

SCHEDULES

SCHEDULE 2

Article 2

REQUIREMENTS

Commencement of the authorised development

1. The authorised development must not be commenced after the expiration of five years from the date this Order comes into force.

Phasing of the authorised development

2.—(1) No part of the authorised development (save for numbered work 8) is to commence until a written scheme setting out the phasing of construction of numbered works 1, 2, 3, 4 and 7 has been submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved pursuant to sub-paragraph (1) must confirm that the construction of any part of the authorised development would not occur in parallel with any part of the demolition of the FGD plant.

(3) The scheme submitted and approved pursuant to sub-paragraph (1) must be implemented as approved.

Notice of date of full commissioning

3.—(1) Within seven days of the completion of the commissioning of numbered works 1(D)(i), (iii) and (v), the undertaker must provide the relevant planning authority with notice of the date of Unit 1 full commissioning.

(2) Within seven days of the completion of the commissioning of numbered works 1(D)(ii), (iv) and (vi), the undertaker must provide the relevant planning authority with notice of the date of Unit 2 full commissioning.

Requirement for written approval

4. Where under any of these requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be provided in writing.

Approved details and amendments to them

5.—(1) With respect to the documents certified under article 37 (certification of plans and documents, etc), the parameters specified in the table at Schedule 14 (design parameters) and any other plans, details or schemes which require approval by the relevant planning authority pursuant to any requirement (together “Approved Documents, Plans, Parameters, Details or Schemes”), the undertaker may submit to the relevant planning authority for approval any amendments to the Approved Documents, Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Documents, Plans, Parameters, Details or Schemes are to be taken to include the amendments approved by the relevant planning authority pursuant to this paragraph.

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(2) Approval under sub-paragraph (1) for the amendments to Approved Documents, Plans, Parameters, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects which are worse than those assessed in the environmental statement.

Detailed design approval

6.—(1) In relation to any part of the authorised development comprised in numbered works 1, 2, and 3, no development of that part is to commence until details of the following for that part have been submitted to and approved by the relevant planning authority—

- (a) the siting, layout, scale and external appearance, including colour, materials and surface finishes of all new permanent buildings and structures;
- (b) finished floor levels;
- (c) hard standings; and
- (d) the internal vehicular access and circulation roads, vehicle parking, cycle parking and routes, and pedestrian facilities and routes.

(2) The authorised development must be carried out in accordance with the parameters in Schedule 14 (design parameters) and the details submitted must accord with items D1, D2, D3, D5, D6, D7, D8, D9, D10, H1 WE1, WE2, WE3, WE4, WE5, WE7, CC1, CC2 and GHG1 of the register of environmental actions and commitments.

(3) The authorised development must be carried out and thereafter maintained in accordance with the approved details.

Provision of landscape and biodiversity mitigation and enhancement

7.—(1) No phase of the authorised development or part of numbered works 5, 6 and 8 is to commence until, a written strategy for that phase or part, which is substantially in accordance with the outline landscape and biodiversity strategy, has been submitted to and, after consultation with the Environment Agency and Natural England, approved by the relevant planning authority.

(2) The strategies submitted and approved pursuant to sub-paragraph (1) must include details of—

- (a) the hedgerows to be removed including—
 - (i) where the hedgerows are located; and
 - (ii) if and how they are to be replaced,
- (b) all proposed hard and soft landscaping works;
- (c) ecological mitigation;
- (d) enhancement measures;
- (e) 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;
- (f) cultivation, importing of materials and other operations to ensure plant establishment;
- (g) hard surfacing materials;
- (h) a confirmation that numbered work 6 is in accordance with items G8, E2, E6, E8, E10, E11 and E14 of the register of environmental actions and commitments;
- (i) an implementation timetable;
- (j) annual landscaping and biodiversity management and maintenance;

- (k) the ecological surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of the ecological mitigation measures and the monitoring regime to be taken forward following those initial surveys; and
- (l) an explanation for how the design of the numbered works comprised in the part of the authorised development, which is the subject of the strategy, has sought to minimise the biodiversity net loss as a result of the authorised development as far as reasonably practicable.

(3) Any shrub or tree planted as part of the approved strategy that, within a period of five 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 seasons with a specimen of the same species and size as that originally planted.

(4) The strategies must be implemented in accordance with the implementation timetable and the measures implemented pursuant to the strategies maintained as approved once implemented throughout the operation of the numbered works to which they relate.

(5) For the purposes of sub-paragraph (1) a phase of the authorised development means a phase as identified in the phasing plan with respect to numbered works 1, 2, 3, 4 and 7 as approved pursuant to sub-paragraph (1) of Requirement 2.

