (2), must be discussed with the local planning authority prior to being submitted for approval.

(4) No part of the authorised development comprised in Works No. 8 will be undertaken until details of the size and appearance of any buildings or other structures to be erected and details of any landscaping and hard surfacing have been submitted to and approved by the local planning authority.

(5) The details of the estate roads to be constructed to provide access to warehousing within Zone A7 must have regard to the desirability of minimising the impact on and loss of the existing hedgerows.

(6) Any warehouse erected within Zone A7 (as identified on the development zones parameters plan) must be single aspect so that the warehousing provides noise screening between the service yard/loading docks and noise sensitive receptors.

(7) The authorised development must be carried out in accordance with the details as approved in writing by the local planning authority.

Demolition and construction environmental management plan

4.—(1) No phase of the authorised development (with the exception of the highway works which are governed by Parts 2 and 3 of Schedule 13 (protective provisions)) is to commence, including any preparatory earthworks or site levelling but excluding archaeological investigation, geotechnical or ground contamination investigation and ecological survey or mitigation works, until a demolition and construction environmental management plan (“DCEMP”) for that phase of development, drafted in accordance with the principles set out in the outline demolition and construction environmental management plan, has been submitted to and approved in writing by the local planning authority. The DCEMP for each phase must include—

- (a) details of the methods to control noise arising from construction activities including—
 - (i) proposals for monitoring of construction noise;
 - (ii) proposals for the introduction of mitigation measures or alternative working practices where the measurements exceed acceptable limits; and
 - (iii) proposals for hours of construction and deliveries to and from the site.
- (b) details of a dust management plan setting out the methods to be used to control dust and other emissions including smoke from the site;
- (c) details of all temporary fencing, temporary buildings, compound areas and parking areas including arrangements for their removal following completion of construction;
- (d) details of areas to be used for the storage of plant and construction materials;
- (e) details of construction waste management including controlled wastes;
- (f) details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution;
- (g) details of lighting arrangements for construction and site security purposes;
- (h) advisory signage at public access points advising of possible hazards including the potential for sudden noise;
- (i) details of any temporary surface water management system;
- (j) details of existing and proposed landscaping which need to be protected during construction; and
- (k) details for management of soils during the construction phases in accordance with the DEFRA Code of Practice for the Sustainable Use of Soil on Construction Sites 2009.

(2) The DCEMP for each phase of development is to be kept under review and updated if necessary as construction proceeds. Each DCEMP must be submitted by the undertaker for approval in writing by the local planning authority and any amendments must be agreed with the local planning authority. All construction works must be carried out in accordance with the DCEMP as approved.

Rail

5. The undertaker must comply with the requirements in Part 2 of this Schedule (rail requirements).

Construction hours

6.—(1) Subject to sub-paragraph (2), construction and demolition works (which for the purposes of this requirement excludes archaeological investigations and any non-intrusive internal fit-out works but must include start up and shut down and deliveries) must not take place other than between 07:00 and 18:30 hours on weekdays and 08:00 and 13:00 hours on Saturdays, excluding public holidays, unless otherwise agreed in writing by the local planning authority. Outside the above periods the following working is permitted—

- (a) pre-planned construction works to highway or rail infrastructure requiring possessions where first notified to the local planning authority and local residents;
- (b) emergency works; and
- (c) works which do not cause noise that is audible at the boundary of the Order limits.

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

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

Air quality - operational emissions

7.—(1) No warehouse or rail terminal may be brought into use until details of any combustion plant where the single or combined NO_x emission rate is greater than 5mg/second have been submitted to and approved in writing by the local planning authority. Where applicable, considering IAQM guidance (Guidance from Environmental Protection UK and the Institute of Air Quality Management for the consideration of air quality within the land-use planning and development control processes - January 2017), the details will be supported by an air quality assessment, which must outline mitigation measures if necessary.

(2) Any combustion plant must be installed and operated in accordance with manufacturers' instructions at all times.

