

SCHEDULE 3

Article 4

Requirements

Interpretation

1. In this Schedule—

“construction work” means works to construct the authorised project, or relevant part of it, excluding mobilisation of plant and equipment into, out of or within the Order limits;

“flood defence area” means the embankment bunds at Paull Holme Strays and Goxhill;

“initial site water management plan” means the site water management plan contained in the environmental statement;

“reinstatement” means the restoration of land within the Order limits for future use after construction of the authorised project;

“stage” means a part of the authorised project as set out in the written scheme approved under Requirement 3.

Commencement Information

I1 Sch. 3 para. 1 in force at 15.9.2016, see [art. 1](#)

Time limits

2. The authorised project must be commenced within five years from the date of this Order.

Commencement Information

I2 Sch. 3 para. 2 in force at 15.9.2016, see [art. 1](#)

Stages of the authorised project

3. The authorised project may not commence until a written scheme setting out all stages of the authorised project has been submitted to and approved in writing by the relevant planning authority.

Commencement Information

I3 Sch. 3 para. 3 in force at 15.9.2016, see [art. 1](#)

Detailed design approval

4.—(1) No stage of the authorised project may commence until details of the layout, scale and external appearance of the following works within that stage (including any consultation responses from the Environment Agency for those parts of the authorised project within the flood defence area) have been submitted to and approved, in writing, by the relevant planning authority—

- (a) Works No. 1, 2 and 3 (the pipeline and associated permanent infrastructure);
- (b) Works No. 4, 5, 7, 8, 10 and 12 (temporary construction and work areas);
- (c) the detailed pipeline route alignment; and
- (d) additional lay down, storage and working areas.

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(2) The works described in sub-paragraph (1)(a) to (d) must be carried out in accordance with the approved details or any subsequent revisions that have been submitted to and approved, in writing, by the relevant planning authority.

Commencement Information

I4 Sch. 3 para. 4 in force at 15.9.2016, see [art. 1](#)

Site Water Management Plan

5.—(1) No stage of the authorised project may commence until, for that stage, a site water management plan substantially in accordance with the initial site water management plan has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency.

(2) The site water management plan must include the following—

- (a) an updated hydrogeological impact assessment of the detailed design approved under Requirement 4;
- (b) details of further pump tests to confirm ground conditions (including anisotropy) at the drive pit (as indicated on works plan sheet 5);
- (c) details of the recharge/reinjection measures to ensure that net abstraction is minimised and groundwater is discharged to a location agreed with the Environment Agency;
- (d) details of any discharge to the Humber Estuary to a location agreed with the Environment Agency;
- (e) details of the groundwater implications of decommissioning the drive and reception pits and proposals for any necessary ongoing groundwater management;
- (f) a pre-, during and post-construction groundwater monitoring strategy to include the following—
 - (i) details of monitoring of groundwater levels adjacent to the proposed at the drive pit (as indicated on works plan sheet 5) and reception shaft (as indicated on works plan sheet 7);
 - (ii) net groundwater abstraction rates;
 - (iii) flow gauging in relevant surface water features;
 - (iv) baseline water chemical analysis; and
 - (v) a monthly review of monitoring data for the first six months post-construction followed by quarterly reviews until the Environment Agency has confirmed that it is satisfied that no further groundwater impacts will be identified (such confirmation not to be unreasonably withheld).
- (g) details of measures to ensure discharge from dewatering is non-polluting and will not exacerbate flood risk;
- (h) details of areas at risk of water pollution from surface water run-off, and any special control measures required in those areas;
- (i) details of measures to minimise suspension of and pollution due to sediment;
- (j) where it is considered necessary to store material in the flood plain, the requirements for mitigation will be agreed with the Environment Agency before construction commences;
- (k) details of hydrostatic testing requirements, including water sources and discharge points, and water quality monitoring of test water discharged; and

- (l) all necessary licences and consents will be obtained.
- (3) The construction works for each stage of the authorised project must be carried out in accordance with the approved site water management plan.
- (4) The method of crossing main rivers and ordinary watercourses (including land drains) shall be undertaken in a manner which will not cause an increase in flood risk to any area upstream, downstream or surrounding the crossing.

