

SCHEDULE 2

Article 3

REQUIREMENTS

Time limits

1. The authorised development must commence no later than the expiration of five years beginning with the date this Order comes in to force.

Commencement Information

II Sch. 2 para. 1 in force at 3.4.2019, see [art. 1](#)

Detailed design approval

2.—(1) The authorised development must be carried out in accordance with the approved plans listed in Table 1 below, inclusive of any limits of deviation, and any other plans, drawings, documents, details, schemes, statements or strategies which are approved by the relevant planning authorities pursuant to any requirement (as the same may be amended by approval of the relevant planning authorities pursuant to requirement 19)—

Table 1

Works plans
Rights of way, streets and access plan
The access road visibility splay plan

(2) The authorised development must be carried out in accordance with the parameters specified below (as the same may be amended by approval of the relevant planning authorities pursuant to requirement 19)—

Table 2

<i>Building or structure</i>	<i>Maximum height (metres) above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i>	<i>Minimum height (metres) above existing site level of approximately 31.5 metres AOD unless otherwise stated)</i>	<i>Maximum length (metres)</i>	<i>Minimum length (metres)</i>	<i>Maximum width (metres)</i>	<i>Minimum width (metres)</i>
The gas turbine generator (including gas turbine, generator, air	27	—	50	—	40	—

Status: Point in time view as at 03/04/2019.

Changes to legislation: There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019, SCHEDULE 2. (See end of Document for details)

inlet filter house, air inlet duct, exhaust diffuser, and auxiliaries such as lube oil system, air dryers, fuel gas filter package, instrument air system, compressor washing) (Part of numbered work 1A)						
The exhaust gas emission flue stack (part of numbered work 1A)	35	32.5	12	–	12	–
Control room/ office/ workshop (part of numbered work 1B)	7	–	45	–	25	–
Emergency generator (part of numbered work 1B)	6	–	13	–	5	–
Raw/fire water tank (part of numbered work 1B)	15	–	15	–	15	–
Demineralised water tank (part of numbered work 1B)	5	–	5	–	5	–
Gas receiving station (including compression station, emergency	10	–	70	–	50	–

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generator, Joule- Thompson boilers and other auxiliary control cabinets) (part of numbered work 1B)						
Fin Fan 10 Cooler(s) (part of numbered work 1A)		–	28	–	14	–
Transformer 15 compound (including generator step up transformer, unit and other transformers, overhead line gantry and associated equipment) (part of numbered work 1C)		–	65	–	60	–
Gatehouse 4.5 (part of numbered work 1D)		–	9	–	8	–
Above ground 3 installation (numbered work 3A)*		–	85	–	35	–
Pipeline 3 inspection gauge facility (part of numbered work 3A)*		–	35	–	30	–
Minimum 3 offtake connection (part of numbered work 3A)*		–	35	–	35	–

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Substation (including the auxiliary building) (part of numbered work 5)	14	–	200	–	150	–
Each end sealing compound (part of numbered work 6)**	17	–	45	–	35	–
Transmission tower (part of numbered work 6)**	49	–	40	–	30	–
Each temporary tower or mast (part of numbered work 7)**	55	–	47	–	32	–

* Existing site level is approximately 70m AOD ** Existing site level is approximately 49m AOD

(3) To the extent that design principles for any numbered work are set out in the design principles statement, that numbered work must be designed substantially in accordance with the relevant design principles set out therein.

(4) Except to the extent approved pursuant to requirement 5, numbered works 1, 3A, 5 and 6(a) must not commence until, for that numbered work, details of the layout, scale and external appearance of the numbered work have been submitted to and approved by the relevant planning authorities.

Commencement Information

I2 Sch. 2 para. 2 in force at 3.4.2019, see [art. 1](#)

Provision of landscaping and ecological mitigation

3. Each of numbered works 1, 2, 3A, 4, 5, 6 and 7 of the authorised development must not commence until, for that numbered work, a written strategy substantially in accordance with the outline landscape and ecological mitigation and management strategy has been submitted to and approved by Central Bedfordshire Council. The strategy must include details of all proposed hard and soft landscaping works and ecological mitigation measures and include details of—

- (a) the location, number, species, size and planting density of any proposed planting including details of any proposed tree planting and the proposed times of such planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) bunds and proposed finished ground levels;
- (d) hard surfacing materials;

- (e) measures for the management of the ecological resources that will remain within the Order land on completion of the authorised development.

Commencement Information

I3 Sch. 2 para. 3 in force at 3.4.2019, see [art. 1](#)

Implementation and maintenance of landscaping and ecological mitigation measures

4.—(1) All landscaping works and ecological mitigation measures must be carried out in accordance with the strategy approved under requirement 3.

