

SCHEDULES

SCHEDULE 2

Article 2(1)

REQUIREMENTS

Interpretation

1. “access works” means Works Nos 5(a) and 5(b);

“the approved development plans” means the—

- (i) Main Site and Rail Corridor Framework Plans (Sheet 1) (Document 2.7A);
- (ii) Main Site and Rail Corridor Framework Plans (Sheet 1) (Document 2.7B);
- (iii) Main Site and Rail Corridor Framework Plans (Sheet 1) (Document 2.7C);
- (iv) Schedule of Parameters (Document 2.7D);
- (v) Rail Framework Plans (Sheet 1) (Document 2.10A);
- (vi) Rail Framework Plans (Sheet 2) (Document 2.10B);
- (vii) Highway Works Framework Plans (Gibbet Roundabout) (Document 2.13A);
- (viii) Highway Works Framework Plans (M1 J18) (Document 2.13B);
- (ix) Highway Works Framework Plans (Lilbourne Junction) (Document 2.13D);
- (x) Highway Works Framework Plans (Catthorpe Junction) (Document 2.13E); and
- (xi) Highway Works Framework Plans (A5/A428 Parklands) (Document 2.13F);

“authorised buildings” means any building erected as part of the authorised development;

“BREEAM” means Building Research Establishment Environmental Assessment Methodology;

“Highways Agency” means an Executive Agency of the Department for Transport responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport;

“highway works” means Works Nos 10(a) to (e), (h) and (i);

“lead local flood authority” means Northamptonshire County Council;

“occupation” means occupation of the authorised buildings other than for the purpose of constructing, fitting out, commissioning or site security;

“phase” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority under requirement 3 (phases of development);

“phase one rail works” means the following works all of which are within Works No. 3—

- (i) 4 western transshipment sidings;
- (ii) the engine release track;
- (iii) western loading lane;
- (iv) western container storage area;
- (v) sufficient of the rail terminal entry/exit gateway to serve the operation of the above; and

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(vi) sufficient rail track and associated work to serve the above;

“relevant bodies” means in respect of each of the access works and the highway works the bodies referred to in respect of each of those works in column (4) of the tables in requirement 5 (design and phasing of access and highways works) ;

“RRS urban extension” means the urban extension on land to the west of the A5 opposite the main site which is the subject of a planning application to Rugby Borough Council (reference R11/0699); and

“weir removal project” means the removal of the A5 weir, replacement of the A5 and Danes Way culverts and regrading of the channel in accordance with the agreement reached with the Environment Agency and consented under section 109 (structures in, over or under a main river) of the Water Resources Act 1991(1) with consent numbers UT201100212, UT201100214 and UT201100215 or any varied consents issued by the Environment Agency or variation to the works agreed in writing with the Environment Agency.

Time Limit

2. 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

3. No phase of the authorised development may commence until a written scheme setting out all the phases of the authorised development which must be in accordance with the phasing plan submitted with the application (Document 2.15) has been submitted to and approved by the relevant planning authority. The written scheme must include phasing details of—

- (a) earthworks;
- (b) ecological mitigation;
- (c) rail infrastructure;
- (d) roads within the main site;
- (e) surface water and foul drainage;
- (f) development plots;
- (g) landscaping; and
- (h) mains services.

The authorised development must be carried out in accordance with the phasing plan and the written scheme as approved from time to time in writing by the relevant planning authority.

Design and phasing of access and highways works

4. The details of each item of the access works and highway works must be submitted to and approved in writing by the relevant body under article 16 (agreements with highway authorities) prior to the commencement and construction of each of those works. The details may be subject to alteration by prior approval in writing of the relevant body.

5. The access works and the highway works must be carried out in accordance with details submitted to and approved by the relevant body under requirement 4 and the undertaker must use reasonable endeavours to complete such works by no later than the triggers set out in the table below or such alternative later triggers as are agreed by the relevant bodies.