Archaeology

8.—(1) No phase of the authorised development (with the exception of the highway works to the existing highways (the A5, the A449, Vicarage Road, Station Road and Station Drive) which are governed by Parts 2 and 3 of Schedule 13 (protective provisions)) is to commence until a written scheme of investigation for that phase has been submitted to and approved in writing by the local planning authority. The written scheme of investigation must be in accordance with the principles set out in the outline written scheme of investigation contained in technical appendix 8.5 of the environmental statement. The written scheme of investigation must provide for the investigation of areas of archaeological interest identified by the evaluation surveys which established the base line conditions in the environmental statement and include the following components, completion of each of which will trigger the phased discharging of the requirement—

- (a) approval of a written scheme of investigation;
- (b) where identified to be necessary, fieldwork in accordance with the agreed written scheme of investigation;
- (c) completion of a post-fieldwork assessment report; to be submitted within 6 months of the completion of fieldwork, unless otherwise agreed in advance in writing by the local planning authority; and
- (d) completion of analysis, preparation of site archive ready for deposition at a store approved by the local planning authority, production of an archive report, and submission of a

publication report; to be completed within 2 years of the completion of fieldwork, unless otherwise agreed in advance in writing by the local planning authority.

(2) Any actions required by the written scheme of investigation must be carried out by a suitably qualified archaeologist in accordance with that approved scheme.

(3) The programme of archaeological work may be subject to alteration by approval in writing by the local planning authority.

Cultural heritage - demolition of heritage assets

9.—(1) The undertaker must not demolish the Woodside Farm House and associated structures (as identified on the map of heritage receptors) before the commencement of development at Development Zones A6, A5b or A7c as shown on development zone parameter plan.

(2) The Woodside Farm House and associated structures must not be demolished until they have been subject to a scheme of historic building recording by suitably qualified professionals and written confirmation obtained from the local planning authority that the works required under sub-paragraphs (3)(a) to (c) below have been completed and have been submitted to the local planning authority.

(3) The scheme of historic building recording must be undertaken in accordance with a written scheme of investigation which will be submitted to and approved in writing by the local planning authority before the recording begins. The written scheme of investigation must set out the level of recording required in accordance with the 'Understanding Historic Buildings: A Guide to Good Recording Practice' guidance prepared by Historic England (May 2016, or latest edition at the time the written scheme of investigation is prepared). The written scheme of investigation must include the following components—

- (a) the identification, description and methodology for the level of recording necessary for the Woodside Farm House and associated structures as per the Historic England guidance stated above;
- (b) research on the heritage asset necessary to understand their historical and architectural interest which is proportionate to the level of recording identified;
- (c) an on site survey of the Woodside Farm House and associated structures in accordance with sub-paragraph (3)(a) and to include photography; and
- (d) completed research and analysis for presentation in an illustrated historic building recording report to be submitted within 12 weeks of recording work on site. The report will be suitable for deposition at an archival store as directed and approved by the local planning authority.

(4) The archive referred to in sub-paragraph (3)(d) should be collated, ordered and indexed in accordance with the requirements of the Management of Research Projects in the Historic Environment (MoRPHE) (Historic England, 2015).

Cultural heritage – demolition of canal crossings

10. Demolition of the canal crossings (as identified on the development zone parameter plan) must be completed within 5 years of the commencement of the authorised development.

Ecological mitigation and management plan

11.—(1) No phase of the authorised development which incorporates ecological mitigation or management is to commence until a written ecological mitigation and management plan for that phase has been submitted to and approved in writing by the local planning authority. The ecological mitigation and management plan must be in accordance with the principles set out in the framework ecological mitigation and management plan. The ecological mitigation and management plan may be subject to alteration by agreement in writing by the local planning authority.

(2) Any ecological mitigation and management plan approved under sub-paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.

(3) If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the local planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to sub-paragraph (1).

(4) Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitably qualified person or body.

Ground conditions - contamination risk

12.—(1) No phase of the authorised development (with the exception of the highway works to the existing highways (the A5, the A449, Vicarage Road, Station Road and Station Drive) which are governed by Parts 2 and 3 of Schedule 13 (protective provisions)) is to commence until a contamination report for that phase has been submitted to and approved in writing by the local planning authority. The contamination report will either—

- (a) confirm that no further investigation is necessary for that phase of authorised development and, where applicable, what remedial measures are proposed (and detail how the remedial measures will be verified (a ‘verification plan’)) or confirm that no remedial measures are required for the particular phase of development; or
- (b) include a written scheme of any further investigation considered necessary for that phase of the authorised development.

(2) Where further investigation is considered necessary under sub-paragraph (1)(b), the findings will be outlined in an assessment report to identify the extent of any contamination and, where applicable, any remedial measures to be taken to render the land fit for its intended purpose (and include details of a verification plan). The assessment report for that phase of the authorised development will be submitted to and approved in writing by the local planning authority.

