

<u>STATUTORY INSTRUMENTS</u>	Deleted: EDF revised draft: 31 August 2012¶ ¶ ¶ STATUTORY INSTRUMENTS¶ ¶ ¶ [2012
<u>2013 No. 0000</u>	Deleted: ]
<u>INFRASTRUCTURE PLANNING</u>	Deleted: ¶
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Made - - - - <u>18th March 2013</u>	Deleted: [ ]
Coming into force - - - <u>9th April 2013</u>	Deleted: ¶ ¶
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An application has been made to the Infrastructure Planning Commission in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009( ) for an Order under sections 114, 115 and 120 of the Planning Act 2008( ) (“the 2008 Act”).

The Examining authority was a Panel, the members of which were appointed at various times by the Chair of the Infrastructure Planning Commission, and, following the abolition of the Commission, by the Secretary of State, in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules( ).

The Examining authority, having considered the application together with the documents that accompanied it and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act, submitted a report to the Secretary of State setting out its findings, conclusions and recommendations in respect of the application.

The Secretary of State, having considered the report of the Examining authority, has decided to make an Order granting development consent so as to give effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals.

The Secretary of State in exercise of the powers conferred by section 114, 115 and 120 of the 2008 Act, makes the following Order:

## PART 1

### General provisions

Preliminary

Citation and commencement

1. This Order may be cited as the Hinkley Point C (Nuclear Generating Station) Order ~~2013~~ and shall come into force on ~~9th April 2013~~.

### Interpretation

2.—(1) In this Order, ~~unless the context requires otherwise~~—

“the 1961 Act” means the Land Compensation Act 1961( );

“the 1965 Act” means the Compulsory Purchase Act 1965( );

“the 1980 Act” means the Highways Act 1980( );

“the 1990 Act” means the Town and Country Planning Act 1990( );

“the 1991 Act” means the New Roads and Street Works Act 1991( );

“the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995( );

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<p>“the 2008 Act” means the Planning Act 2008;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: (;</p> <p>Deleted: "the 2010 Regulations" means the ... [6]</p>
<p>“AIL” means an abnormal indivisible load as defined in paragraph 2 of Schedule 1 (abnormal indivisible load vehicles) to the Road Vehicles (Authorisation of Special Types) (General) Order 2003( );</p>	<p>Deleted: "</p> <p>Deleted: 2</p> <p>Deleted:</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: project</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“approved plans” means the plans listed in Part 3 of Schedule 1 (approved plans) and such revised or supplemental plans as may be approved pursuant to the requirements;</p>	<p>Deleted: "</p> <p>Deleted: 2</p> <p>Deleted:</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: project</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“authorised development” means the development described in Part 1 of Schedule 1 (authorised development) and any other development authorised by this Order, but does not include the temporary jetty works;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: project</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“authorised project” means the authorised development and the temporary jetty works authorised by this Order;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“building” includes any structure or erection or any part of a building, structure or erection;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "</p>
<p>“carriageway” has the meaning given in section 329 of the 1980 Act (interpretation);</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“discharging authority” means the body responsible for giving any agreement or approval required by a requirement;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“footpath implementation plan” means a written plan agreed between the undertaker and the highway authority for creation or improvement of a footpath to a specified standard;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“HPC development site” means the land within the Order limits shown on sheet nos. 2, 3 and 4;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“land” includes land covered by water, any interest in land or right in, to or over land;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“Order limits” means the limits shown on the works plans within which the authorised project may be carried out;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981( ) (interpretation);</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“permanent development site” means the land within the permanent development site boundary as shown on plan HINK-A1-SL-00-GA-010 (Site Layout Plan (Operational));</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“permanent limits” means the limits of land for the purpose of article 24 (compulsory acquisition of land) as shown shaded pink on the land plans;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>
<p>“relevant planning authority” means, in any given provision of this Order, the district planning authority for any area of land that the provision relates to, i.e. West Somerset District Council and/or Sedgemoor District Council, as the case may be;</p>	<p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: "business day" ... [7]</p> <p>Deleted: "</p> <p>Deleted: same</p> <p>Deleted: as in the 1980 Act ... [8]</p> <p>Deleted: 103 of the 2008 ... [9]</p> <p>Deleted: easement" m ... [10]</p> <p>Deleted: consent,</p> <p>Deleted: included in this Order</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: the</p> <p>Deleted: the defined</p> <p>Deleted: "highway" and ... [11]</p> <p>Deleted: no</p> <p>Deleted: of the works plans</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: decision-maker</p> <p>Deleted: "major detail" ... [12]</p> <p>Deleted: "</p> <p>Deleted: "</p> <p>Deleted: 18</p> <p>Deleted: "owner", in re ... [13]</p> <p>Deleted: "</p> <p>Deleted: the area in wh ... [14]</p>

“requirements” has the meaning given in article 3 (development consent for authorised development etc.);

“rights of way plans” means the plans certified as the rights of way plans by the Secretary of State for the purposes of this Order;

“site preparation permission” means the planning permission in respect of land to the West of Hinkley Point, Stogursey, Bridgwater TA5 1TP granted by West Somerset District Council on 27th January 2012, with reference number 3/32/10/037;

“statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act (which make provision about orders affecting statutory undertakers’ land);

“street” means a street within the meaning of section 48 of the 1991 Act (streets, street works and undertakers), together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority” in relation to a street, has the meaning given in section 49 of the 1991 Act (the street authority and other relevant authorities);

“temporary associated development works” means Work Nos. 3, 4A, 5A, 7A, 8A(2)(a) to (h), 9A, 10 and 11;

“temporary jetty demolition works” means Work No. TJ0;

“temporary jetty works” means Work Nos. TJ1, TJ2 and TJ3 described in Part 2 of Schedule 1 (temporary jetty works) and any other works authorised by Part 2 of this Order (provisions relating to temporary jetty works) or, as the case may require, any part of those works, but excluding the temporary jetty demolition works;

“tree preservation order” has the meaning given in section 198 of the 1990 Act (power to make tree preservation orders);

“undertaker” means NNB Generation Company Limited (Company number 06937084);

“undertaking” mean the generation of electricity by the undertaker as authorised from time to time;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order;

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project shall be taken to be measured along that work.