(2) The landscaping works and ecological mitigation measures must be carried out in accordance with implementation timetables approved in the strategy approved under requirement 3.

Commencement Information

I4 Sch. 2 para. 4 in force at 3.4.2019, see [art. 1](#)

Highway accesses

5.—(1) Numbered work 1 of the authorised development must not commence until either the Rookery South access road and numbered work 2B have been completed to a suitable standard for construction or the junction with Green Lane (comprising part of numbered work 2A) and numbered work 2B have been completed to a suitable standard for construction.

(2) Each of numbered works 2, 3 and 6 of the authorised development must not commence until for that numbered work, written details of the siting, design and layout (to the extent either not provided as part of or differing from, the details contained in Schedule 1, the works plans or Table 1 of requirement 2) of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic has been submitted to and approved by the relevant planning authorities (in consultation with the highway authority).

(3) The highway accesses must be constructed in accordance with the approved details.

(4) Following the completion of construction of numbered work 2, unless the Rookery South access road is constructed pursuant to the Rookery South (Resource Recovery Facility) Order 2011, the access road visibility splay must be kept clear at all times of obstructions, buildings and vegetation that may obstruct or impair visibility from or to Green Lane to or from numbered work 2.

Commencement Information

I5 Sch. 2 para. 5 in force at 3.4.2019, see [art. 1](#)

Fencing and other means of site perimeter enclosure

6.—(1) Each of numbered works 1, 3A, 4, 5, 6 and 7 of the authorised development must not commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for that numbered work have been submitted to and approved by Central Bedfordshire Council.

(2) Numbered work 2A of the authorised development must not commence until written details of any proposed permanent fence or other means of enclosure for that numbered work have been

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submitted to and approved by Central Bedfordshire Council (and approved by Network Rail in accordance with paragraph 68 of Schedule 10).

(3) Any construction sites must remain securely fenced at all times during construction of the authorised development.

(4) The fencing and other means of enclosure must be constructed and maintained in accordance with the approved details.

Commencement Information

I6 Sch. 2 para. 6 in force at 3.4.2019, see [art. 1](#)

Surface and foul water drainage

7.—(1) Each of numbered works 1, 2, 3A, 5 and 6 must not commence until, for that numbered work, written details of the surface and foul water drainage strategy, which shall incorporate appropriate elements of the low level restoration scheme drainage strategy where applicable, for the construction and operational phases of the authorised development have been submitted to and approved by Central Bedfordshire Council.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details before the operational phase of that part of the authorised development commences.

Commencement Information

I7 Sch. 2 para. 7 in force at 3.4.2019, see [art. 1](#)

Contamination and groundwater

8.—(1) Each of numbered works 1 to 8 must not commence until, for that numbered work, a scheme (which may be included in the construction environment management plan) to deal with the contamination of any land, including groundwater, which is likely to cause significant harm to persons or significant pollution of controlled waters or the environment and ground conditions relevant to foundation design and ground stability has been submitted to and approved in writing by Central Bedfordshire Council.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by Central Bedfordshire Council, to include groundwater baseline monitoring and assessment and to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) The scheme must include an investigation and assessment report to identify ground conditions and ground stability matters and must identify appropriate foundation design measures.

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

(5) Foundation design measures must be carried out in accordance with the approved scheme.

Commencement Information

I8 Sch. 2 para. 8 in force at 3.4.2019, see [art. 1](#)

Archaeology

9.—(1) Each of numbered works 3A, 4A, 6 and 7(a) of the authorised development must not commence until, for that numbered work, a written scheme of archaeological investigation has been submitted to and approved in writing by Central Bedfordshire Council. The submitted written scheme of archaeological investigation must include the following –

- (a) provision to be made for a programme of excavation fieldwork and post-excavation assessment should significant archaeological remains be encountered, and where warranted post-excavation analysis;
 - (b) provision to be made for publication and dissemination of the results of any assessment made pursuant to sub-paragraph (a), including for public benefit and understanding, should the nature of the archaeology warrant it; and
 - (c) provision to be made for the deposition of the finds assemblage and the site archive.
- (2) The archaeological investigation must be carried out in accordance with the approved scheme.