Commencement Information

I5 Sch. 3 para. 5 in force at 15.9.2016, see [art. 1](#)

Site Waste Management Plan

6.—(1) No stage of the authorised project may commence until a written site waste management plan has been submitted to and approved in writing, by the relevant planning authority in consultation with the Environment Agency and each stage of the authorised project must be carried out in accordance with the site waste management plan.

- (2) The site waste management plan must include the following—
 - (a) details of resource efficiency methods to be adopted;
 - (b) register of resource efficiencies secured;
 - (c) responsibilities for management of waste;
 - (d) details of audits of the site waste management plan;
 - (e) details of all waste to be generated on-site including quantities, European Waste Catalogue (“EWC”) code, waste type and disposal route; and
 - (f) details of all waste facilities to be used including the site name, address and site code.

Commencement Information

I6 Sch. 3 para. 6 in force at 15.9.2016, see [art. 1](#)

Removal of trees and hedgerows

7.—(1) No stage of the authorised project involving the felling or lopping of trees or hedgerows under article 41 (felling or lopping of trees or shrubs) as shown on works plans sheets 5 and 7 may commence until, for that stage, details (if any) identifying the trees, groups of trees and hedgerows to be removed and, where appropriate, reinstated during that stage have been submitted to and approved by the relevant planning authority.

(2) Each stage of the authorised project must be carried out in accordance with the approved details (if any) for that stage.

(3) Any hedge or tree planting which is part of the approved details that, within 2 years after planting, is removed, dies or (in the opinion of the relevant planning authority) becomes seriously damaged or diseased, must be replaced in the first available planting season with planting material of the same specification as that originally planted.

Commencement Information

I7 Sch. 3 para. 7 in force at 15.9.2016, see [art. 1](#)

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Hard landscaping and drainage

8.—(1) No stage of the authorised project may commence until, for that stage, details of drainage methods for both temporary and permanent works have after consultation with the drainage authority and the Environment Agency been submitted to and approved by the relevant planning authority.

(2) The authorised project must be carried out in accordance with the approved details.

Commencement Information

I8 Sch. 3 para. 8 in force at 15.9.2016, see [art. 1](#)

Agricultural land drainage

9.—(1) No stage of the authorised project may commence until a written scheme, applicable to that stage, to deal with agricultural land drainage within the Order limits has been submitted to and approved, in writing, by the relevant planning authority.

(2) The purpose of the scheme is to ensure that, during and following construction, the efficiency of drainage is maintained within and outside the works limits.

(3) The scheme must include an investigation and assessment report giving details of existing drainage arrangements and requirements for pre-construction works and post-construction reinstatement to be agreed with the relevant planning authority.

(4) The authorised project must be carried out in accordance with the approved scheme.

Commencement Information

I9 Sch. 3 para. 9 in force at 15.9.2016, see [art. 1](#)

Archaeology

10.—(1) No stage of the authorised project may commence until a written scheme of archaeological investigation for that stage has been submitted to and approved by the relevant planning authority.

(2) The written scheme must identify areas where a programme of archaeological investigation is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found; the written scheme must accord with the document River Humber Gas Pipeline Replacement Project Archaeological Mitigation Strategy and Written Scheme of Investigation, Arcadis, February 2016, and any subsequent updates, to be agreed by the relevant planning authority.

(3) Any archaeological works or watching brief for a stage of the authorised project must be carried out in accordance with the approved written scheme for that stage.

(4) Any archaeological works carried out under the approved written scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(5) A copy of any analysis, reporting, publication or archiving required as part of the written scheme must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised project or such other period as may be agreed in writing by the relevant planning authority.

Commencement Information

110 Sch. 3 para. 10 in force at 15.9.2016, see [art. 1](#)

Construction hours

11.—(1) Subject to Requirements 11(3) and 11(4), construction work must not take place outside the following hours—

- (a) 07:00 and 19:00 from Monday to Friday; and
- (b) 08:00 and 16:00 on Saturdays,

except in the event of an emergency.

(2) In the event of an emergency, notification of that emergency must be given to the relevant planning authority as soon as practicable.