External lighting during operation

8.—(1) Prior to the earlier of date of Unit 1 full commissioning or date of Unit 2 full commissioning a written scheme for the permanent external lighting to be installed for the purposes of normal operation for numbered works 1, 2 and 3 must be submitted to and approved by the relevant planning authority.

(2) The scheme submitted and approved pursuant to sub-paragraph (1) of this requirement must be substantially in accordance with the principles set out in the draft lighting strategy and must include details of the permanent external lighting to be installed for the purposes of the operation of the relevant numbered works.

(3) The scheme must be implemented and maintained as approved.

Highway accesses during construction

9.—(1) Construction of each of the accesses listed in Schedule 7 (access to works) must not commence until details of the siting, design and layout (including visibility splays and construction specification) of that access, and in respect of the accesses listed in Part 1 of Schedule 7 only, the means of reinstating the temporary means of access after construction, has been submitted to and, after consultation with the highway authority, approved by the relevant planning authority.

(2) The highway accesses approved pursuant to sub-paragraph (1) must be constructed in accordance with the approved details.

Surface water drainage

10.—(1) Each of numbered works 1, 2 and 3 of the authorised development must not commence until a surface water drainage scheme for that numbered work has been submitted to, and after consultation with the Environment Agency, lead local flood authority and relevant internal drainage board, approved by the relevant planning authority.

(2) The surface water drainage scheme submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the principles set out in sections 5 and 6 of the proposed surface water drainage strategy.

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(3) The schemes must be implemented and maintained as approved throughout the operation of the numbered works to which they relate.

Flood risk mitigation

11.—(1) The authorised development must be carried out and operated in accordance with the flood risk assessment.

(2) No later than 20 years following the date of full commissioning, the undertaker must notify the relevant planning authority and the Environment Agency whether it anticipates that the operation of Work No. 1 will continue past the 25th anniversary of the date of full commissioning.

(3) If a notification under sub-paragraph (2) indicates that the undertaker anticipates that the operation of Work No. 1 will continue past the 25th anniversary date of full commissioning, it must, unless otherwise agreed by the Environment Agency, submit for approval to the Environment Agency—

- (a) an updated flood risk assessment of the flood risk arising from the continued operation of Work No. 1 past the 25th anniversary of the date of full commissioning;
- (b) the details of any mitigation or compensation measures that the flood risk assessment under sub-paragraph (a) suggests are necessary;
- (c) the implementation timetable (including identifying the need for (but not requiring a specific programme for the obtaining of) any consents) for any measures identified under sub-paragraph (b); and
- (d) retention proposals for any measures identified under sub-paragraph (b).

(4) The undertaker must share the details approved by the Environment Agency under sub-paragraph (3) with the relevant planning authority within 5 days of such approval being given.

(5) The undertaker must implement the measures approved under sub-paragraph (3)(b) in accordance with the implementation timetable approved under sub-paragraph (3)(c) no later than the 25th anniversary of the date of full commissioning of Work No. 1 or such other time period as is agreed with the Environment Agency and must retain them for the lifetime of Work No. 1 in accordance with the retention proposals approved under sub-paragraph (3)(d).

(6) The undertaker must not continue operation of Work No. 1 beyond the 25th anniversary of the date of full commissioning unless the Environment Agency has given its approval under sub-paragraph (3) and the undertaker has complied with sub-paragraph (4), unless otherwise agreed in writing by the Environment Agency.

(7) For the purposes of this requirement ‘the date of full commissioning’ means the earlier of the date of Unit 1 full commissioning and the date of Unit 2 full commissioning.

Ground conditions

12.—(1) No part of the numbered works 1, 2, 3, 5 and 7 is to commence (including permitted preliminary works comprising demolition of existing structures, remedial work in respect of any contamination or other adverse ground conditions or the diversion and laying of services) until a written strategy in relation to the identification and remediation of any risks associated with the contamination of the Order limits associated with that numbered work has been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.

(2) The strategy submitted and approved pursuant to sub-paragraph (1) must—

- (a) include a site investigation scheme, based on the preliminary risk assessment set out in appendix 11.1 of the environmental statement and providing details of the detailed risk

assessment to be carried out for the receptors on or in the vicinity of the Order limits that may be affected by the authorised development;

- (b) set out how the outcomes of the site investigation scheme and detailed risk assessment carried out pursuant to sub-paragraph 12(2)(a) above will be reported, and provide for the submission and approval by the relevant planning authority of an options appraisal and remediation strategy based on such outcomes and providing details of any remediation measures required and how they are to be carried out;
- (c) include an earthworks specification setting out protocols for testing and limiting values to ensure that imported materials are suitable for their intended use in terms of their chemical or geotechnical quality; and
- (d) include a verification plan identifying the data to be collected in order to demonstrate that the remediation measures set out in the options appraisal and remediation strategy prepared pursuant to sub-paragraph 12(2)(b) above have been completed and are effective, and any requirement for long term monitoring of pollutant linkages, maintenance or arrangements for contingency action.