(3) If, during the course of development, previously unidentified contamination is discovered which potentially poses a significant risk to site occupants, controlled waters or ecological receptors, development must cease on that localised area and the contamination must be reported in writing to the local planning authority within 10 working days. Prior to the recommencement of development on that localised area, suitable investigation for the discovered contamination (to include any required amendments to the remedial measures) must be submitted to and approved in writing by the local planning authority. The development must then be implemented in accordance with the details submitted to the local planning authority, unless otherwise agreed in writing by the local planning authority.

(4) Any contamination report, assessment report and any suitable investigation for discovered contamination referred to in this requirement 12 related to the authorised development at Development Zones A1, B and/or C as shown on development zone parameter plan must be in accordance with the principles set out in the remediation safeguarding report.

13.—(1) No part of the authorised development (with the exception of the highway works to the existing highways (the A5, the A449, Vicarage Road, Station Road and Station Drive) which are governed by Parts 2 and 3 of Schedule 13 (protective provisions)) may be brought into use until either—

- (a) if no remediation measures or verification plan was required under requirement 12 a statement from the undertaker, or their approved agent, must be provided to the local planning authority, stating that no previously unidentified contamination was discovered during the course of development; or
- (b) if remediation measures and verification plan were agreed under requirements 12(1)(a) or 12(2), verification measures must be undertaken in line with the agreed verification plan for any works outlined in the remedial measures and a report showing the findings of the

verification (a ‘verification report’) must be submitted to and approved in writing by the local planning authority.

(2) The verification report must—

- (a) contain a full description of the works undertaken in accordance with the agreed remedial measures and verification plan; and
- (b) demonstrate the effectiveness of the approved remedial measures.

Earthworks

14. No phase of the authorised development (with the exception of the highway works to the existing highways (the A5, the A449, Vicarage Road, Station Road and Station Drive) which are governed by Parts 2 and 3 of Schedule 13 (protective provisions) and excluding archaeological investigation, geotechnical or ground contamination investigation and ecological mitigation works) is to commence until details of—

- (a) the earthworks strategy relating to that phase of development including the management and protection of soils;
- (b) an earthworks specification for each phase of the development;
- (c) cutting slopes and embankment design that would accord with the approved earthworks specification;
- (d) the extent of any material to be temporarily stored within the site;
- (e) the use of the sand and gravel disturbed during the construction of the phase in connection with the authorised development; and
- (f) any surplus material to be removed from the site for disposal or material to be imported to the site,

have been submitted to and approved in writing by the local planning authority. All earthworks must be carried out in accordance with the details as approved.

Landscape – written landscaping scheme

15.—(1) No phase of the authorised development containing landscaping mitigation is to commence until a written landscaping scheme for that phase (including the strategic landscaping included within that phase) has been submitted to and approved in writing by the local planning authority. The landscaping scheme must be in accordance with the green infrastructure parameters plan and must include details of all proposed soft landscaping works, including—

- (a) location, number, species, size, layout, method of trees support, plant protection measures and planting density of any proposed planting;
- (b) cultivation, importation of materials and other operations to ensure plant establishment;
- (c) details of existing trees to be retained, with measures for their protection during the construction period in accordance with British Standard 5837:2012 “Trees in relation to Design, Demolition and Construction Recommendations”, and to include a schedule of remedial tree works to be carried out in accordance with British Standard 3998:2010 “Tree Works Recommendations” prior to construction commencing;
- (d) a method statement and plan for the propagation, planting, establishment and maintenance of propagated Black Poplar specimens;
- (e) the important hedgerows which are to be retained;
- (f) a canal enhancement scheme (for the relevant phase);
- (g) a programme for the implementation of the works; and
- (h) a landscape management plan setting out for a period of 20 years the arrangements for future maintenance including methods of funding and future monitoring, review and the maintenance of new trees, shrubs, hedgerows, woodlands and grassed areas and retained trees, shrubs, hedgerows, woodlands and grassed areas.

(2) Any written landscaping scheme approved under sub-paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.

(3) If a phase does not include landscaping mitigation then a statement from the undertaker must be provided to the local planning authority prior to the relevant phase being commenced, confirming that the phase includes no landscaping mitigation and therefore no written landscaping scheme is required for that phase pursuant to sub-paragraph (1).

(4) The soft landscaping works in the vicinity of the ‘bat hop-overs’ as identified on Figure A1.1 of the framework ecological mitigation and management plan must be in general accordance with the principles set out in the framework ecological mitigation and management plan and the bat hop over structures must be erected prior to any new road to which they relate being brought into use.