Commencement Information

19 Sch. 2 para. 9 in force at 3.4.2019, see [art. 1](#)

Construction Environment Management Plan

10.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until a construction environment management plan covering that numbered work has been submitted to and approved by the relevant planning authorities. The final construction environment management plan must be substantially in accordance with the outline construction environment management plan and must include the following—

- (a) the construction and phasing programme;
 - (b) liaison procedures to discuss and agree all relevant construction aspects with the relevant planning authorities;
 - (c) complaints procedures;
 - (d) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, lighting, noise and vibration);
 - (e) waste management;
 - (f) an assessment of the site specific risks to and mitigation measures designed to protect controlled waters (surface and groundwaters) including pollution incident control;
 - (g) procedure for crossing watercourses (by reference to best practice methods);
 - (h) landscape and visual impact mitigation (specifically the protection of trees and hedgerows to be retained in accordance with BS 5837: 2012 (or its updates) and a scheme to minimise visual intrusion of the construction works);
 - (i) security measures;
 - (j) measures for the maintenance of construction equipment;
 - (k) restoration of site following completion of construction; and
 - (l) liaison procedures with all other contractors working within Rookery Pit regarding programmed construction movements and processes.
- (2) All construction works must be undertaken in accordance with the approved construction environment management plan.

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Commencement Information

I10 Sch. 2 para. 10 in force at 3.4.2019, see [art. 1](#)

Construction traffic management plan

11.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until, for that numbered work, a construction traffic management plan has been submitted to and approved by the relevant planning authorities in consultation with the relevant highway authorities and Marston Moreteyne Parish Council (and approved by Network Rail in accordance with paragraph 70 of Schedule 10). The construction traffic management plan must be substantially in accordance with the outline construction traffic management measures and must include the following—

- (a) construction vehicle routing plans;
 - (b) site access plans;
 - (c) measures to ensure the protection of users of any footpath within the Order limits which may be affected by the construction of the authorised development;
 - (d) proposals for the management of junctions to and crossings of highways and other public rights of way;
 - (e) proposals for the scheduling and timing of movements of heavy commercial vehicles (as defined in section 138 of the 1984 Act) relating to the construction of the authorised development including details of abnormal indivisible loads and, if applicable, taking into account the anticipated scheduling and timing of movements of any heavy commercial vehicles (as defined in section 138 of the 1984 Act) relating to the construction of the development authorised by the Rookery South (Resource Recovery Facility) Order 2011;
 - (f) details of escorts for abnormal indivisible loads;
 - (g) proposals for temporary warning signs and banksman and escort details;
 - (h) details of any temporary or permanent improvements to highways;
 - (i) proposals for traffic management controls (such as temporary signals), diversion routes and signage required during any of the activities, operations or works associated with the creation or upgrading of any permanent or temporary means of access pursuant to this Order;
 - (j) proposals for traffic management controls (such as temporary signals) to ensure the safe operation of Green Lane level crossing;
 - (k) proposals for signage at suitable intervals along the Rookery South access road or numbered work 2A (as appropriate) restricting the speed of vehicles using the Rookery South access road or numbered work 2A (as appropriate) in connection with the construction of the authorised development such speed limit to be no more than 15 miles per hour; and
 - (l) details of any amendments required by Network Rail pursuant to paragraph 70(4) of Part 7 of Schedule 10 (protective provisions) and an explanation of how such amendments have been taken into account.
- (2) The construction traffic management plan must be implemented as approved.

Commencement Information

I11 Sch. 2 para. 11 in force at 3.4.2019, see [art. 1](#)

Control of noise during operation

12.—(1) Prior to the date of final commissioning a written noise scheme providing for the control of noise generated during the operation of the authorised development must be submitted to and approved by Central Bedfordshire Council. The noise scheme must include the following:

- (a) the locations at which noise will be monitored;
- (b) the defined representative background sound level at South Pilling Farm house;
- (c) the method of noise measurement (which must be in accord with BS 4142:2014, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances) and when such measurements will be carried out; and
- (d) a complaints procedure.

(2) Except in the case of an emergency, noise (in terms of the BS 4142:2014 rating level) emitted from the operation of the authorised development must be no greater than the defined representative background sound level as approved in the noise scheme submitted pursuant to sub-paragraph (1).

(3) The noise scheme must be carried out as approved.

Commencement Information

I12 Sch. 2 para. 12 in force at 3.4.2019, see [art. 1](#)

Control of noise during construction

13.—(1) No part of the authorised development may commence until a written construction noise monitoring scheme providing for the monitoring of noise generated during the construction of the authorised development has been submitted to and approved in writing by Central Bedfordshire Council. The construction noise monitoring scheme must include the following:

- (a) the locations at which the noise will be monitored;
- (b) the frequency of noise monitoring corresponding to the construction programme and the change in plant, equipment and working practices likely to affect noise conditions during the construction programme;
- (c) the defined representative background sound level at South Pilling Farm house;
- (d) the method of noise measurement and establishment of noise limits (which must be in accordance with BS 5228:2009, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances);
- (e) a procedure for the periodic review of the construction noise monitoring scheme relating to the frequency of noise monitoring and the need for continued monitoring corresponding to the construction programme; and
- (f) a complaints procedure.