(1) 1991 c. 57. Section 109 was amended by section 82 of the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2013/755.

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Access Works

(1) <i>tem</i>	(2) <i>Works</i>	(3) <i>Trigger</i>	(4) <i>Relevant Body</i>
1	Southern Access Arrangement Plan Document (Works No. 5(a)).	(General Prior to any occupation. 2.14A)	Daventry District Council.
2.	Northern Access Arrangement Plan Document (Works No. 5(b)).	(General Prior to the phase one rail works coming into use. 2.14B)	Highways Agency.

Highway Works

(1) <i>Item</i>	(2) <i>Highway Works</i>	(3) <i>Trigger</i>	(4) <i>Relevant Body</i>
3.	A5/A426 Gibbet Roundabout (Highway Works Framework Plan Document 2.13A) (Works No. 10(a)).	Prior to the occupation of more than 305,000 square metres of gross internal floorspace of the authorised buildings.	Highways Agency and Warwickshire County Council.
4.	M1 Junction 18 (Highway Works Framework Plan Document 2.13B) (Works No. 10(b)).	Prior to the occupation of more than 305,000 square metres of gross internal floorspace of the authorised buildings.	Highways Agency.
5.	A5 Lilbourne Crossroads (Highway Works Framework Plan Document 2.13D) (Works No. 10(c)).	Prior to any occupation.	Highway Agency.
6.	A5 Catthorpe Crossroads (Highway Works Framework Plan Document 2.13E) (Works No. 10(d)).	Prior to any occupation.	Highways Agency.
7.	A5/A428 Roundabout (Parklands) (General Arrangement Plan Document 2.13F) (Works No. 10 (e)).	Prior to any occupation	Highways Agency and Northamptonshire County Council.
8.	Pedestrian and Cycle Link to Crick (illustratively shown on Document 2.13I) (Works No. 10(f)).	Prior to any occupation.	Highways Agency and Northamptonshire County Council.
9.	Improvements to the pedestrian and cycle link to Hillmorton (illustratively shown on Document 2.13J) (Works No. 10(i)) or such alternative pedestrian and cycle link as may be agreed in writing by	Prior to the provision of Northern Access (item 2	Warwickshire County Council.

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(1)	(2)	(3)	(4)
<i>Item</i>	<i>Highway Works</i>	<i>Trigger</i>	<i>Relevant Body</i>
	the Transport Review Group to reflect the development of the RRS urban extension.		

Detailed design approval

6.—(1) The design guide contained in chapter 7 of the design and access statement must be reviewed and updated at 4 yearly intervals by the undertaker in agreement with the relevant planning authorities.

(2) The details of each phase of the authorised development must be in accordance with the approved development plans and the design guide contained in chapter 7 of the design and access statement as reviewed and updated in accordance with paragraph (1). The details of each phase must include details of the following where they are located within that phase—

- (a) rail infrastructure (including bridges and tunnels);
- (b) embankments;
- (c) vehicular circulation routes;
- (d) cycle tracks, footpaths and bridleways (including bridges);
- (e) surface and foul drainage;
- (f) vehicle parking;
- (g) built development design and layout;
- (h) roads within the main site;
- (i) intermodal area;
- (j) fuelling and maintenance areas;
- (k) public viewing area;
- (l) freight storage area (including containers);
- (m) weighbridges;
- (n) gatehouses;
- (o) security fencing;
- (p) substations;
- (q) public transport infrastructure; and
- (r) noise barriers.

7. No phase of the authorised development is to commence until the above relevant details of that phase have been submitted to and approved in writing by the relevant planning authority. The authorised development must be carried out in accordance with the details as approved from time to time in writing by the relevant planning authority.

Provision of Landscaping

8. No phase of the authorised development 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 relevant planning authority. The landscaping scheme must be in accordance with the Green Infrastructure Plan contained in Appendix H5 of the environmental statement and must include details of all proposed soft landscaping works, including—

- (a) location, number, species, size 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;
- (d) retained historic landscape;
- (e) implementation timetables; and
- (f) arrangements for future maintenance.