(3) Prior to the date of Unit 1 full commissioning a report prepared substantially in accordance with the verification plan prepared pursuant to sub-paragraph 12(2)(d) and approved pursuant to sub-paragraph 12(1) must be submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.

(4) If, during the carrying out of numbered works 1, 2, 3, 5 and 7 contamination not previously identified is found to be present within such area(s) no further development (unless otherwise agreed in writing with the relevant planning authority) must be carried out on the area(s) on which the contamination has been found until a remediation strategy detailing how such contamination must be dealt with has been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.

(5) No piling works comprised in the numbered works 1, 2 and 3 must commence until a piling risk assessment has been submitted to and approved by the Environment Agency.

(6) The piling risk assessment approved by the Environment Agency under sub-paragraph (5) must be provided to the relevant planning authority before commencement of numbered works 1, 2 and 3.

(7) The authorised development must be carried out in accordance with the strategy approved pursuant to sub-paragraph (1), any remediation strategy approved pursuant to sub-paragraph (4), and the piling risk assessment approved pursuant to sub-paragraph (5).

Archaeology

13.—(1) Each of numbered works 5, 6 and 8 of the authorised development must not commence (including permitted preliminary works comprising intrusive archaeological surveys only) until either—

- (a) a written scheme of investigation has, for that numbered work, been submitted to and approved by the relevant planning authority; or
- (b) the relevant planning authority has confirmed that no written scheme of investigation is required for that numbered work.

(2) Any scheme submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with items H2, H3, H4, H5 and H6 of the register of environmental actions and commitments.

(3) Any scheme submitted and approved pursuant to sub-paragraph (1) must—

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- (a) identify any areas where further archaeological investigations are required and the nature and extent of the investigation required in order to preserve by knowledge or in-situ any archaeological features that are identified;
 - (b) provide details of the measures to be taken to protect, record or preserve any significant archaeological features that may be found; and
 - (c) provide details of archaeological monitoring to be undertaken during construction.
- (4) Any archaeological investigations implemented and measures taken to protect record or preserve any identified significant archaeological features that may be found must be carried out—
- (a) in accordance with the approved scheme; and
 - (b) by a suitably qualified person or organisation approved by the relevant planning authority.

Construction environmental management plan

14.—(1) No part of the authorised development is to commence (including permitted preliminary works comprising geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery, above ground site preparation for temporary facilities for the use of contractors, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, and site clearance (including vegetation removal, demolition of existing buildings and structures) only), until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency and Natural England.

(2) The plan submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the register of environmental actions and commitments.

(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan.

Construction traffic management plan

15.—(1) No part of numbered works 1, 2, 3 and 8 of the authorised development is to commence, until a construction traffic management plan has, for that part, been submitted to and, after consultation with National Highways and the highway authority, approved by the relevant planning authority.

(2) The plan submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the relevant part of the outline construction traffic management plan.

(3) Notices must be erected and maintained by the undertaker throughout the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.

(4) The plan must be implemented and maintained as approved throughout the construction of the authorised development.

Construction worker travel plan

16.—(1) No part of numbered works 1, 2 and 3 of the authorised development is to commence until a construction worker travel plan has, for that part, after consultation with National Highways and the highway authority, been submitted to and approved by the relevant planning authority.

(2) The plan submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the relevant part of the framework construction worker travel plan.

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(3) The plan must be implemented and maintained as approved throughout the construction of the authorised development.

Control of noise during operation

17.—(1) No part of numbered works 1, 2 or 3 is to commence until a noise mitigation scheme containing details of how the design of that numbered work has ensured that rating noise levels for normal mode of operation predicted at 1m from the façade of noise sensitive receptors as included Table 1 below will not be exceeded for that part, has been submitted to and approved by the relevant planning authority.

(2) The noise mitigation scheme must also include a set of noise limits that must not be exceeded during operation at locations that are 5m from the equipment listed below, such locations to be agreed with the relevant planning authority in the noise mitigation scheme. The equipment referred to in this sub-paragraph are—

- (a) flue gas booster fans;
- (b) carbon dioxide compressor buildings;
- (c) pumps; and
- (d) combined power turbine buildings.