Landscape – implementation and maintenance of landscaping works

16.—(1) All landscaping works (with the exception of the highway works which are governed by Parts 2 and 3 of Schedule 13 (protective provisions) must be carried out and maintained in accordance with the written landscaping scheme approved under requirement 15.

(2) Any tree or shrub planted as part of an approved landscape scheme that, within a period of 10 years after planting is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the local planning authority gives consent to any variation.

Landscape – phasing of landscaping and ecology works

17. The undertaker must complete the landscaping works identified in column (2) of the table below by no later than the stage of development set out in column (3) of the table below or such alternative later triggers as are agreed by the local planning authority.

<i>(1) Item as identified on the green infrastructure parameters plan</i>	<i>(2) Description</i>	<i>(3) Stage of Development</i>
(i)	Croft Lane Community Park	To be completed within 5 years of the commencement of the authorised development
(ii)	The ecological corridor linking Calf Heath Wood and Calf Heath Reservoir	To be completed within 5 years of the commencement of the authorised development, or prior to commencement of development at Development Zones A4a or A4b as shown on the green infrastructure parameters plan, whichever is sooner
(iii)	The southern section of Calf Heath Community Park	To be completed prior to the commencement of development at Development Zones A4b as shown on the green infrastructure parameters plan

Height of containers

18. The height of any stack of containers within the Order limits must not exceed 12 metres.

Lighting details

19.—(1) No phase of the authorised development which incorporates artificial lighting is to commence until a lighting scheme with details of the proposed permanent external lighting in that phase has been submitted to and approved in writing by the local planning authority. The lighting

scheme must accord with the principles established in the lighting strategy and lighting impact assessment but notwithstanding the content of the lighting strategy must have regard to the location and height of lighting columns in the vicinity of landscape bunds and screening. The lighting scheme must also accord with the ecological principles established in framework ecological management and mitigation plan.

(2) The approved lighting scheme must be implemented and maintained during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.

(3) The highways lighting in the vicinity of the “bat hop-overs” as identified on Figure A1.1 of the framework ecological mitigation and management plan must be in accordance with the principles set out in the framework ecological management and mitigation plan.

(4) The details submitted under this requirement must include details of any lighting on any gantry cranes included in the phase concerned.

Noise – construction stage

20.—(1) For normal daytime construction and demolition works carried out on weekdays between 07:00 and 18:30 hours, the construction and demolition noise level measured at a noise sensitive receptor must not exceed Leq, 11hour 65 dB(A) and on Saturdays between 08:00 and 13:00 hours, the noise level measured at a noise sensitive receptor must not exceed Leq, 5 hour 65 dB(A) wherever practicable. Where this is not practicable, prior approval from the local authority shall be sought, with full justification given for the deviation.

(2) Subject to health and safety requirements, broadband reversing alarms must be employed on mobile plant.

(3) In the event that complaints for noise nuisance are received by the local planning authority in respect of construction noise and the local planning authority considers those complaints justified, the undertaker must unless otherwise agreed by the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of noise from the development relating to noise from construction of the site. The assessment will be carried out to an appropriate methodology agreed in writing by the local planning authority and the results of the assessment will be submitted to the local planning authority within 28 days of the assessment. If it is found that the effect of noise from the authorised development is greater than was anticipated, recommendations for appropriate remedial measures must be made and those recommendations, where reasonable, implemented in accordance with a programme agreed between the local planning authority and the undertaker.

Noise – operational stage

21.—(1) Prior to the occupation of any warehouse unit, details of all mechanical and ventilation plant must be submitted to and approved in writing by the local planning authority. Any fixed plant or ventilation equipment must be installed and operated in accordance with manufacturers’ instructions at all times and the overall rating levels from all mechanical and ventilation plant should not exceed the limits set out in Table 13.37 of the environmental statement.

(2) The external walls of all warehouses must provide a minimum sound reduction of 39dB Rw and all warehouse roofs must provide a minimum sound reduction of 28dB Rw.

(3) Subject to health and safety requirements, broadband reversing alarms must be employed on site-based mobile plant and vehicles.