The landscaping scheme may be subject to alteration by prior approval in writing of the relevant planning authority.

Implementation and maintenance of landscaping

9.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 8 (provision of landscaping) and, unless otherwise agreed in writing by the relevant planning authority, to a reasonable standard in accordance with the relevant recommendations of British Standard 4428: 1989 (code of practice for general landscape operations (excluding hard surfaces)).

(2) The landscaping works must be implemented in accordance with the implementation timetables and maintained in accordance with the arrangements approved under requirement 8.

(3) 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 relevant 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 relevant planning authority gives consent to any variation.

Ecological Management Plan

10.—(1) No phase of the authorised development is to commence until a written ecological management plan reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement has been submitted to and approved in writing by the relevant planning authority. The management plan may be subject to alteration by prior approval in writing of the relevant planning authority.

(2) The ecological management plan must include an implementation timetable and must be carried out as approved from time to time in writing by the relevant planning authority.

M1 boundary slopes

11.—(1) Prior to the commencement of Works No. 9(c), the details of the boundary slopes within the Order land abutting the M1 motorway (addressing landscaping and ground stability issues) must be submitted to and approved in writing by the relevant planning authority. The development must be carried out in accordance with the details approved from time to time in writing by the relevant planning authority.

(2) The details of the boundary slopes to be approved by the relevant planning authority under this requirement must reflect the preliminary assessment and methodology for geotechnical assessment set out in the Statement of Intent (Document 10.4) unless otherwise agreed in writing by the Highways Agency.

(3) Before approving any details under this requirement the relevant planning authority must first consult the Highways Agency.

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Fencing and other means of enclosure

12. No phase of the authorised development is to commence until written details of all proposed permanent fences, walls or other means of enclosure for that phase have been submitted to and approved in writing by the relevant planning authority. The development must be carried out in accordance with the details as approved from time to time in writing by the relevant planning authority.

Construction Environmental Management Plan

13. No phase of the authorised development is to commence, including any preparatory earthworks or site levelling but excluding archaeological soil movement and ecological mitigation works, until a Construction Environmental Management Plan (“CEMP”) for that phase of development, drafted in accordance with the principles set out in the environmental statement, has been submitted to and approved in writing by the relevant planning authority. The CEMP must include—

- (a) details of the methods to control noise and vibration arising from construction activities. These measures must include—
 - (i) proposals for monitoring of construction noise;
 - (ii) proposals for monitoring vibration; and
 - (iii) proposals for the introduction of mitigation measures or alternative working practices where the measurements exceed acceptable limits;
- (b) details of the methods to be used to control dust and other emissions 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 and waste;
- (e) details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution;
- (f) details of temporary lighting arrangements;
- (g) measures to ensure that construction vehicles do not deposit mud on the public highway;
- (h) a scheme for the routing of construction heavy goods vehicles accessing the site;
- (i) details of mitigation measures to protect biodiversity interests within the site during the construction phases; and
- (j) advisory signage at public access points advising of possible hazards including the potential for sudden noise.

The CEMP may be subject to alteration by approval in writing of the relevant planning authority. All construction works must be carried out in accordance with the CEMP as approved from time to time in writing by the relevant planning authority.

Earthworks

14. No phase of the authorised development, excluding archaeological soil movement and ecological mitigation works, is to commence until details of the earthworks strategy relating to that phase of development including the extent of any material to be temporarily stored within the site and details of any surplus material to be removed from the site for disposal have been agreed in writing with the relevant planning authority. All earthworks must be carried out in accordance with the agreed earthworks strategy.