(3) The following operations may take place outside the working hours referred to in Requirement 11(1)—

- (a) tunnel boring (including associated spoil movement within the Order limits, segment installation and slurry batching);
- (b) filling, testing, dewatering and drying;
- (c) dewatering activities; and
- (d) commissioning of Work No 1 and isolation of the existing gas pipeline.

(4) Nothing in Requirement 11(1) above precludes—

- (a) start-up and shut-down activities up to an hour either side of core working hours; and
- (b) maintenance at any time of plant and machinery engaged in the construction of the authorised project.

(5) In this Requirement “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

Commencement Information

111 Sch. 3 para. 11 in force at 15.9.2016, see [art. 1](#)

Construction Environmental Management Plan

12.—(1) No stage of the authorised project may commence until a construction environmental management plan relating to that stage has been submitted to and approved by the relevant planning authority.

(2) The construction environmental management plan must be substantially in accordance with, and include the following plans and strategies, from the initial CEMP—

- (a) details of fencing and enclosures;
- (b) a pollution prevention and control plan;
- (c) a sustainable procurement plan;
- (d) a materials management plan;
- (e) a reinstatement plan, including soil handling and restoration measures;

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- (f) an energy reduction plan;
- (g) an emergency response/ spill response plan;
- (h) a refuelling procedure;
- (i) a flood risk management plan;
- (j) flood incident response plan; and
- (k) marsh harrier monitoring and mitigation strategy.

(3) The authorised project must be undertaken in accordance with the approved construction environmental management plan.

(4) Any works subject to the plans, scheme and strategy referred to in sub-paragraph (2) must be carried out in accordance with the approved plan, scheme or strategy.

Commencement Information

I12 Sch. 3 para. 12 in force at 15.9.2016, see [art. 1](#)

Noise

13.—(1) No stage of the authorised project may commence until a written scheme for noise management during construction and maintenance of that stage has been submitted to and approved, in writing, by the relevant planning authority.

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

- (a) the works, and the method by which they are to be carried out;
- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits; and
- (c) monitoring to be undertaken at identified sensitive receptors pre- and during construction.

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

(4) The authorised project must be undertaken in accordance with the approved noise management scheme.

Commencement Information

I13 Sch. 3 para. 13 in force at 15.9.2016, see [art. 1](#)

Contaminated land and groundwater

14.—(1) In the event that contamination is found at any time when carrying out the authorised project that has not been previously identified it must be reported in writing immediately to the relevant planning authority.

(2) An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the part of the Order limits within which works are being carried out, whether or not that contamination originates on that part of the Order limits; and—

- (a) the contents of that scheme are subject to the approval in writing of the relevant planning authority; and

- (b) that investigation and risk assessment must be undertaken in accordance with the approved scheme and a written report of the findings must be submitted to the relevant planning authority.
- (3) Where remediation is required, a detailed remediation scheme to bring a part of the Order land within which works are being carried out to a condition suitable for the intended use must be prepared and submitted for the written approval of the relevant planning authority; and—
 - (a) the approved remediation scheme must be carried out in accordance with its terms; and
 - (b) following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by the relevant planning authority.

Commencement Information

I14 Sch. 3 para. 14 in force at 15.9.2016, see [art. 1](#)

Construction traffic and accesses

15.—(1) No stage of the authorised project may commence until a traffic management plan, substantially in accordance with the initial TMP, has been submitted to and, following consultation with the highway authority and Highways England, been approved by the relevant planning authority.

- (2) The plan must include details of—
 - (a) siting, design and layout of works to the public highway for the purposes of construction traffic and access;
 - (b) construction vehicle routing;
 - (c) the scheduling and timing of movements and details of abnormal load movements;
 - (d) pre and post condition surveys of the construction traffic routes, the methodology used for assessing the need for improvements and the funding provision of required highway works;
 - (e) management of junctions and crossings of public rights of way;
 - (f) marking and identification of construction vehicles;
 - (g) driver information packs;
 - (h) planned monthly inspections of the access roads and associated verges to establish temporary works/repairs and the funding provision; and
 - (i) temporary vehicle parking, loading, off-loading and manoeuvring facilities for contractors which will be in operation during the lifespan of the construction works.
- (3) Each stage of the authorised project must be carried out in accordance with the traffic management plan for that stage.
- (4) Unless otherwise approved by the relevant planning authority in the traffic management plan, or in case of emergency, the following restrictions on the movement of vehicles will apply—
 - (a) construction vehicles must not enter the site except between the hours of 09:00 and 15:15 during term time of North Lincolnshire Council district school(s);
 - (b) construction vehicles must leave the site using the outbound construction route identified in the initial TMP;
 - (c) construction vehicles must not leave the site between 19:00 hours and 07:00 hours the following day; and