**Deleted:** “relevant time limits” means the time limits prescribed in Schedule 14 or set by the appointed person pursuant to Schedule 14;¶  
“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement; ¶ means those matters set out in Schedule 11 (requiremen ... [15]

**Deleted:** “restricted land” means the parcels of land shown as BRI\_C\_1, BRI\_C\_5, BRI\_C\_6 and BRI\_C\_7 on sheet no. 3 of the land plans;¶  
“...”...decision-maker ... [16]

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**Deleted:** “site preparation permission s106 agreement” means an agreement made pursuant to section 106 of the 1990 Act dated 27 January 2012 between (1) West Somerset District Council, (2) Somerset County Council, (3) Sedgemoor District Council, (4) EDF Development Company Limited, (5) EDF Energy Nuclear Generation Company Limited, (6) Elizabeth Periam Acland Hood Gass (of the Fairfield Estate) and (7) NNB Generation Company Limited;¶  
“start date” means the date on which the appeal parties are notified of the person appointed to determine an appeal r ... [18]

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**Deleted:** transitional date” means the date upon which notice is served by the undertaker under article ... [23]

**Deleted:** “the tribunal” means the Lands Chamber of the Upper Tribunal;¶  
“...” [24]

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**Deleted:** “...” [25]

**Deleted:** “...”...decision-maker...; and a reference to a numbered sheet is a reference to that numbered sheet in ... [26]

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(4) All areas described in square metres in the book of reference are approximate.

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(5) A reference in this Order to a work designated by a number, or by a combination of letters and numbers (for example, "Work No. 9A"), is a reference to the work so designated in Part 1 or 2 of Schedule 1.

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(6) Unless the context requires otherwise, a reference in this Order to a numbered sheet (for example, "sheet no. 3") is a reference to the sheet so numbered in the works plans.

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(7) A reference in this Order to a document or plan required to be submitted for certification under article 43(1)(e) (certification and construction of plans and documents) is a reference to the version of that document or plan that has been certified under article 43.

(8) A reference in the Schedules to a "relevant site" is a reference to the site of that name shown in the right of way plans and land plans.

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(9) In this Order, 10-digit references prefaced by the letters "ST" refer to the corresponding Ordnance Survey National Grid reference points.

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#### Principal powers

Development consent for authorised development etc.

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3.—(1) Subject to the provisions of Schedule 2 (requirements) ("the requirements") and the other provisions of this Order, the undertaker is granted development consent for the authorised development, to be carried out in the lines or situations shown on the works plans and in accordance with the approved plans.

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(2) In constructing or maintaining any of the authorised development, the undertaker may deviate laterally from the lines or situations shown on the works plans within the limits of deviation relating to that work shown on those plans.

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(3) In constructing or maintaining Work No. 2A, Work No. 2C and Work No. 2E, the undertaker may deviate vertically to any extent provided that no part of these works is less than 10 metres below the seabed or more than 50 metres below the seabed.

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(4) In constructing or maintaining Work No. 2G the undertaker may deviate vertically to any extent provided that no part of these works is more than 25 metres below the seabed.

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(5) Paragraphs (1), (2), (3) and (4) only authorise the carrying out of works within the Order limits.

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#### Effect of the Order on the site preparation permission

4.—(1) If the undertaker serves a notice on West Somerset District Council under this article,

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(a) the undertaker shall cease to carry out development under the site preparation permission; and

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~~(b)~~ the conditions of the site preparation permission shall cease to have effect, ~~except for~~ Conditions G4, R1, R2, R3, R4, R5 and R6.

~~(2)~~ The undertaker may not carry out Work No. 1A under this Order until notice has been served under paragraph ~~(1)~~.

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~~(3)~~ Notwithstanding paragraph ~~(2)~~, the undertaker may exercise any other powers under this Order in respect of any part of the authorised project prior to or following service of notice under paragraph ~~(1)~~.

~~(4)~~ Without prejudice to the generality of paragraph ~~(3)~~, the undertaker may discharge any ~~requirement~~ at any time prior to or following the service of notice under paragraph ~~(1)~~.

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~~(5)~~ Where details, plans or any other matters have been approved ~~or agreed~~ by West Somerset District Council pursuant to ~~a condition~~ of the site preparation permission in column ~~(1)~~ of Schedule ~~3~~ prior to the ~~date on which the undertaker serves notice under paragraph (1)~~ they shall be deemed to have been approved for the purpose of the corresponding requirement in column ~~(2)~~ of Schedule ~~3~~.

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~~3.~~ Maintenance of authorised project

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~~5.~~ The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order ~~provides otherwise~~.

Authorisation of use

~~6.~~ Subject to the provisions of this Order and to the requirements the undertaker may operate and use the authorised project.

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Benefit of Order

~~7.~~ Subject to article ~~8~~ (consent to transfer benefit of Order), the provisions of this Order shall have effect solely for the benefit of the undertaker.

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Consent to transfer benefit of Order

~~8.~~—~~(1)~~ The undertaker may, with the consent of the Secretary of State—

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~~(a)~~ transfer to another person ~~("the transferee")~~ any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or

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~~(b)~~ grant to another person ~~("the lessee")~~ for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

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~~(2)~~ Where an agreement has been made in accordance with paragraph ~~(1)~~ references in this Order to the undertaker, except in paragraph ~~(3)~~, shall include references to the transferee or the lessee.

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(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations (including development consent obligations within the meaning of section 106A of the 1990 Act) as would apply if those benefits or rights were exercised by the undertaker.

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#### Application of the 1991 Act

9.—(1) Where the undertaker carries out works under this Order in relation to a highway which consists of or includes a carriageway and the works carried out are—

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(a) of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or

(b) works which, had they been executed by the highway authority, could have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageway and roundabouts),

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the works shall be treated for the purposes of Part 3 of the 1991 Act (street works) as if they were major highway works carried out by the highway authority.

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(2) In the application of Part 3 of the 1991 Act to works within paragraph (1) by virtue of paragraph (1), the references in that Part to the highway authority concerned shall be construed as references to the undertaker.

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#### Application of the 1990 Act

10.—(1) This article applies to the resumption of the use of land used for the temporary associated development works for the use for which it was normally used before this Order was made.

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(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) shall apply as if the development consent granted under this Order were planning permission granted for a limited period.

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#### Application of the 2010 Regulations

11.—(1) The Community Infrastructure Levy Regulations 2010( ) shall apply to the authorised development as if regulation 5(2) of those Regulations (meaning of “planning permission”) referred to development consent which is deemed to be granted for a limited period by an order made under section 114(1)(a) of the 2008 Act (grant or refusal of development consent) rather than to planning permission which is granted for a limited period.

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(2) Development consent is deemed to be granted for a limited period for the temporary associated development works, Work No. 1A(b) and any other temporary buildings or works authorised by this Order.

#### Defence to proceedings in respect of statutory nuisance

12.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990( ) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be

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prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—

(a) the defendant shows that the nuisance—

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(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974( ); or

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(ii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or

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(b) the defendant shows that the nuisance is a consequence of the use of the authorised project and that it cannot reasonably be avoided.