Archaeology

15.—(1) No phase of the authorised development is to commence until a programme of archaeological work in accordance with a written scheme of investigation in respect of that phase has been approved in writing by the relevant planning authority. This written scheme 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 (Document 6.2) 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) fieldwork in accordance with the agreed written scheme of investigation;
- (c) completion of a Post-Excavation Assessment report and approval of an Updated Project Design; to be submitted within 6 months of the completion of fieldwork, unless otherwise agreed in advance in writing by the relevant planning authority; and
- (d) completion of analysis, preparation of site archive ready for deposition at a store approved by the relevant 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 relevant planning authority.

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

Lighting Details

16.—(1) Prior to the commencement of each phase of the authorised development, details of the proposed external lighting in that phase must be submitted to and approved in writing by the relevant planning authority.

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

(3) The details submitted under this requirement must include details of any lighting on any gantry cranes.

(4) Any means of illumination must be shielded or designed so that the source of illumination is not directly visible from the adjoining highways and railway.

Building Sustainability

17.—(1) No development of a warehouse unit is to take place until a BREEAM Pre-Assessment Report based upon the BREEAM 2011 method (or equivalent) has been submitted to and approved in writing by the relevant planning authority demonstrating that that unit is expected to achieve at least a BREEAM 2011 “Very Good” rating (BREEAM Industrial 2008 “Excellent”).

(2) The authorised development must be carried out in accordance with the details in the BREEAM Pre-Assessment Report (or equivalent) and a certificate must be provided within 3 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.

Lorry Park

18.—(1) Prior to commencement of construction of the lorry park a management plan for its operation (which is to be for the benefit only of occupiers of the authorised development unless otherwise agreed by the undertaker) must be submitted to and approved by the relevant planning

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authority. The management plan must include details (approved under requirements 3 (phases of development), 6 and 7 (detailed design approval)) of the phases of its construction; the layout and landscaping of the parking areas; any noise mitigation measures; and details of a register to be kept to record all vehicles using the lorry park. The lorry park must subsequently be retained for the duration of the use of the authorised development and must be laid out and operated in accordance with the approved management plan as approved from time to time.

(2) The management plan may be subject to alteration by prior approval in writing by the relevant planning authority.

Flood Risk and Surface Water Drainage

19. No part of the authorised development which encroaches upon the existing floodplain of the Clifton Brook Tributary, except the flood management works required to facilitate or mitigate the weir removal project (item (d) of Works No. 5), is to be brought into use until the completion of the weir removal project.

20. The proposed Clifton Brook Tributary Flood Storage Scheme is to be constructed as part of the authorised development in advance of the removal of the A5 weir element of the weir removal project unless another mitigation option approved by the Environment Agency has already been implemented. The proposed Flood Storage Scheme must comprise the construction of a flood storage bund and flow control structure across the full width of the floodplain at Lilbourne Meadows. The bund must be set to a level of 95.5m AOD and tie into the lorry park, which must be set at a minimum level of 95.5m AOD. The details of the proposed Flood Storage Scheme must accord with the agreement reached with the Environment Agency and consented under section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(2) with consent number UT201100216 or any varied consents issued or variation to the works agreed in writing by the Environment Agency or the lead local flood authority.

21. The authorised development must be carried out in accordance with the mitigation measures detailed within Section 6 of the Flood Risk Assessment submitted with the application at appendix E2 of the environmental statement (Document 6.2) or be carried out in accordance with any variation to the those mitigation measures agreed in writing by the Environment Agency, the lead local flood authority or the approving body under Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010(3).

22. The rail embankment within the floodplain to the west of the A5 (Works No. 2(a)) must not be commenced until the detailed design of the Clifton Brook rail embankment crossing structure has been submitted to, and approved in writing by, the relevant planning authority. The elements of the authorised development which encroach or impact upon the Clifton Brook Tributary must not be commenced until such time as the detail of the relevant bridging structure and flow control structure have been submitted to and approved in writing by the relevant planning authority. The details must also include:

- (a) the Clifton Brook Tributary flow control structure, which must be constructed in accordance with the details shown within the Flood Defence Consent UT201100216 or other details agreed in writing by the relevant planning authority;
- (b) the 3 bridges (bridleway, footbridge and maintenance) over the Clifton Brook Tributary; except for the footbridge over the flow control structure these must be clear span bank top to bank top structures and must be constructed in accordance with the details shown in Documents 2.11A, 2.11B and 2.11C or other details agreed in writing by the relevant planning authority;

(2) 1991 c. 59. Section 23 was amended by section 120 of, and paragraph 192 of Schedule 22 to, the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.