(3) The noise mitigation scheme must be implemented and maintained as approved pursuant to sub-paragraph (1).

Table 1

Operational Rating Noise Limits

<i>(1)</i> <i>Receptor</i>	<i>(2)</i> <i>Easting</i>	<i>(3)</i> <i>Northing</i>	<i>(3)</i> <i>Rating Level, LAR, Tr dB</i>
R1, Wren Hall	467273.9	427168.2	30
R2, Long Drax	468163.8	428107.5	25
R3, Old Lodge	467515.8	428113.3	24
R4, Drax Abbey Farm	467042.9	428281.2	26
R5, Foreman’s Cottage	466842.8	428479.7	26
R6, 2 Forest Grove Barlow	465213.8	428417.7	34
R7, Brigg Lane	465054.1	426248.0	33
R8, Station Cottage	466671.9	426399.0	23
R9, Briden Bungalow	467759.4	426857.7	27
R10, Weston House	466922.8	426331.1	24
R11, Rose Cottage	468427.5	426135.4	24
R12, Brigg Farm Court	465207.2	426066.8	24
R13, Camela House	464868.2	426604.7	36

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(1) <i>Receptor</i>	(2) <i>Easting</i>	(3) <i>Northing</i>	(3) <i>Rating Level, LAR, Tr dB</i>
R14, Low Farm	464211.5	427351.1	35

Decommissioning environmental management plan

18.—(1) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval, after consultation with the Environment Agency, a decommissioning environmental management plan for that part.

(2) No decommissioning works must be carried out until the relevant planning authority has approved the plan submitted under sub-paragraph (1) in relation to such works.

(3) The plan submitted and approved must include details of—

- (a) the buildings to be demolished;
- (b) the means of removal of the materials resulting from the decommissioning works;
- (c) the phasing of the demolition and removal works;
- (d) any restoration works to restore the land to a condition agreed with the relevant planning authority;
- (e) the phasing of any restoration works; and
- (f) a timetable for the implementation of the scheme.

(4) The measures set out in the plan submitted under paragraph (1) must be consistent with the principles informing the measures that are set out in the register of environmental actions and commitments.

(5) The plan must be implemented and maintained as approved for the duration of the decommissioning of the authorised development.

Decommissioning traffic management plan

19.—(1) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval, after consultation with National Highways and the highway authority, a decommissioning traffic management plan for that part.

(2) No decommissioning works must be carried out until the relevant planning authority has approved the plan submitted under sub-paragraph (1) in relation to such works.

(3) The plan submitted and approved must include details of—

- (a) route diversions; and
- (b) routing of abnormal loads and HGVs.

(4) The measures set out in the plan submitted under paragraph (1) must be consistent with the principles informing the measures that are set out in the register of environmental actions and commitments.

(5) The plan must be implemented and maintained as approved for the duration of the decommissioning of the authorised development.

Local liaison committee

20.—(1) The authorised development (save for numbered work 8) must not commence (including permitted preliminary works) until the undertaker has established a committee to liaise with local residents and organisations about matters relating to the construction, operation and decommissioning of the authorised development (a ‘local liaison committee’).

(2) The undertaker must invite the relevant planning authority and local parish councils, to nominate representatives to join the local liaison committee.

(3) The undertaker must supply an appropriate venue for the local liaison committee meetings to take place.

(4) The local liaison committee must—

(a) include representatives of the undertaker;

(b) meet quarterly during the construction, operation and decommissioning of the authorised development, starting within one month of commencement, unless otherwise agreed by the majority of the members of the local liaison committee.

(5) For the purposes of sub-paragraph (2) the local parish councils are Airmyn Parish Council, Barlby with Osgodby Parish Council, Barlow Parish Council, Brayton Parish Council, Bubwith Parish Council, Camblesforth Parish Council, Carlton Parish Council, Cliffe Parish Council, Drax Parish Council, Gowdall Parish Council, Hemingbrough Parish Council, Long Drax Parish Council, Newlands Parish Council, Rawcliffe Parish Council, Selby South Town Council, Selby East Town Council, Snaith and Cowick Town Council and Wressle Parish Council, unless otherwise agreed in writing by the undertaker and the relevant planning authority.

Local employment plan

21.—(1) No part of the authorised development (save for numbered work 8) is to commence (including permitted preliminary works) until a local employment plan has been submitted to, and approved in writing by, the relevant planning authority.

(2) The plan submitted and approved pursuant to sub-paragraph (1) must be substantially in accordance with the outline local employment plan.

(3) The plan must be implemented and maintained as approved throughout the construction, operation and decommissioning of the authorised development.