(2) The construction noise monitoring scheme must be carried out as approved.

Commencement Information

I13 Sch. 2 para. 13 in force at 3.4.2019, see [art. 1](#)

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Construction hours

14.—(1) Subject to sub-paragraph (2) no construction work, or the delivery or removal of materials, may take place on any Sunday or public holiday and no construction work, or the delivery or removal of materials, may take place outside the hours of—

- (a) 0700 and 1900 hours on weekdays; and
- (b) 0700 and 1300 hours on Saturdays.

(2) Sub-paragraph (1) does not prevent construction works, or the delivery or removal of materials, being carried out on public holidays or outside the hours set out in sub-paragraph (1) with the prior written approval of Central Bedfordshire Council.

(3) Nothing in sub-paragraph (1) precludes a start-up period from 0630 to 0700 and a shut down period from 1900 to 1930 on weekdays (excluding public holidays) and start-up period from 0630 to 0700 and a shut down period from 1300 to 1330 on a Saturday.

Commencement Information

I14 Sch. 2 para. 14 in force at 3.4.2019, see [art. 1](#)

Lighting strategy

15.—(1) Each of numbered works 1, 3A and 5 must not commence until a written scheme for the management and mitigation of artificial light emissions for that numbered work which is substantially in accordance with the outline lighting strategy has been submitted to and approved by Central Bedfordshire Council.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of the relevant numbered work.

Commencement Information

I15 Sch. 2 para. 15 in force at 3.4.2019, see [art. 1](#)

Construction Travel Plan

16.—(1) Each of numbered works 1 to 8 of the authorised development must not commence until, for that numbered work, a construction worker travel plan has been submitted to and approved by the relevant planning authorities. The construction worker travel plan must be substantially in accordance with the outline travel plan (other than the measures which relate to the operational phase).

(2) The construction worker travel plan must be carried out as approved.

Commencement Information

I16 Sch. 2 para. 16 in force at 3.4.2019, see [art. 1](#)

Operating hours

17. Subject to requirement 19, the undertaker is not permitted to operate the generating station comprised in the authorised development for a greater number of hours than that assessed in the environmental statement.

Commencement Information

I17 Sch. 2 para. 17 in force at 3.4.2019, see [art. 1](#)

Decommissioning strategy

18.—(1) Subject to obtaining the necessary consents and unless otherwise agreed with Central Bedfordshire Council, within twenty four months of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis), a scheme for the demolition and removal of numbered work 1 must be submitted to Central Bedfordshire Council.

(2) The demolition and removal of numbered work 1 must be implemented in accordance with the approved scheme.

(3) On the one year anniversary of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis) the undertaker must notify Central Bedfordshire Council of the same.

Commencement Information

I18 Sch. 2 para. 18 in force at 3.4.2019, see [art. 1](#)

Amendments to approved details

19.—(1) Subject to paragraph (2), with respect to the approved plans specified in requirement 2(1), the parameters specified in requirement 2(2), any details requiring compliance within any other requirement and any other plans, details or schemes which require approval by the relevant planning authorities pursuant to any other requirement (the “Approved Plans, Parameters, Details or Schemes”), the undertaker may submit to the relevant planning authorities for approval any amendments to the Approved Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authorities the Approved Plans, Parameters, Details or Schemes is to be taken to include the amendments approved pursuant to this subparagraph.

(2) Approval under sub-paragraph (1) must not be given except where it has been demonstrated to the satisfaction of the relevant planning authorities 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 development as approved (as identified in the environmental statement).

Commencement Information

I19 Sch. 2 para. 19 in force at 3.4.2019, see [art. 1](#)

Low Level Restoration Scheme

20. No part of the authorised development may commence until the low level restoration scheme baseline works have been completed to the reasonable satisfaction of Central Bedfordshire Council.

Commencement Information

I20 Sch. 2 para. 20 in force at 3.4.2019, see [art. 1](#)

Status: Point in time view as at 03/04/2019.

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Air Safety

21. Numbered work 1A(b) of the authorised development must not commence until the following details have been submitted to the Defence Geographic Centre:

- (a) the precise location of numbered work 1A(b);
- (b) the date of commencement of construction of numbered work 1A(b);
- (c) the anticipated date of completion of construction of numbered work 1A(b);
- (d) the height above ground level of the tallest structure; and
- (e) the maximum extension height of any construction equipment.

Commencement Information

I21 Sch. 2 para. 21 in force at 3.4.2019, see [art. 1](#)

Status:

Point in time view as at 03/04/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019, SCHEDULE 2.