

## SCHEDULES

### SCHEDULE 2

Articles 2 and 3

#### Requirements

#### **Interpretation**

**1.** In this Schedule—

“archaeological mitigation strategy” means the strategy at Appendix DEC A of the DEC;

“boundary design principles” means the principles set out in Appendix DEC B of the DEC;

“dust management scheme” means the scheme at Appendix DEC H of the DEC;

“ecological management, monitoring and aftercare plan” means the plan at Appendix DEC E of the DEC;

“new works” means Work Nos. 1B, 4 and 5 for which development has not yet commenced at the date this Order takes effect;

“noise and vibration management plan” means the plan at Appendix DEC L of the DEC;

“operational site” means Work Nos. 1A, 2 and 3 which are consented under the original order.

“phase” means the relevant phase referred to in the phasing sequence table;

“phasing sequence table” means the table in Appendix DEC D of the DEC;

“relevant parameters” means the parameters set out in Schedule 4 and in Appendix DEC C of the DEC;

“soil handling and management scheme” means the scheme at Appendix DEC I of the DEC;

“stockpile management scheme” means the scheme at Appendix DEC J of the DEC;

“surface water management plan” means the plan at Appendix DEC F of the DEC;

“traffic management plan” means the plan at Appendix DEC K of the DEC.

#### **Time limits**

**2.** The authorised development must commence within 5 years of the coming into force of this Order.

#### **Detailed design**

**3.—(1)** The authorised development must be carried out in accordance with the following approved plans and schemes listed in this Requirement (except for minor amendments as approved in writing by the relevant planning authority)—

- (a) the access plan;
- (b) the works plan;
- (c) the boundary design principles; and
- (d) the surface water management plan.

*Status: This is the original version (as it was originally made).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

(2) Subject to article 5, the finished ground level contours approved pursuant to Requirement 4(1)(f) must lie between the grey contours and the green contours shown on the restoration profile contour plan and in areas where no green contours are shown, the finished ground level contours must accord with the grey contours shown on the restoration profile contour plan.

(3) All parts of the authorised development comprised in Work No.2 and Work No. 3 must be constructed in accordance with the relevant parameters.

(4) Work No. 4 must be carried out in accordance with the details set out in the approved phasing, landscaping and restoration scheme submitted pursuant to Requirement 4.

(5) Development of the new works must not commence until a detailed drainage design in accordance with the surface water management plan has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency.

### **Phasing, landscaping and restoration**

4.—(1) The authorised development must be carried out in accordance with the ecological management, monitoring and aftercare plan and the first stage of the phasing sequence table until the phasing, landscaping and restoration scheme is approved pursuant to sub-paragraph (2).

(2) Within 24 months of the date of this Order the undertaker must submit a phasing, landscaping and restoration scheme in accordance with the principles set out in the ecological management, monitoring and aftercare plan and the restoration concept scheme to the relevant planning authority for approval in writing following consultation with the Environment Agency.

(3) The phasing, landscaping and restoration scheme submitted must include details of phasing timescales and all proposed hard and soft landscaping works, ecological mitigation and enhancement measures including—

- (a) a programme for the progressive filling, capping and phased restoration of the land including all landscaping, restoration and aftercare works which are in accordance with the phasing sequence table;
- (b) a programme for review meetings;
- (c) the location, number, species, size and planting density of any proposed planting;
- (d) how any invasive species will be managed;
- (e) soil testing and preparation, cultivation, importing of materials and other operations to maximise plant establishment;
- (f) details of proposed finished ground level contours in accordance with Requirement 3(2);
- (g) hard surfacing materials;
- (h) vehicular and pedestrian access, parking and circulation areas;
- (i) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (j) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (k) details of existing trees to be retained, with measures for their protection during the operations; and
- (l) the location of fuel storage and leachate tanks, extraction and monitoring facilities and any other infrastructure required for the aftercare works.

(4) Not later than 24 months from the date the phasing, landscaping and restoration scheme is approved pursuant to sub-paragraph (1) and then again at least every two years from that date the undertaker must submit an updated phasing, landscaping and restoration scheme for approval in writing by the relevant planning authority and if necessary arrange a review meeting with the

relevant planning authority to discuss any changes. The works must be undertaken in accordance with the extant phasing, landscaping and restoration scheme.

(5) Any tree or shrub planted as part of an approved landscaping and restoration 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 otherwise approved in writing by the relevant planning authority.

(6) The undertaker must restore the site by 31 December 2046 at the latest and all landscaping, restoration and aftercare works must be carried out for a minimum period of 20 years thereafter in accordance with the extant phasing, landscaping and restoration scheme in place at the time those works are being carried out and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(7) The undertaker must provide public access to the authorised development in accordance with the details set out in the phasing, landscaping and restoration scheme.

#### **Noise**

5. The authorised development must be carried out, operated and maintained in accordance with the noise and vibration management plan.

#### **Stockpiles and soil**

6.—(1) The stockpiles must be managed in accordance with the details set out in the stockpile management scheme during the operation of the authorised development.