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(2) Sections 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) and section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded) of the Control of Pollution Act 1974 shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.

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Streets

Street works

13.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in columns (1) and (2) of Schedule 4 (streets subject to street works) as is within the Order limits for the relevant site specified in column (3) of Schedule 4 and may—

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(a) break up or open the street, or any sewer, drain or tunnel under it;

(b) tunnel or bore under the street;

(c) place apparatus in the street;

(d) maintain apparatus in the street or change its position; and

(e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

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(2) In this article "apparatus" has the meaning given in section 105(1) of the 1991 Act.

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Stopping up of footpaths on HPC development site

14.—(1) Subject to paragraphs (2) and (3), the undertaker may, in connection with the carrying out of the authorised project—

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(a) stop up each of the footpaths specified in columns (1) and (2) of Part 1 of Schedule 5 (footpaths to be permanently stopped up on HPC development site) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Part of that Schedule; and

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(b) temporarily stop up each of the footpaths specified in columns (1) and (2) of Part 2 of Schedule 5 (footpaths to be temporarily stopped up on HPC development site) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Part of that Schedule.

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(2) No footpath specified in columns (1) and (2) of Part 1 or columns (1) and (2) of Part 2 of Schedule 5 shall be wholly or partly stopped up under this article unless the diversion route specified on the rights of way plans between points DR1/1 and DR1/2, and between points DR1/4, DR1/5, DR1/6, DR1/7, DR1/8, DR1/9 and DR1/10, DR1/11 and DR1/12, and between points DR1/5 and DR1/13 is first provided by the undertaker, to the reasonable satisfaction of the highway authority.

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(3) The diversion route provided under paragraph (2), or such alternative diversion route connecting the points listed in paragraph (2) as may from time to time be agreed by the highway authority, shall be subsequently maintained by the undertaker until the completion and opening of the footpaths on the HPC development site specified in columns (1), (2) and (3) of Schedule 7 (status of footpaths created or improved) in accordance with any relevant footpath implementation plan.

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#### Permanent stopping up of streets

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15.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule 6 (streets to be permanently stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of those Parts of that Schedule.

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(2) Except for footpath BW5/8 between points X1/1 and X1/2, no street specified in columns (1) and (2) of Part 1 of Schedule 6 (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless—

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(a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or

(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up between the commencement and termination points for the stopping up of the street is first provided and is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, until the completion and opening of the new street in accordance with sub-paragraph (a).

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(3) No street specified in columns (1) and (2) of Part 2 of Schedule 6 (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless at least one of the conditions specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

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(4) The conditions referred to in paragraph (3) are that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

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(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street shall be extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised project so much of the site of the street as is bounded on both sides by land owned by the undertaker.

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(6) Where the section of Wick Moor Drive between points S1/1 and S1/2 has been stopped up under this article, all interests and rights in the land on which that section of street is situated shall be extinguished.

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(7) The interests and rights to which this section applies are any easement, restriction, restrictive covenant, liberty, privilege, right or advantage annexed to land, including any natural right to support.

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(8) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (descriptions of development).

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(9) This article is subject to article 36 (apparatus etc. of statutory undertakers).

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(10) Where the section of Wick Moor Drive between points S1/1 and S1/2 is to be stopped-up under this article, then in addition to any of the conditions mentioned in paragraph (4)(a) to (d), the consent of the owner of Hinkley Point A (being all that freehold land and the buildings and structures erected on it at Hinkley Point, Somerset, which comprises the whole of the land registered under title number ST264472) to such stopping-up must first be obtained but such consent shall be deemed given if, prior to such stopping-up, an agreement has been completed providing for the grant of rights of way to the owner of Hinkley Point A immediately following the stopping-up, substantially in the form of the draft deed of easement relating to Wick Moor Drive, Hinkley Point, Somerset between EDF Energy Nuclear Generation Limited (1) Nuclear Decommissioning Authority (2) National Grid Electricity Transmission Plc (3) and EDF Development Company Limited (4).

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#### Status of footpaths created or improved

16. With effect from the date on which the highway authority is satisfied that the footpaths specified in columns (1) and (2) of Schedule 7 (status of footpaths created or improved) have been created or improved to the standard specified in the footpath implementation plan, the footpaths in question shall be deemed to have the status specified in column (3) of that Schedule.

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Temporary stopping up of streets

~~17.~~—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street and may for any reasonable time—

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- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

~~(2).~~ The undertaker shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

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~~(3).~~ Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of Schedule ~~8~~ (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Schedule.

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~~(4).~~ The undertaker shall not temporarily stop up, alter or divert—

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- (a) any street specified as mentioned in paragraph (3) without first consulting the street authority; and
- (b) any other street without the consent of the street authority, which may attach reasonable conditions to any consent.

~~(5).~~ Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in the case of dispute, under Part 1 of the 1961 Act.

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Access to works

~~18.~~ The undertaker may, for the purposes of the authorised project—

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(a) form and lay out means of access, or improve existing means of access, ~~as~~ specified in columns (1) and (2) of Schedule ~~9~~ (access to works) ~~by reference to~~ the rights of way plans ~~whose titles refer to the relevant sites specified in column (3) of that Schedule~~; and

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(b) with the approval of the relevant planning authority, after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.

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Construction and maintenance of new, altered or diverted streets

~~19.~~—(1) Any street to be constructed under this Order shall be completed to the reasonable satisfaction of the highway authority and shall, unless otherwise agreed between the undertaker and the highway authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

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(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the highway authority, unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

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(3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

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(4) For the purposes of a defence under paragraph (3), the court shall in particular have regard to the following matters—

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(a) the character of the street including the traffic which was reasonably to be expected to use it;

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(b) the standard of maintenance appropriate for a street of that character and used by such traffic;

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(c) the state of repair in which a reasonable person would have expected to find the street;

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(d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and

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(e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed;

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but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the undertaker had given that person proper instructions with regard to the maintenance of the street and that those instructions had been carried out.

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#### Agreements with street authorities

20.—(1) A street authority and the undertaker may enter into agreements with respect to—

(a) the construction of any new street authorised by this Order;

(b) any stopping up, alteration or diversion of a street authorised by this Order; or

(c) the carrying out in the street of any of the works referred to in article 13(1) (street works).

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(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

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(a) make provision for the street authority to carry out any function under this Order which relates to the street in question;



(b) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and

(c) contain such terms as to payment and other matters as the parties consider appropriate.

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#### Supplemental powers

#### Discharge of water

~~21.~~ (1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

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~~(2)~~ Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991( ) (right to communicate with public sewers).

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~~(3)~~ The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose.

