

SCHEDULE 7

Article 21

FOR THE PROTECTION OF THE HISTORIC ENVIRONMENT

1.—(1) The following provisions shall apply for the protection of the historic environment unless otherwise agreed in writing between the Company and English Heritage(1).

(2) In this Schedule—

“archaeological work” includes archaeological investigations, assessments and reporting;

“disposal site” means the site identified for disposal and described by latitudinal and longitudinal co-ordinates as given in the consent related to the works granted under the Food and Environment Protection Act 1985(2) or any other consent or licence granted for this project;

“post-construction archaeological work” means any archaeological work which is in the Scheme expressed as being required to be carried out by the Company after the completion of construction of a relevant work;

“pre-construction archaeological work” means any archaeological work which is in the Scheme expressed as being required to be carried out by the Company before the commencement of construction of a relevant work;

“relevant work” means any and each of the following—

- (a) Works Nos. 1, 2, 3, 4, 5 and 6 or any of them;
- (b) Dredging Works Nos. 1, 2, 4 and 5 or any of them;
- (c) Dredging Work No. 3; and
- (d) any of Dredging Works Nos. 1, 2, 3, 4 and 5 but only insofar as they result in the disposal of material in the disposal site;

“Retained Archaeologist” means the suitably qualified and experienced archaeologist or archaeological organisation to be employed and retained by the Company as required by the Scheme to supervise the implementation of the Scheme; and

“Scheme” means the Written Scheme of Investigation relating to the works agreed between the Company and English Heritage prepared by Wessex Archaeology under reference 70440.5 and dated 18 December 2008 and including a Dredge Reporting Protocol, and the definition shall include all method statements and generic method statements agreed pursuant to the Scheme and all amendments and revisions to the Scheme from time to time.

Written scheme of investigation

2. The Company shall not commence construction of a relevant work until the Company has—

- (a) appointed the Retained Archaeologist to ensure the delivery of the Scheme; and
- (b) carried out the pre-construction archaeological work applicable to that relevant work.

3. During construction of a relevant work, the Company will secure the implementation of the measures on its part set out in or from time to time agreed pursuant to the Scheme applicable to that relevant work (other than the pre-construction archaeological work and the post-construction archaeological work).

4. Following the completion of construction of a relevant work, the Company will secure the implementation of all the post-construction archaeological work applicable to that relevant work.

(1) English Heritage is the name by which the Historic Buildings and Monuments Commission for England, established under section 32 of the National Heritage Act 1983 (c. 47), is known.

(2) 1985 c. 48.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. Any work executed or undertaken by or on behalf of the Company in accordance with the Scheme approved or deemed to be approved by English Heritage shall not relieve the Company of any liability.

Application of Town and Country Planning legislation

6. The provisions of this Schedule shall be deemed to be conditions subject to which a planning permission was granted under section 70 of the 1990 Act and, accordingly, they shall be subject to the provisions of that Act and all associated legislation and, in particular, they may be varied in their application to the works in accordance with sections 73 and 73A of the 1990 Act and the Town and Country Planning (General Development Procedure) Order 1995.