

SCHEDULES

SCHEDULE 2

Article 2

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1.—(1) In this Schedule, “details approved” means details approved pursuant to conditions of the TCPA permission and further TCPA permission as at 26 May 2023, or subsequently in accordance with requirement 9.

(2) References to “development”, “authorised development” and “plant” in the conditions attached to the TCPA permission or further TCPA permission identified in this Schedule shall as the context requires be interpreted as including the authorised development and references to “construction”, “commissioning”, “use”, “operation” and “decommissioning” shall as the context requires be interpreted as including the construction, commissioning, use, operation and decommissioning of the authorised development.

Commencement of the authorised development

2. The authorised development may not be commenced after the expiration of 5 years from the date this Order comes into force.

Construction

3.—(1) The authorised development shall be constructed in accordance with—

- (a) conditions 11 (prevention of pollution), 20 (noise levels), 24 (access) and 26 (drainage) of the TCPA permission; and
- (b) the details approved, including any revisions approved, pursuant to conditions 17 (construction environmental management plan), 18 (fauna management plan) and 21 (construction compound details) of the TCPA permission.

(2) In the event that works involving the removal or anticipated disturbance of any wall cotoneaster vegetation are required in connection with the construction of any part of the authorised development, works may not commence in respect of the construction of that part until a biosecurity strategy detailing measures to prevent the spread of wall cotoneaster during the construction of that part has been submitted to and approved by the relevant planning authority.

(3) Where a biosecurity strategy is approved pursuant to paragraph (2) above, that biosecurity strategy must be implemented as approved.

Status: This is the original version (as it was originally made).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

Local liaison group

4. The local liaison group which was established and operates in accordance with condition 16 of the TCPA permission shall incorporate the authorised development within its remit.

Commissioning

5. The authorised development shall not be commissioned unless—

- (a) conditions 9 (contaminated land mitigation and remediation strategy verification report), 29 (noise monitoring programme), 36 (highways scheme) and 37 (pest scheme) of the TCPA permission; and
- (b) condition 6 (parking spaces) of the further TCPA permission,

have been satisfied.

Operating

6. The authorised development shall be operated in accordance with—

- (a) conditions 20 (noise levels), 23 (acceptable fuel type), 28 (dust), 30 (fuel deliveries), 31 (fuel deliveries), 33 (sound systems), 34 (waste hierarchy) and 35 (waste transfer operations) of the TCPA permission;
- (b) the details approved, including any revisions approved, pursuant to conditions 4 (landscaping and tree planting scheme), 9 (contaminated land mitigation and remediation strategy verification report), 10 (surface water drainage), 13 (odour management plan), 18 (fauna management plan), 29 (noise monitoring programme), 36 (highways scheme) and 37 (pest scheme) of the TCPA permission; and
- (c) the details approved, including any revisions approved, pursuant to conditions 3 (cycle parking) and 4 (living wall) of the further TCPA permission.

Decommissioning

7. The authorised development shall be decommissioned in accordance with condition 22 (decommissioning) of the TCPA permission.

PART 2

PROCEDURE FOR APPROVAL OF VARIATIONS AND DETAILS AND REVISIONS TO DETAILS APPROVED

Approved variation

8.—(1) The undertaker must submit to the relevant planning authority any application for an approved variation in accordance with this requirement.

(2) When submitting an application to the relevant planning authority for an approved variation, the undertaker must provide written confirmation to the relevant planning authority that the application does not give rise to any materially new or materially different environmental effects to those identified in the environmental statement in respect of the authorised development.

(3) The relevant planning authority may only positively determine an application for an approved variation if it is satisfied with the undertaker's confirmation under sub-paragraph (2).

Approved details and revisions to details approved

9.—(1) With regard to any details requiring approval pursuant to the TCPA permission or further TCPA permission, the undertaker must not submit to the relevant planning authority for approval any details or revisions to details approved otherwise than in accordance with this requirement.

(2) When submitting an application to the relevant planning authority in accordance with subparagraph (1), the undertaker must provide written confirmation to the relevant planning authority that the application does not give rise to any materially new or materially different environmental effects to those identified in the environmental statement in respect of the authorised development.

(3) The relevant planning authority may only positively determine an application for approval pursuant to this requirement if it is satisfied with the undertaker's confirmation under subparagraph (2).

(4) Following any approval by the relevant planning authority of any revisions to any details approved pursuant to the TCPA permission or the further TCPA permission, the details approved are taken to include the revisions approved pursuant to this requirement.