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~~(4)~~ The undertaker shall not make any opening into any public sewer or drain except—

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(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

~~(5)~~ The undertaker shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

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~~(6)~~ The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

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~~(7)~~ This article does not permit any activity listed in paragraph 3(1) of Schedule 21 ~~to~~ the Environmental Permitting (England and Wales) Regulations 2010( ) (water discharge activities).

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~~(8)~~ In this article—

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(a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964( ) (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and

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(b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991( ) have the same meaning as in that Act.

#### Protective work to buildings

~~22.~~—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.

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~~(2)~~ Protective works may be carried out—

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(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised project; or

(b) after the completion of that part of the authorised project in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised project is first opened for use.

~~(3)~~ For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

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~~(4)~~ For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

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(a) enter the building and any land within its curtilage; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

~~(5)~~ Before exercising—

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(a) a right under paragraph (1) to carry out protective works to a building;

(b) a right under paragraph (3) to enter a building and land within its curtilage;

(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or

(d) a right under paragraph (4)(b) to enter land,

the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 ~~days'~~ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

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~~(6)~~ Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article ~~45~~ (arbitration).

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~~(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.~~

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~~(8) Where—~~

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(a) protective works are carried out under this article to a building; and

(b) within the period of 5 years beginning with the day on which the part of the authorised project carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised project,

the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.

~~(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).~~

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~~(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).~~

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~~(11) In this article “protective works” in relation to a building means—~~

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(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised project; and

(b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised project.

Authority to survey and investigate the land

~~23.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—~~

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(a) survey or investigate the land;

(b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;

(c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and

(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

~~(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.~~

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~~(3) Any person entering land under this article on behalf of the undertaker—~~

(a) shall, if so required entering the land, produce written evidence of their authority to do so; and

(b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

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~~(4) No trial holes shall be made under this article—~~

(a) in land located within the highway boundary without the consent of the highway authority; or

(b) in a private street without the consent of the street authority.

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~~(5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.~~

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17. Not used¶

## Powers of acquisition

### Compulsory acquisition of land

~~24.—(1) The undertaker may—~~

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(a) acquire compulsorily so much of the land within the permanent limits and described in the book of reference as is required for the authorised project or to facilitate it, or as is incidental to it; and

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(b) use any land so acquired for the purposes authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.

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~~(2) Nothing in paragraph (1) shall authorise the undertaker to acquire compulsorily—~~

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(a) any of the land or interests in land specified in Schedule 10 (land or interests in or rights over land not to be acquired compulsorily) that are held by the party mentioned in the third column of that Schedule; or

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(b) any rights over those lands that are held by that party.

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but the undertaker may acquire by agreement any part of those lands, or any rights over them, and use them, for the purpose referred to in paragraph (1).

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~~(3) This article is subject to article 30 (acquisition of subsoil only), article 32 (rights under or over streets) and article 48 (Crown rights).~~

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Statutory authority to override easements and other rights

~~25.-(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority), notwithstanding that it involves—~~

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(a) an interference with an interest or right to which this article applies; or

(b) a breach of a restriction as to user of land arising by virtue of contract.

~~(2) The undertaker shall pay compensation to any person whose land is injuriously affected by—~~

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(a) an interference with an interest or right to which this article applies; or

(b) a breach of a restriction as to user of land arising by virtue of contract,

authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

~~(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.~~

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~~(4) Subsection (2) of section 10 of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act (compensation in case where no right to claim in nuisance).~~

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~~(5) Any rule or principle applied to the construction of section 10 of the 1965 Act shall be applied to the construction of paragraph (2) (with any necessary modifications).~~

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~~Time limit for exercise of authority to acquire land compulsorily~~

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19. Not used¶

~~26.-(1) After the end of the period of 5 years beginning on the day on which this Order is made—~~

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(a) no notice to treat shall be served under Part 1 of the 1965 Act (which makes provision for compulsory acquisition under the Acquisition of Land Act 1981); and

(b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 29 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)~~(1)~~.

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~~in respect of the acquisition by the undertaker of land for the authorised project under this Order.~~

~~(2) Subject to paragraph (3), the authority conferred by article 33 (temporary use of land for carrying out the authorised project) shall cease at the end of the period referred to in paragraph (1).~~

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~~(3) Paragraph (2) shall not prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.~~

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~~Compulsory acquisition of rights~~

~~27.~~—(1) The undertaker may acquire compulsorily the new rights described in the book of reference and shown on the land plans.

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~~(2)~~ Subject to section 8 of the 1965 Act (~~provisions as to divided land~~), as substituted by article ~~31~~ (acquisition of part of certain properties), where the undertaker acquires an existing right over land under paragraph (1), the undertaker shall not be required to acquire a greater interest in that land.

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~~(3)~~ ~~Schedule 11 (modification of compensation and compulsory purchase enactments for creation of new rights)~~ has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

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Private rights of way

~~28.~~—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

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(a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or

(b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

~~(2)~~ Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes.

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~~(3)~~ Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

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~~(4)~~ Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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~~(5)~~ This article does not apply in relation to any right of way to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article ~~35~~ (~~apparatus and rights of statutory undertakers in land acquired or used~~) applies.

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~~(6)~~ Paragraphs (1) to (3) shall have effect subject to—

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(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land,

(ii) the ~~undertaker's~~ appropriation of it,

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(iii) the ~~undertaker's~~ entry onto it, or

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(iv) the undertaker's taking temporary possession of it,

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that any or all of those paragraphs shall not apply to any right of way specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b)—

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(a) is made with a person in or to whom the right of way is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

### Application of the Compulsory Purchase (Vesting Declarations) Act 1981

29.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981, shall apply as if this Order were a compulsory purchase order.

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(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied, shall have effect with the following modifications.

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(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

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“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

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(a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and

(b) published in a local newspaper circulating in the area in which the land is situated.”

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(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.