(2) The authorised development must be carried out in accordance with the environmental commitments set out in the dust management scheme and soil handling and management scheme, which includes a bird hazard management plan.

#### **Disposal of waste**

7. No waste materials may be disposed of at the site other than hazardous wastes and low level waste together with suitable waste materials used for restoration purposes.

#### **Quantities of waste**

8.—(1) The maximum quantities of waste that will be imported to the waste treatment and recovery facility per annum will be 250,000 tonnes and directly to the landfill will be 150,000 tonnes. The combined total amount of waste that can be imported to the site per annum must not exceed 300,000 tonnes.

(2) The total quantity of low level waste disposed of at the site in the period up to 31 December 2046 (or its earlier closure) must not exceed 448,000 tonnes in relation to Work No. 1A and 700,000 tonnes in relation to Work No. 1B.

#### **Archaeological mitigation strategy**

9.—(1) The new works must be carried out, operated and maintained in accordance with the archaeological mitigation strategy.

(2) Development of the new works must not commence until a written scheme of investigation has been submitted to and approved in writing by the relevant planning authority and the investigation of the new works must be carried out in accordance with the approved written scheme of investigation.

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

### **Vehicular access**

10. The only vehicular access for the authorised development permitted is by way of the existing access to the site on to the Stamford Road shown on the access plan.

### **Control of vehicular movements**

11. Vehicular traffic associated with this authorised development must comply with the traffic management plan and be controlled as follows—

- (a) The undertaker must direct that all heavy goods vehicles entering and leaving the site except local collections must travel direct to and from the A47 Trunk Road via Stamford Road north of the access point with no such vehicles travelling along Stamford Road towards King's Cliffe village south of the site access point.
- (b) Signs informing vehicle drivers of the Requirements in paragraph (a) above must be maintained in a visible location near to the egress on site.
- (c) Facilities must be provided for site operatives within the site to observe the direction of vehicle entry to and exit from the site.

### **Site security**

12. The site security measures including the 1.8m palisade fence around the gas compound must be maintained throughout the life of the operations at the site and beyond until the relevant planning authority, in consultation with the Environment Agency, determines and confirms in writing that the site security measures are no longer required and thereafter, any fences must be removed within a period of 3 months.

### **Wheel cleaning**

13. Wheel cleaning facilities must be provided on the site with appropriate drainage and thereafter maintained to the satisfaction of the relevant planning authority. The wheels of all vehicles leaving the site must be cleansed of mud and other debris to prevent mud being carried onto the public highway. All vehicles transporting materials in connection with the authorised development must be adequately sheeted to the satisfaction of the relevant planning authority.

### **Hours of operation**

14.—(1) Except as may otherwise be approved in writing by the relevant planning authority in temporary limited circumstances, all waste treatment, waste disposal, site preparation, levelling and restoration operations and any associated activities must be restricted to between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 and 13.00 on Saturdays, and subject to subparagraph (2), no such operations may be carried out on the site on Sundays or public holidays.

(2) On a public holiday between the hours of 07.00 and 18.00, the following activities may be carried out—

- (a) the delivery of up to 20 loads a day of air pollution control residues;
- (b) the processing in the waste treatment and recovery facility (Work No.2) of those residues; and
- (c) the stockpiling and management of the processed residues within the waste treatment and recovery facility (Work No.2).

(3) For the purposes of this paragraph “public holiday” means Christmas Day, Good Friday or a day which under section 1 of the Banking and Financial Dealings Act 1971(1) is a bank holiday in England.

### **Gas flare structures**

15. Except in respect of minor amendments approved in writing by the relevant planning authority the height of—

- (a) the gas compound fencing must not exceed 1.8m above existing ground level;
- (b) any building, plant, machinery, foundation, hardstanding, roadway, bunding, structure or erection in the nature of plant or machinery used in connection with the gas flare and pumping station must not exceed 2m above existing ground level; and
- (c) any gas flare flue must not exceed 10m above existing ground level.

### **Floodlighting**

16.—(1) All floodlighting including mobile units must be directed towards the ground to minimise light spillage from the site and except for emergencies will only be operating within the hours of operation specified in Requirement 14.

(2) No additional permanent or temporary floodlighting must be installed at the site, until after consultation with the relevant planning authority, and a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved in writing by the relevant planning authority.

### **Cessation of development**

17. The landfilling of waste and the operation of the waste treatment and recovery facility hereby permitted must cease not later than 31 December 2046 by which time the land and the access must be restored or reinstated in accordance with the Requirements of this Order.

### **Removal of plant and machinery**

18. Except to the extent required for aftercare purposes as approved pursuant to the phasing, landscaping and restoration scheme under Requirement 4, any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the authorised development must be removed from the site when they are respectively no longer required for the purpose for which they were installed and in any case not later than 31 December 2046 upon completion of the aftercare of the site.

### **Amendments to approved details**

19. Where any Requirement requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority, the approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

---

(1) 1971 c. 80.