(4) In the event that complaints for noise nuisance are received by the local planning authority in respect of operational noise and the local planning authority considers those complaints justified, the undertaker must unless otherwise agreed by the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of noise from the development relating to noise from operation of the site. The assessment will be carried out to an appropriate methodology agreed in writing by the local planning authority and the results of the assessment will be submitted to the local planning authority within 28 days of the assessment. If it is found that the effect of noise from the authorised development is greater than was anticipated,

recommendations for appropriate remedial measures must be made and those recommendations, where reasonable, implemented in accordance with a programme agreed between the local planning authority and the undertaker.

Permissive paths

22.—(1) No phase of the authorised development containing permissive paths is to commence until a scheme for the provision of the permissive paths in that phase has been submitted to and approved in writing by the local planning authority. The schemes must—

- (a) set out the specification of the relevant permissive paths and timing of their provision;
- (b) confirm the arrangements for ongoing maintenance of the relevant permissive paths;
- (c) ensure public access to the relevant permissive paths at all time save for emergency closures and any closures required to maintain their permissive status; and
- (d) make provision for the alteration to, or replacement of, the relevant permissive paths subject to the provision of suitable alternative arrangement.

(2) The approved permissive paths schemes must be implemented and maintained during operation of the authorised development.

Transport – demolition and construction

23.—(1) The construction and demolition works must be carried out in accordance with the demolition and construction traffic management plan. The demolition and construction traffic management plan may be subject to alteration by agreement in writing by the local highway authority.

(2) No phase of the authorised development is to commence until a scheme for the provision, maintenance and subsequent removal of temporary signage for construction traffic in respect of that phase has been submitted to and approved by the local planning authority. The undertaker must provide, maintain and remove the temporary signage in accordance with the approved scheme.

Transport – phasing of highway works

24.—(1) The undertaker must complete the highway works identified in columns (1) and (2) of the table below by no later than the stage of development set out in column (3) of the table below or such alternative later triggers as are agreed by the relevant body or bodies identified in column (4).

(1) <i>Item as identified on the highways general arrangement key plan / highways masterplan</i>	(2) <i>Description</i>	(3) <i>Stage of Development</i>	(4) <i>Relevant Body</i>
(i)	A5 Access Roundabout, including works to Avenue Cottages junction	To be completed prior to the occupation of first warehouse to be occupied (with the exception of less than 47,000 square metres (gross internal area) of warehouse floorspace accessed from the Vicarage Road Access Roundabout (item (iii))	Highways England / Staffordshire County Council

(ii)	A5 – A449 link road	To be completed prior to occupation of more than 140,000 square metres (gross internal area) of warehouse floorspace served via the A5 and 47,000 square metres (gross internal area) of warehouse floorspace served via the Vicarage Road Access Roundabout (item (iii)) or within five years of the occupation of more than 47,000 square metres (gross internal area) of warehouse floorspace, whichever is sooner	Highways England / Staffordshire County Council
(iii)	Vicarage Road Access Roundabout	To be completed prior to the occupation of any warehouse floorspace to accessed from the Vicarage Road Access Roundabout	Staffordshire County Council
(iv)	Right turn ban and associated works at A449 / Station Drive junction	Not to be in force until such time as the A449 Roundabout (item xiv) has been completed	Highways England
(v)	Crateford Lane closed to westbound traffic	To be completed prior to occupation of more than 140,000 square metres (gross internal area) of warehouse floorspace or within five years of the occupation of more than 47,000 square metres (gross internal area) of warehouse floorspace, whichever is sooner	Staffordshire County Council
(vi)	Improved footway links along the A5 between Gailey Roundabout and the A5 Access Roundabout	To be completed within 6 months of opening the A5 Access Roundabout	Highways England
(vii)	Upgraded footway / cycleway on the A449 between Station Drive and Gailey Roundabout	To be completed within 6 months of opening the A449 Access Roundabout	Highways England

(viii)	Provide HGV turning area on Station Drive to the west of the rail bridge	To be completed within 6 months of completing the Vicarage Road Access	Staffordshire County Council
(ix)	Provide relocated A449 laybys to include closure of existing gaps in A449 Central Reservation and field accesses	To be completed prior to commencement of construction of A5 Access Roundabout	Highways England
(x)	Improved visibility splay at Vicarage Road / Straight Mile Priority Junction	To be completed prior to opening of Vicarage Road Roundabout	Staffordshire County Council
(xi)	Provide footway and crossing improvements at Straight Mile / Kings Road / Woodlands Lane	To be completed prior to opening of network of Permissive Paths / Community Parks	Staffordshire County Council
(xii)	Provide pedestrian crossing facilities at Straight Mile	To be completed prior to opening of network of Permissive Paths / Community Parks	Staffordshire County Council
(xiii)	Provide new Cycleway on Vicarage Road	To be completed within 6 months of completing the Vicarage Road Access Roundabout	Staffordshire County Council
(xiv)	A449 Roundabout	To be completed prior to occupation of more than 140,000 square metres (gross internal area) of warehouse floorspace or within five years of the occupation of more than 47,000 square metres (gross internal area) of warehouse floorspace, whichever is sooner	Highways England

(2) At least two weeks prior to the anticipated date of each event/trigger specified in column (3) the undertaker must notify the relevant body identified in column (4) of the above table of that anticipated date.