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(5) In that section, for subsections (5) and (6) there shall be substituted—

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“(5) For the purposes of this section, a person has a relevant interest in land if—

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(a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or

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(b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”

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(6) In section 5 (earliest date for execution of declaration)—

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(a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and	Deleted: "
(b) subsection (2) shall be omitted.	Deleted: "
(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.	Deleted: "
(8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 shall be construed as references to <u>the 1965 Act</u> as applied by section 125 of the 2008 Act ( <u>application of compulsory acquisition provisions</u> ) to the compulsory acquisition of land under this Order.	Deleted: "( Deleted: )" " Deleted: " Deleted: that
Acquisition of subsoil only	
30.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 24 as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.	Deleted: 24 Deleted: 18 (compulsory acquisition of land)
(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker shall not be required to acquire an interest in any other part of the land.	Deleted: .
(3) Paragraph (2) shall not prevent article 31 from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.	Deleted: . Deleted: 26 (acquisition of part of certain properties)
Acquisition of part of certain properties	
31.—(1) This article shall apply instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—	Deleted: Acquisition of land limited to subsoil lying more than 9 metres beneath surface¶ 25. Not used¶ Deleted: 26
(a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and	Deleted: (" Deleted: ") " Deleted: (" Deleted: ");
(b) a copy of this article is served on the owner with the notice to treat.	
(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).	Deleted: " Deleted: . " Deleted: (" Deleted: ").
(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.	Deleted: " Deleted: . "
(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the <u>Lands Chamber of the Upper Tribunal (“the tribunal”)</u> .	Deleted: " Deleted: . " Deleted: . "
(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—	Deleted: " Deleted: . "



- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

~~(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—~~

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- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

~~(7) If on such a reference the tribunal determines that—~~

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- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

~~(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—~~

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- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

~~(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.~~

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~~(10)~~ Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

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#### Rights under or over streets

~~32.~~—(1) The undertaker may enter on and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil or air-space for those purposes or any other purpose ancillary to the authorised project.

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~~(2)~~ Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

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~~(3)~~ Paragraph (2) shall not apply in relation to—

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(a) any subway or underground building; or

(b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

~~(4)~~ Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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~~(5)~~ Compensation shall not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

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#### Temporary use of land for carrying out authorised project

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~~33.~~—(1) The undertaker may, in connection with the carrying out of the authorised project—

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(a) enter on and take temporary possession of the land specified in columns (1) and (2) of Schedule ~~12~~ (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule;

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(b) remove any buildings and vegetation from that land;

(c) construct temporary works (including the provision of means of access) and buildings on that land; and

(d) construct any works specified in relation to that land in column (3) of Schedule ~~12~~, or any other mitigation works.

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- (2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land. Deleted: Deleted: .
- (3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (4) of Schedule 12 (land of which temporary possession may be taken). Deleted: Deleted: Deleted: 9.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article or restore the land on which any works have been constructed under paragraph (1)(d). Deleted: Deleted: .
- (5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of any power conferred by this article. Deleted: Deleted: Deleted: the provisions of
- (6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act. Deleted: Deleted: Deleted: person's Deleted: .
- (7) Nothing in this article shall affect any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (5). Deleted: Deleted: Deleted: Deleted: .
- (8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertaker shall not be precluded from— Deleted: Deleted: .
- (a) acquiring new rights over any part of that land under article 27 (compulsory acquisition of rights); or Deleted: Deleted: 21
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 30. Deleted: Deleted: 24 (acquisition of subsoil only).
- (9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it. Deleted: Deleted: Deleted: .
- (10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions). Deleted: Deleted: Deleted: .
- (11) Nothing in this article shall prevent the taking of temporary possession more than once in relation to any land specified in Schedule 12. Deleted: Deleted: Deleted: 9

Temporary use of land for maintaining authorised project

~~34.~~—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertaker may—

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(a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and

(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

~~(2)~~ Paragraph (1) shall not authorise the undertaker to take temporary possession of—

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(a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

~~(3)~~ Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

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~~(4)~~ The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.

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~~(5)~~ Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

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~~(6)~~ The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

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~~(7)~~ Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

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~~(8)~~ Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

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~~(9)~~ Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.

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~~(10)~~ Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

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~~(11)~~ In this article "the maintenance period", in relation to any part of the authorised project, means the period of 5 years beginning with the date on which that part of the authorised project is first opened for use.

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Apparatus and rights of statutory undertakers in land acquired or used

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30. Not used¶

35.—(1) Subject to the following provisions of this paragraph and article 37 (recovery of costs of new connection), sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers etc. to remove or re-site apparatus) shall apply in relation to any land acquired under this Order, or which is held by the undertaker and is appropriated or used (or about to be used) by it for the purposes of the Order or for any connected purpose, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential to the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

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(2) In the provisions of the 1990 Act, as applied by paragraph (1), references to the appropriate Minister are references to the Secretary of State.

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Apparatus and rights of statutory undertakers in stopped-up streets

36.—(1) Where a street is stopped up under article 15 (permanent stopping up of streets), any statutory utility whose apparatus is under, in, on, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

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(2) Where a street is stopped up under article 15, any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker shall—

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(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or

(b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker shall pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

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(a) the execution of the relocation works required in consequence of the stopping up of the street; and

(b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

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(a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) shall be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

(a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) shall not apply where the authorised project constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

(a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and

(b) the allowable costs shall be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“apparatus” has the meaning given in Part 3 of the 1991 Act;

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003( ) (interpretation).

Recovery of costs of new connections

37.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 35 any person who is the owner or occupier of premises to which a supply

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Deleted: Recovery of costs of new connections¶ 33

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was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 35, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article shall not have effect in relation to apparatus to which article 36 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

“public communications provider” has the meaning given in section 151(1) of the Communications Act 2003; and

“public utility undertaker” has the meaning given in section 329 of the 1980 Act.

Miscellaneous and general

Suspension of restriction on development of Bridgwater C

38.—(1) The restriction on the use of restricted land imposed in the transfer dated 5th August 1993 made between (1) Sedgemoor District Council (2) EBC Developments Limited and (3) Safeway Stores Plc and enforceable under section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land) shall be suspended—

(a) as from the date of acquisition of the restricted land or any part of it by the undertaker, whether compulsorily or by agreement;

(b) on the date of entry on the restricted land or any part of it by the undertaker under section 11(1) of the 1965 Act (power of entry); or

(c) on appropriation of the restricted land or any part of it by the undertaker for the purposes of this Order,

whichever is the earlier, for so long as the restricted land is used by the undertaker or any other person for the purpose of the construction or use of Work No. 5A or for student accommodation for Bridgwater College and ancillary, subsidiary and related purposes.

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(2) In this article, ~~—~~

“Bridgwater College” means the tertiary college of that name whose main address is Bath Road, Bridgwater, Somerset, TA6 4PZ, ~~and~~

“restricted land” means the parcels of land shown as BRI C 1, BRI C 5, BRI C 6 and BRI C 7 on sheet no. 3 of the land plans.