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- (d) all site-related traffic must follow the designated route identified within the Drivers Information Pack in the initial TMP.

Commencement Information

I15 Sch. 3 para. 15 in force at 15.9.2016, see [art. 1](#)

Restoration of land used temporarily for construction

16. Subject to article 27 (temporary use of land for carrying out the authorised project), any land within the Order limits which is used temporarily for or in connection with construction must be reinstated to a condition fit for its former use, or such other condition as the relevant planning authority may approve, within 12 months of completion of the authorised project.

Commencement Information

I16 Sch. 3 para. 16 in force at 15.9.2016, see [art. 1](#)

Temporary external lighting

17.—(1) No stage of the authorised project may commence until details of any temporary external lighting to be installed at that stage, including measures to prevent light spillage, have been submitted to and approved, in writing, by the relevant planning authority.

(2) The details must include and take account of any consultation responses from the highway authority.

(3) Any temporary external lighting must be installed in accordance with the approved details.

(4) Any submission to vary the approved details must include copies of and take account of any consultation responses from the highway authority.

Commencement Information

I17 Sch. 3 para. 17 in force at 15.9.2016, see [art. 1](#)

Environmental mitigation land

18.—(1) During the construction of the authorised project—

(a) no storage, use of plant, construction work or other activity authorised by this Order may take place above ground within Work No. 11 or Work No. 13;

(b) Work No.11 must be maintained as short sward pasture suitable for foraging by golden plover, lapwing and curlew;

(c) no gas guns for the scaring of birds may be used within Work No. 13;

(d) prior to the cultivation of land within Work No.13 each year, 20 tonnes of organic matter per hectare must be applied to the soil, or such other amount and/or frequency as may be agreed in writing by Natural England in consultation with the Royal Society for the Protection of Birds; and

(e) during winter, the height of vegetation on land within Work No.11 and Work No.13 must not exceed a height of 15cm.

Commencement Information

I18 Sch. 3 para. 18 in force at 15.9.2016, see [art. 1](#)

Ecological Surveys

19.—(1) No stage of the authorised project may commence until it has been established by survey work whether any water voles or badgers are present within the Order limits or may be affected by that stage of the authorised project.

(2) Where water voles or badgers are shown to be present or may be affected by a stage of the authorised project, that stage must only be commenced following appropriate consultation with Natural England and after any necessary licence has been obtained from Natural England pursuant to regulation 53 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2010⁽¹⁾.

Commencement Information

I19 Sch. 3 para. 19 in force at 15.9.2016, see [art. 1](#)

Requirement for written approval

20. Where under any of the Requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Commencement Information

I20 Sch. 3 para. 20 in force at 15.9.2016, see [art. 1](#)

Approved details and amendments to approved details

21.—(1) With respect to any Requirement which requires the authorised project to be carried out in accordance with details approved by the relevant planning authority, the approved details include any amendments that may subsequently be approved in writing by the relevant planning authority to the extent that the authority may lawfully do so.

(2) Any approved details in any Requirement, including amendment or variation from the approved details under paragraph (1), may not be authorised by the relevant planning authority except where it has been demonstrated to the satisfaction of that relevant planning authority 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 project as identified and assessed in the environmental statement.

Commencement Information

I21 Sch. 3 para. 21 in force at 15.9.2016, see [art. 1](#)

(1) [S.I. 2010/490](#).

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Changes and effects yet to be applied to :

- Sch. 3 para. 19(2) words substituted by [S.I. 2017/1012 Sch. 6 para. 70](#)