Water and flood risk – flood risk assessment

25. The authorised development must be carried out in accordance with the mitigation measures detailed within section 5.3 of the flood risk assessment or be carried out in accordance with any variation to these measures agreed in writing with the Environment Agency, the relevant local flood authority or the approving body under Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010, whichever of these is the body having jurisdiction over the watercourse in question.

Water and flood risk - surface water drainage scheme

26.—(1) No phase of the authorised development (excluding archaeology works) is to commence until a surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority or such other approval process that is put in place under the Flood and Water Management Act 2010. The surface water drainage scheme must be generally in accordance with the flood risk assessment and site-wide surface water drainage strategy and section 3.4 of the water framework directive assessment and must include a schedule of required maintenance activities (including frequency), and details of who is to be responsible for such maintenance, to ensure the continued performance of the system for the lifetime of the authorised development.

(2) Any surface water drainage scheme approved under sub-paragraph (1) must be implemented and maintained (including, for the avoidance of doubt, the sustainable urban drainage component (SUDS)) in accordance with the details approved by the local planning authority or in accordance with any variations to the details agreed in writing by the local planning authority prior to the completion of the relevant phase of the authorised development.

Water and flood risk – foul water drainage

27.—(1) Prior to the commencement of the development of any warehouse or the rail terminal, a foul water drainage scheme must be submitted to and approved in writing by the local planning authority.

(2) Any foul water drainage scheme approved under sub-paragraph (1) must be implemented in accordance with the details approved by the local planning authority or in accordance with any variations to the details agreed in writing by the local planning authority prior to the occupation of any warehouse unit or the rail terminal.

Building sustainability

28.—(1) No development of a warehouse is to commence until a BREEAM pre-assessment report based upon the BREEAM 2011 method (or equivalent) has been submitted to and approved in writing by the local planning authority demonstrating that the warehouse is expected to achieve at least a BREEAM 2011 “Very Good” rating (BREEAM Industrial 2008 “Excellent”).

(2) The development of each of the warehouses must be carried out in accordance with the details in the BREEAM pre-assessment report (or equivalent) for that warehouse and a certificate must be provided within three months of completion or occupation (whichever is the sooner) of each warehouse confirming that the measures in respect of that warehouse committed to within the pre-assessment report have been implemented.

Waste management during the operational phase

29. No warehouse, rail terminal or community park may be brought into use until a waste management scheme for that part of the development during the operational phase has been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme must be implemented and maintained for the duration of the operation of that part of the development.

PART 2

RAIL REQUIREMENTS

Rail Provision

1. The undertaker must comply with all the rail provision milestones unless otherwise agreed with the local planning authority.

2. The undertaker must keep the local planning authority advised of progress in respect of all the rail provision milestones on a quarterly basis including providing copies to the local planning authority of any material formally submitted to all bodies in pursuance of compliance with the rail provision milestones, if requested.

3. The undertaker must notify the local planning authority of the date of the first occupation of more than 47,000 sq m. of warehousing and 186,000 sq m. of warehousing within 28 days of such occupations occurring.

Rail Infrastructure

4.—(1) Subject to ~~paragraph (5)~~ sub-paragraphs (2) to (6) the undertaker must complete the rail terminal works prior to the earliest of—

- (a) the occupation of more than 186,000 sq.m. of warehousing; or
- (b) the sixth anniversary of the first occupation of more than 47,000 sq.m. of warehousing,

unless otherwise agreed with the local planning authority.