Application of landlord and tenant law

39.—(1) This article applies to—

(a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and

(b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that ~~person’s~~ use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

(a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

40. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act) in respect of ~~—~~

(a) ~~—~~ the permanent development site;

(b) ~~—~~ land in respect of which Work No. 1A(m) and Work No. 1B (new site access road) ~~are~~ authorised;

(c) ~~—~~ land in respect of which Work No. 1A(q) (emergency access road) is authorised;

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33B.— (1) Clause 4.4 of the North East Bridgwater s106 agreement shall be modified such that the following words are removed: "and prior to the removal of the Existing Playing Fields if the North Playing Fields have not yet been laid out and completed".¶

(2) Clause 4.3 of the North East Bridgwater s106 agreement shall be modified such that the following words are removed: "and prior to the removal of the Existing Playing Fields if the South Playing Fields have not yet been laid out and completed".¶

Agreements relating to Bridgwater Bay Nature Reserve¶

33C.— (1) The agreements dated 12th May 1954 and 17th January 1958 made between The Somerset River Board and The Nature Conservancy pursuant to section 16 of the National Parks and Access to Countryside Act 1949 shall cease to have effect insofar as they relate to the land in respect of which the authorised project is to be carried out.¶

Railway and navigation undertakings¶

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(d) ~~land~~ in respect of which Work No. 8A(1)(a) to (h) (the refurbishment and extension of Combwich Wharf) is authorised; and

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(e) ~~land~~ in respect of which Work No. 8A(2)(c) (existing access road) is authorised.

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~~Felling or lopping of trees~~

~~41.~~—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

Deleted: Deemed consent under section 34 of the Coast Protection Act 1949¶  
37. . Not used¶  
Deemed licence under Part 2 of the Food and Environment Protection Act 1985¶  
38. . Not used¶

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(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or

(b) from constituting a danger to persons using the authorised project.

~~(2) In carrying out any activity authorised by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.~~

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~~(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.~~

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Trees subject to tree preservation orders

~~42.~~—(1) The undertaker may fell or lop any tree described in ~~column (1) of Schedule 13~~, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

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~~(2) In carrying out any activity authorised by paragraph (1)—~~

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(a) the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity; and

(b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.

~~(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.~~

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~~(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.~~

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Certification ~~and construction~~ of plans ~~and documents~~

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~~43.~~—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the ~~Secretary of State~~ copies of—

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(a) the book of reference;

(b) the land plans;

(c) the rights of way plans;

(d) the works plans; and

~~(e) any other plans or documents referred to in this Order (other than enactments, British Standards and other published documents not produced for the purposes of the authorised project),~~

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for certification that they are true copies of the documents referred to in this Order.

~~(2) A plan or document certified under paragraph (1) shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.~~

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~~(3) This paragraph applies where a plan or document certified under paragraph (1)—~~

~~(a) referred to a provision of this Order (including any specified requirement) when it was in draft form; and~~

~~(b) identified that provision by a number, or combination of numbers and letters, which is different from the number, or combination of numbers and letters by which the corresponding provision of this Order is identified in the Order as made.~~

~~(4) Where paragraph (3) applies, the reference in the plan or document concerned shall be construed for the purposes of this Order as referring to the provision (if any) corresponding to that provision in the Order as made, having regard to the Secretary of State's published comparison of the Order as made with the draft (without sequential numbering) dated 31st August 2012.~~

Service of notices

~~44.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—~~

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(a) by post; or

(b) with the consent of the recipient and subject to paragraphs (6) to (9), by electronic transmission.

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~~(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.~~

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~~(3) For the purposes of section 7 of the Interpretation Act 1978( ) (references to service by post) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—~~

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(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

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(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having an interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

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(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Paragraphs (6) to (9) apply where a person (“A”) is required or authorised to serve or send a notice or other document for the purposes of this Order on or to another person (“B”).

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(6) A may serve or sending the notice or other document by electronic transmission if—

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(a) B has sent A notice that B agrees to receive that notice or document (or notices and documents of a description including that notice or document) by electronic transmission;

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(b) B has not subsequently withdrawn that agreement in accordance with paragraph (8); and

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(c) A complies with any conditions as to addressing or mode of transmission that B has specified in agreeing to receive notices or other documents by electronic transmission.

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(7) If B notifies A within 7 days of receiving a notice or other document by electronic transmission that B requires a paper copy of all or any part of the notice or other document, A must provide B with such a copy as soon as reasonably practicable.

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(8) B may withdraw agreement to receive a notice or document (or notices or documents of a specified description) by electronic transmission by sending a notice to that effect to A.

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(9) Notice under paragraph (8) is final and takes effect on a date specified by B in the notice but that date must not be less than 7 days after the date on which the notice is given.

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(10) This article does not exclude the employment of any method of service not expressly provided for by it.

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(11) In this article “electronic transmission” means a communication transmitted—

Deleted: given by a person may be revoked by that person in accordance with paragraph (8).¶  
(8) . Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—¶  
(a) that person must give notice in writing or

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form.

#### Arbitration

45. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institute of Civil Engineers.

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#### Procedure in relation to certain approvals etc.

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~~46.—(1) Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of the Order such consent, agreement or approval shall, if given, be given in writing and shall not be unreasonably withheld.~~

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~~(2) Schedule 14 shall have effect in relation to all agreements or approvals granted, refused or withheld in relation to requirements.~~

**Deleted:** (2) Save for applications made pursuant to Schedule 14, if, within 28 days after the application or request has been submitted to the authority or owner, it has not notified the undertaker of its disapproval and the grounds of disapproval, it shall be deemed to have approved the application or request.¶  
(3)

For the protection of the Environment Agency (Part 1)

~~47.—(1) Section 23(6) of the Land Drainage Act 1991 ( ) (prohibition on obstructions etc. in watercourses) shall not apply to the construction of the authorised project.~~

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(2) Any requirement for consent under the terms of the Water Resources Act 1991, the Land Drainage Act 1991 or the Wessex Water Authority Land Drainage Byelaws, shall not be removed by the authorisation of the authorised project by this Order.

**Deleted:** Duration of the temporary jetty powers and closure of the harbour¶  
42A. Not used.¶

(3) Schedule 15 shall have effect.

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### Crown rights

~~48.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee—~~

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~~(a) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—~~

~~(i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;~~

~~(ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the Government Department having the management of that land; or~~

~~(iii) belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department without the consent in writing of that Government Department; or~~

~~(b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority.~~

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~~(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.~~

**Deleted:** Procedure for discharge of requirements¶  
43. Not used.¶  
¶

## PART 2

### Provisions relating to temporary jetty works

Preliminary

**Deleted:** PROVISIONS RELATING TO TEMPORARY JETTY WORKS¶ Preliminary

Interpretation of Part 2

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49. In this Part—

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“the 1845 Act” means the Bridgwater Navigation and Quays Act 1845( );

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847( );

“area of seaward construction activity” means the area of the sea within the Order limits shown on the works plan;

“Bridgwater Harbour Authority” means Sedgemoor District Council in its capacity under the 1845 Act as the harbour authority for the Port of Bridgwater;