(3) 2010 c. 29. Schedule 3 was amended by S.I. 2012/1659 and S.I. 2013/755.

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- (c) the Clifton Brook rail embankment crossing which must be a clear span structure (Armco arch or similar) with the soffit level above the channel set a minimum of 600 millimetres above the 1:100yr plus 20% (for climate change) flood level; and
- (d) the access bridge over the Clifton Brook which must be a clear span bank top to bank top structure in accordance with the details shown on Document 2.11D or other means of access to be agreed in writing by the relevant planning authority.

The structures must be implemented as approved or in accordance with any variation to the approved details agreed in writing by the Environment Agency or lead local flood authority, following consultation with the relevant planning authority. Items (a) and (b) must be fully operational, prior to the occupation of any element of the authorised development which encroaches or impacts upon the Clifton Brook Tributary.

23. No phase of the authorised development is to commence until a surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development in accordance with the Surface Water Drainage Strategy submitted with the application at appendix E1 of the environmental statement (Document 6.2) has been submitted to and approved in writing by the relevant planning authority or in accordance with such other approval process that may be prescribed under the Flood and Water Management Act 2010. The scheme must include:

- (a) provision for limiting the surface water run-off generated by all rainfall events up to the 1:100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- (b) provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rates and all rainfall events up to the 1:100 year plus 20% (for climate change) critical rain storm;
- (c) detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements; and
- (d) details of how the scheme is to be maintained and managed after completion.

The scheme must subsequently be implemented in accordance with the approved details or in accordance with any variations to the details agreed in writing by the relevant planning authority prior to the completion of the authorised development.

24. Prior to the commencement of any element of the authorised development which directly affects a watercourse or floodplain, a construction working method statement for such element to cover all works in, over under or within 8 metres of the top of the bank of either watercourse or their floodplains must be submitted to and agreed in writing by the relevant planning authority. Thereafter the development must be carried out in accordance with the approved scheme and any subsequent amendments agreed in writing with the relevant planning authority.

25. Any element of the authorised development which directly affects any floodplain must not be commenced until a floodplain compensation scheme has been submitted to and approved in writing by the relevant planning authority. Except for the floodplain compensation scheme itself no above ground part of the authorised development in any floodplain may be commenced until the relevant compensation scheme has been implemented in full. The scheme shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the relevant planning authority.

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Foul Water Drainage

26. Prior to the commencement of the authorised development, excluding earthworks, archaeology works or ecological mitigation works, a foul water drainage strategy must be submitted to and approved in writing by the relevant planning authority. Except where it is constructed in accordance with the approved foul water drainage strategy, no phase of the authorised development is to commence until written details of the foul water drainage system have been submitted to and approved in writing by the relevant planning authority. Such details must be implemented as approved from time to time by the relevant planning authority.

Construction Hours

27.—(1) Subject to sub-paragraph (2) construction and demolition works (which for the purposes of this requirement exclude archaeological investigations, landscaping works and any non-intrusive internal fit-out works but include start up and shut down and deliveries) must not take place other than between 07:30 and 19:00 hours on weekdays and 08:00 and 13:00 hours on Saturdays, excluding public holidays, unless otherwise agreed in writing by the relevant 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 relevant 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 by the relevant planning authority.

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

Construction Noise

28.—(1) For normal daytime construction and demolition works carried out on weekdays between 07:30 and 19:00 hours and on Saturdays between 08:00 and 13:00 hours, the noise level measured at a noise sensitive receptor must not exceed Leq, 12hour 75 dB(A) wherever practicable. Where this is not practicable prior consent under section 61 of the Control of Pollution Act 1974(4) must be obtained.