(2) If the completion of the rail terminal works is delayed and the undertaker believes it cannot be achieved by the earliest of the events referred to in sub-paragraphs (4)(a) and (b) due to matters demonstrated to the reasonable satisfaction of the local planning authority (having consulted with Staffordshire County Council and Highways England) as being outside of the control of the undertaker then the requirements in paragraph (4) will no longer apply and instead to the local planning authority as provided for below—

(a) the undertaker must complete shall submit a report to the local planning authority (providing a copy at the same time to the local highway authority and Highways England) setting out—

(i) the reasons for the delay and the attempts by the undertaker to take steps to avoid the delay including supporting evidence; and

5.(ii) a revised timetable for the completion of the rail terminal works as soon as reasonably practicable following the date of the earliest of the events referred to containing substitute figures for the figures contained in sub-paragraphs (4) paragraph (1)(a) and (b).

(b) the local planning authority shall then consult with the local highway authority and Highways England and with other persons it feels appropriate and shall within 42 days of receipt of the report notify the undertaker of its decision as being either—

(i) that the undertaker has demonstrated to its reasonable satisfaction that the delay is outside the control of the undertaker and that the substitute figures suggested by the undertaker are accepted; or

(ii) that the undertaker has demonstrated to its reasonable satisfaction that the delay is outside the control of the undertaker but the substitute figures suggested by the undertaker are not accepted and setting out the substitute figures which would be acceptable to the local planning authority; or

(iii) advising that the local planning authority does not believe the undertaker has demonstrated to its reasonable satisfaction that the delay is outside the control of the undertaker.

(3) In the event that sub-paragraph (2)(b)(i) applies then the substitute figures suggested by the undertaker will be substituted for the figures contained in sub-paragraph (1)(a) and (b) and the provisions of this Part of this Schedule shall apply with sub-paragraph (1) so amended.

(4) In the event that sub-paragraph (2)(b)(ii) applies then the undertaker must notify the local planning authority within 14 days of receipt of the notification pursuant to sub-paragraph (2)(b)(ii) that either—

(a) it accepts the substituted dates suggested by the local planning authority; or

(b) it intends to invoke its right to appeal against the decision of the local planning authority under the provisions of paragraph 3 of Part 3 of this Schedule.

(5) In the event that sub-paragraph (4)(a) applies then the substitute figures suggested by the local planning authority will be substituted for the figures contained in sub-paragraph (1)(a) and (b) and the provisions of this Part of this Schedule shall apply with sub-paragraph (1) so amended.

(6) In the event that sub-paragraph (2)(b)(iii) applies then the undertaker must notify the local planning authority within 14 days of receipt of the notification pursuant to sub-paragraph (2)(b)(iii) whether it intends to appeal against the decision of the local planning authority under the provisions of paragraph 3 of Part 3 of this Schedule.

~~6.5.~~ The undertaker must pursue the completion of the rail terminal works as expeditiously as possible following the commencement of their construction.

~~7.6.~~ Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal works available for use unless otherwise agreed by the local planning authority.

Rail Support

~~8.7.~~ The undertaker must appoint a rail freight co-ordinator at least three months prior to commencement the submission of the ~~authorised development~~ application for approval of GRIP 3 referred to in paragraph 9(1) who must report to the local planning authority no less than once a quarter on—

- (a) the progress towards meeting the rail provision milestones;
- (b) the progress of the rail terminal works; and
- (c) the operation of the rail terminal when open including—
 - (i) the appointment of a rail operator to operate the rail terminal;
 - (ii) the amount of rail freight usage of the rail terminal;
 - (iii) the number of trains using the rail terminal;
 - (iv) the warehousing receiving or sending goods through the rail terminal; and
 - (v) the amount of goods being received or sent through the rail terminal by freight handlers not occupying the warehousing.

~~9.8.~~ The undertaker must maintain a person in the position of rail freight co-ordinator throughout the life of the authorised development unless otherwise agreed with the local planning authority.

Rail Provision Milestones

~~10.9.~~—(1) The undertaker must submit an application for approval of GRIP 3 (of Network Rail's Governance for Rail Investment Projects) by Network Rail prior to commencement of the authorised development and thereafter pursue such application expeditiously.

(2) The undertaker must submit an application for approval of GRIP 4 (of Network Rail's Governance for Rail Investment Projects) by Network Rail within three months of GRIP 3 approval and thereafter pursue such application expeditiously.

(3) The undertaker must identify and apply to Network Rail for the necessary track possessions required to enable the carrying out of the rail terminal works by no later than 14 days from GRIP 4 approval and thereafter pursue such application expeditiously.

(4) The undertaker must submit an application for approval of GRIP 5 (of Network Rail's Governance for Rail Investment Projects) by Network Rail within 12 months of GRIP 4 approval and thereafter pursue such application expeditiously.