**Deleted:** “the 1845 Act” means the Bridgwater Navigation and Quays Act 1845( );

**Deleted:** “the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847( ); ¶  
“area of seaward construction activity” means the area of the sea within the Order limits shown on the works plan; ¶  
“Bridgwater Harbour Authority” means Sedgemoor District Council in its capacity under the 1845 Act as the harbour authority for the Port of Bridgwater;

“general direction” means a direction given by the undertaker under article 72 (general directions to vessels);

“harbour” means the harbour as comprised within the harbour limits to be constructed by the undertaker in pursuance of the powers conferred on it by this Order, and all other works, land, buildings, ancillary works, plant, property and conveniences connected with it, as from time to time existing within the harbour limits;

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“harbour limits” means the limits of the harbour, as specified in article 58;

“harbour master” means the person appointed as such by the undertaker and includes that person’s deputies and assistants and any other person for the time being authorised by the undertaker to act, either generally or for a specific purpose, in the capacity of harbour master;

“Harbour Master for the Port of Bridgwater” means the person appointed by Bridgwater Harbour Authority to carry out the functions of a water bailiff under section 50 of the 1845 Act and known as the Harbour Master for the Port of Bridgwater;

“the harbour undertaking” means the harbour undertaking of the undertaker as authorised from time to time;

“level of high water” means the level of mean high-water springs;

“level of low water” means the level of mean low water neaps;

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

“ordnance datum” means the datum line or mean sea level to which all heights are referred in the Ordnance Survey;

“Port of Bridgwater” means the port known as the Port of Bridgwater comprised within the area defined as the Navigation in section 101 of the 1845 Act;

**Deleted:** “harbour master” means the person appointed as such by the undertaker and includes that person’s deputies and assistants and any other person for the time being authorised by the undertaker to act, either generally or for a specific purpose, in the capacity of harbour master;

**Deleted:** “Harbour Master for the Port of Bridgwater” means the person appointed by Bridgwater Harbour Authority to carry out the functions of a water bailiff under section 50 of the 1845 Act and known as the Harbour Master for the Port of Bridgwater;

**Deleted:** “the harbour undertaking” means the harbour undertaking of the undertaker as authorised from time to time;

**Deleted:** “level of high water” means the level of mean high-water springs; ¶  
“level of low water” means the level of mean low water neaps;

“special direction” means a direction given by the harbour master under article 73 (special directions to vessels);

“temporary jetty” means Work Nos. TJ1, TJ2 and TJ3;

**Deleted:** “master” in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

“temporary jetty harbour empowerment order” means the Hinkley Point Harbour Empowerment Order 2012( );

**Deleted:** “material operation” has the meaning given by section 56(4) of the 1990 Act; ¶  
“ordnance datum” means the datum line or mean sea level to which all heights are referred to; [29]

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

**Deleted:** “Port of Bridgwater” means the port known as the Port of Bridgwater comprised within the area defined as the Navigation in section 101 of the 1845 Act; [30]

“Trinity House” means the Corporation of Trinity House of Deptford Strond; and

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“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water.

**Deleted:** “temporary jetty” means Work Nos. TJ1, TJ2 and TJ3;

## Commencement of Part 2

**Deleted:** The

**Deleted:** ;

50.—(1) Subject to paragraph (4), this Part, except for this article and article 49, shall not have effect until—

**Deleted:** “tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water; [31]

**Deleted:** “vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water; [32]

(a) the date on which a notice is served under this article by the undertaker on West Somerset District Council and the Marine Management Organisation; or

**Deleted:** (2) Any reference in this Part of this Order to a work identified by the letters a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z, aa, ab, ac, ad, ae, af, ag, ah, ai, aj, ak, al, am, an, ao, ap, aq, ar, as, at, au, av, aw, ax, ay, az, ba, bb, bc, bd, be, bf, bg, bh, bi, bj, bk, bl, bm, bn, bo, bp, bq, br, bs, bt, bu, bv, bw, bx, by, bz, ca, cb, cc, cd, ce, cf, cg, ch, ci, cj, ck, cl, cm, cn, co, cp, cq, cr, cs, ct, cu, cv, cw, cx, cy, cz, da, db, dc, dd, de, df, dg, dh, di, dj, dk, dl, dm, dn, do, dp, dq, dr, ds, dt, du, dv, dw, dx, dy, dz, ea, eb, ec, ed, ee, ef, eg, eh, ei, ej, ek, el, em, en, eo, ep, eq, er, es, et, eu, ev, ew, ex, ey, ez, fa, fb, fc, fd, fe, ff, fg, fh, fi, fj, fk, fl, fm, fn, fo, fp, fq, fr, fs, ft, fu, fv, fw, fx, fy, fz, ga, gb, gc, gd, ge, gf, gg, gh, gi, gj, gk, gl, gm, gn, go, gp, gq, gr, gs, gt, gu, gv, gw, gx, gy, gz, ha, hb, hc, hd, he, hf, hg, hh, hi, hj, hk, hl, hm, hn, ho, hp, hq, hr, hs, ht, hu, hv, hw, hx, hy, hz, ia, ib, ic, id, ie, if, ig, ih, ii, ij, ik, il, im, in, io, ip, iq, ir, is, it, iu, iv, iw, ix, iy, iz, ja, jb, jc, jd, je, jf, jg, jh, ji, jj, jk, jl, jm, jn, jo, jp, jq, jr, js, jt, ju, jv, jw, jx, jy, jz, ka, kb, kc, kd, ke, kf, kg, kh, ki, kj, kk, kl, km, kn, ko, kp, kq, kr, ks, kt, ku, kv, kw, kx, ky, kz, la, lb, lc, ld, le, lf, lg, lh, li, lj, lk, ll, lm, ln, lo, lp, lq, lr, ls, lt, lu, lv, lw, lx, ly, lz, ma, mb, mc, md, me, mf, mg, mh, mi, mj, mk, ml, mm, mn, mo, mp, mq, mr, ms, mt, mu, mv, mw, mx, my, mz, na, nb, nc, nd, ne, nf, ng, nh, ni, nj, nk, nl, nm, nn, no, np, nq, nr, ns, nt, nu, nv, nw, nx, ny, nz, oa, ob, oc, od, oe, of, og, oh, oi, oj, ok, ol, om, on, oo, op, oq, or, os, ot, ou, ov, ow, ox, oy, oz, pa, pb, pc, pd, pe, pf, pg, ph, pi, pj, pk, pl, pm, pn, po, pp, pq, pr, ps, pt, pu, pv, pw, px, py, pz, qa, qb, qc, qd, qe, qf, qg, qh, qi, qj, qk, ql, qm, qn, qo, qp, qq, qr, qs, qt, qu, qv, qw, qx, qy, qz, ra, rb, rc, rd, re, rf, rg, rh, ri, rj, rk, rl, rm, rn, ro, rp, rq, rr, rs, rt, ru, rv, rw, rx, ry, rz, sa, sb, sc, sd, se, sf, sg, sh, si, sj, sk, sl, sm, sn, so, sp, sq, sr, ss, st, su, sv, sw, sx, sy, sz, ta, tb, tc, td, te, tf, tg, th, ti, tj, tk, tl, tm, tn, to, tp, tq, tr, ts, tt, tu, tv, tw, tx, ty, tz, ua, ub, uc, ud, ue, uf, ug, uh, ui, uj, uk, ul, um, un, uo, up, uq, ur, us, ut, uu, uv, uw, ux, uy, uz, va, vb, vc, vd, ve, vf, vg, vh, vi, vj, vk, vl, vm, vn, vo, vp, vq, vr, vs, vt, vu, vv, vw, vx, vy, vz, wa, wb, wc, wd, we, wf, wg, wh, wi, wj, wk, wl, wm, wn, wo, wp, wq, wr, ws, wt, wu, wv, ww, wx, wy, wz, xa, xb, xc, xd, xe, xf, xg, xh, xi, xj, xk, xl, xm, xn, xo, xp, xq, xr, xs, xt, xu, xv, xw, xx, xy, xz, ya, yb, yc, yd, ye, yf, yg, yh, yi, yj, yk, yl, ym, yn, yo, yp, yq, yr, ys, yt, yu, yv, yw, yx, yy, yz, za, zb, zc, zd, ze, zf, zg, zh, zi, zj, zk, zl, zm, zn, zo, zp, zq, zr, zs, zt, zu, zv, zw, zx, zy, zz