(2) Measurements of construction and demolition noise must be undertaken in accordance with BS 5228:2009 – “Code of Practice for Noise and vibration control on construction and open sites” (Part 1 – Noise) at a noise sensitive receptor. Noise levels must be measured weekly during the stages of construction including ground works, piling, road and rail construction stages unless complaints are received in which case the procedures in requirement 31 (monitoring of complaints) must be followed.

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

Construction Vibration

29. Unless otherwise agreed in writing by the relevant planning authority all construction works must comply with the guideline vibration limits below. Measurements must be undertaken at any occupied building within or outside of the Order limits within a distance of 25 metres from piling or any works likely to cause elevated levels of ground borne vibration to ensure compliance with the guideline limits. Measurements must be undertaken in accordance with BS 5228:2009 – “Code

(4) 1974 c. 40.

of Practice for Noise and vibration control on construction and open sites (Part 2 – Vibration)” and BS7385:1993 – “Evaluation and measurement for vibration in buildings (Part 2 – Guide to damage levels from ground-borne vibration)”.

<i>Type of Building</i>	<i>Peak Particle Velocity (mms⁻¹) – Day (07:00 to 23:00)</i>	<i>Peak Particle Velocity (mms⁻¹) – Night (23:00 to 07:00)</i>
Any permanently occupied residential building	1.0 – 1.5	0.5
Any occupied commercial or industrial building	2.0 – 2.5	1.0

Note: daytime and night-time hours are for reference only as construction activities including piling are controlled elsewhere.

Noise during the Operational Phase

30.—(1) No part of the authorised development may be brought into use until a written scheme has been submitted to and approved in writing by the relevant planning authority for the monitoring of noise generated during the operational phases of the development. The written scheme must specify the locations from where noise will be monitored, the method of noise measurement (which must be in accordance with BS4142: 1997 for fixed plant noise and Calculation of Railway Noise 1995, equivalent successor standards or other measurement methodologies appropriate to the circumstances agreed by the relevant planning authority) and identify maximum noise levels appropriate to each location. The written scheme must also specify the periods within which monitoring of operational noise are to take place. The written scheme must be implemented to establish baseline noise conditions. The written scheme is to be subject to annual reviews to establish the frequency of noise monitoring and the need for continued monitoring.

(2) Prior to installation, details of all mechanical and ventilation plant must be submitted to and approved in writing by the relevant planning authority. Any fixed plant or ventilation equipment must be installed and operated in accordance with manufacturers’ instructions at all times.

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

Monitoring of Complaints

31. In the event that complaints for noise nuisance are received by a relevant planning authority, which considers those complaints justified, the applicant must unless otherwise agreed in writing by the relevant planning authority, at its own expense, employ a consultant approved by the relevant planning authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment must be carried out to an appropriate methodology agreed in writing by the relevant planning authority and the results of the assessment must be submitted to the relevant planning authority within 28 days of the assessment. Those results must include a comparison of measured data with the requirements, all data which was collected for the purposes of the assessment and certificates of the measuring instrument’s calibration.

Contamination Risk

32. Prior to the commencement of the authorised development (or such other date or stage as may be agreed in writing by the relevant planning authority), the following components of a scheme to deal with the risks associated with contamination of the site must each be submitted to and approved in writing by the relevant planning authority—

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- (a) a preliminary risk assessment;
- (b) a site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (c) a remediation strategy based on (a) and (b) giving full details of the remediation measures required and how they are to be undertaken; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for contingency action.

The scheme may be subject to alteration by prior approval in writing by the relevant planning authority and must be fully implemented in accordance with the details as approved from time to time.

33. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation must be submitted to and approved in writing by the relevant planning authority. The report must include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It must also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan and for reporting to the relevant planning authority.