~~11.10.~~ The undertaker must progress the approvals referred to in sub-paragraphs (a) to (d) below as expeditiously as possible following the commencement of the authorised development—

- (a) the approval of all of the Detailed Design Information (as defined in paragraph (2) of Part 3 of Schedule 13 (protective provisions) for Works No. 4 (A5/A449 link road) pursuant to paragraph (3) of Part 3 of Schedule 13;

- (b) the obtaining of a variation to the existing environmental permit issued under the Environmental Permitting (England & Wales) Regulations 2010 relating to the remediation of the SI Land;
- (c) the obtaining of any approvals required from Network Rail in connection with the construction of the rail terminal works pursuant to the provisions of Part 1 of Schedule 13; and
- (d) the obtaining of all other consents required to lawfully construct the rail terminal works.

Interpretation of Part 2 of Schedule 2

~~12.~~11. In this Part of this Schedule—

- (a) the expression “rail terminal works” means the works required to construct and provide a rail terminal capable of handling at least four trains a day;
- (b) the expression “rail terminal” means the rail terminal constructed as a result of and upon completion of the rail terminal works;
- (c) the expression “rail provision milestones” means the actions, and the timing related thereto, set out in sub-paragraphs 10(1) to (4) and sub paragraphs 11(a) to (d); and
- (d) the expression “undertaker” shall mean only Four Ashes Limited as referred to in item (a) of the definition of “undertaker” in article 2.

PART 3

PROCEDURE FOR APPROVALS ETC. UNDER REQUIREMENTS

Applications made for certain approvals

1.—(1) Where an application has been made to a discharging authority for any consent, agreement or approval required or contemplated under the requirements the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

- (a) where no further information is requested under paragraph 2, 42 days from the day immediately following that on which the application is received by the discharging authority;
- (b) where further information is requested under paragraph 2, 42 days from the day immediately following that on which the 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 before the end of the period in paragraph (a) or (b).

Further information

2.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary it must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the discharging authority does not give such notification as specified in sub-paragraph (2) it is to be deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

Appeals

3.—(1) The undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required or contemplated under the requirements or grants it subject to conditions;
- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 1;
- (c) on receipt of a request for further information under 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 is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 1;
- (b) the undertaker must submit the appeal documentation to the Secretary of State [directed to []] and must within 7 working days provide copies of the appeal documentation to the discharging authority and the requirement consultees;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”)(a) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (d) the discharging authority and the requirement consultees must submit written representations to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must 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;
- (e) the appeal parties must make any counter-submissions to the appointed person within 20 working days of receipt of written representations under paragraph (d).

(3) The appointed person must make a decision and notify it to the appeal parties, with reasons, within 20 working days of expiry of the 20 working day period referred to in paragraph 3(1)(e) or, if applicable, within 20 working days of the expiry of the 10 working day period referred to in sub-paragraph (6).

(4) The appointment of the person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(5) If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, notify the appeal parties 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.

(6) Any further information required under sub-paragraph (5) is to be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.

(7) On an appeal under this paragraph, the appointed person must—

- (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),

(a) Appointed by the Planning Inspectorate on behalf of the Secretary of State.

and may deal with the application as if it had been made to the appointed person in the first instance.

(8) The appointed person must proceed to a decision on an appeal taking into account only such written representations as have been sent within the prescribed time limits, or set by the appointed person under this paragraph.

(9) The appointed person must proceed to a decision even though no written representations have been made within the prescribed time limits.

(10) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(11) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under the requirement 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) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(12) Except where a direction is given under sub-paragraph (13) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker^(a).

(13) 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 is to be made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government on 6th March 2014 or any circular or guidance which may from time to time replace it.

Interpretation of Part 3 of Schedule 2

4. In this Part of this Schedule—

“appeal documentation” means the application submitted to the discharging authority, any further information submitted under paragraph 2 and any notice of a decision to refuse;

“the appeal parties” means the discharging authority, the undertaker and any requirement consultee(s);

“discharging authority” means the authority from whom a consent, approval or agreement is required or requested by the undertaker under the requirement concerned;

“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; and

“working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971.

(a) The costs of the appointed person are calculated based on the applicable day rate for a Single Inspector as if he or she were appointed under s78/ s79 of the PA2008. See the National Infrastructure Planning website for more information: <https://infrastructure.planninginspectorate.gov.uk/application-process/application-fees/>