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(b) one year from the relevant date,

whichever is earlier.

(2) In paragraph (1) “the relevant date” means—

(a) the date on which this Order comes into force; or

(b) where the making of this Order becomes the subject of any statutory challenge proceedings or judicial review proceedings, the date on which any such proceedings have been finally determined,

whichever is later.

(3) For the purposes of this article—

(a) statutory challenge proceedings are finally determined—

(i) when the court has given judgement in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or

(ii) when any appeal is finally determined; and

(b) proceedings by way of judicial review are finally determined—

(i) when permission to bring a claim for judicial review has been refused and no further application can be made;

(ii) when the court has given judgment in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or

(iii) when any appeal is finally determined.

(4) In the event that the temporary jetty harbour empowerment order is quashed, this Part shall have immediate effect.

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Deleted: (2) In paragraph (1) “the relevant date” means—

Deleted: (a) the date on which this Order comes into force; or

Deleted: (b) where this Order becomes the subject of any statutory challenge proceedings or judicial review proceedings, the date on which any such proceedings have been finally determined,

Deleted: whichever is later.

Deleted: (3) For the purposes of this article—

Deleted: (a) statutory challenge proceedings are finally determined—

Deleted: (i) when the court has given judgement in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or

Deleted: (ii) when any appeal is finally determined; and

**Deleted:** (b) . proceedings by way of judicial review are finally determined—

**Deleted:** (i) . when permission to bring a claim for judicial review has been refused and no further application can be made; ¶  
(ii) . when the court has given judgment in the matter and the time for making an appeal expires without an appeal having been made or a permission to appeal is refused; or

**Deleted:** (iii) . when any appeal is finally determined.

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(4) In the event that the temporary jetty harbour empowerment order is quashed, this Part shall have immediate effect.

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**Deleted:** Save in respect of article 100B (saving for termination of Part 2) this Part shall cease to have effect on the termination date.¶

(2) In this article and in article 100B (saving for terminat ... [34]

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**Deleted:** of

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**Deleted:** pursuant to th ... [39]

**Deleted:**

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**Deleted:** (6) The HEO ... [40]

### Duration of temporary jetty powers

51.—(1) After the closure date determined in accordance with article 82 (closure of the jetty and reinstatement) and the completion of the works required by that article, the undertaker shall appoint by resolution a date on which this Part shall cease to have effect.

(2) Except as provided in article 83 (saving for termination of Part 2) this Part shall cease to have effect on that date.

(3) Before appointing a date under paragraph (1), and not less than 28 days before the date proposed to be appointed, the undertaker must publish in Lloyd's List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the undertaker appointing that date.

### Effect of Order on temporary jetty harbour empowerment order

52.—(1) The undertaker shall continue to exercise jurisdiction as the harbour authority, and the powers of the harbour master shall continue to be exercisable, only in respect of so much of the harbour constituted by the temporary jetty harbour empowerment order as lies within the harbour limits.

(2) The provisions of this Part shall apply instead of the provisions of the temporary jetty harbour empowerment order.

(3) The temporary jetty harbour empowerment order shall cease to have effect and, in particular—

(a) the undertaker shall cease to exercise any of the powers conferred by article 4 (power to construct works) or 7 (subsidiary works) of the temporary jetty harbour empowerment order; and

(b) all conditions imposed by the temporary jetty harbour empowerment order shall cease to be enforceable.

(4) Any development carried out under any of the powers conferred by article 4 or 7 of the temporary jetty harbour empowerment order which does not comply with the requirements may be subject to enforcement action as if it had been carried out under this Order.

(5) Any byelaw made, direction given or other thing done under, or for the purposes of, a provision of the temporary jetty harbour empowerment order shall continue to have effect as if it had been made, given or done under, or for the purposes of, the corresponding provision of this Order.

(6) In the event that the temporary jetty harbour empowerment order is quashed—



(a) paragraphs (1) to ~~(5)~~ shall cease to have effect; and

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(b) paragraph 46 of the First Schedule of the agreement between NNB Generation Company Limited and West Somerset District Council dated 2nd December 2011, and known as the HEO bilateral agreement shall be abrogated in its entirety.

Deleted: HEO bilateral agreement shall be abrogated in its entirety.¶  
(8) In this article—¶  
“the HEO bilateral agreement” means the

Incorporation of the Harbours, Docks and Piers Clauses Act 1847

Deleted: ;

53.—(1) With the exception of sections 4, 6 to 23, 25, 27, 31, 32, 33, 36, 40 to 50, 52, 53, 59, 60 to 63, 66 to 71, 79 to 90, 92 and 97 to 102, the 1847 Act is incorporated in this Order subject to the modifications stated in paragraphs (2) and (3).

Deleted: “the HEO supplemental agreement” means the agreement between NNB Generation Company Limited and West Somerset District Council dated 21 March 2012;¶  
“the jetty reinstatement works” has the meaning given by clause 1.1 of the HEO supplemental agreement; and¶  
“the site preparation reinstatement works” has the meaning given by paragraph 1.1 of the First Schedule to the HEO supplemental agreement.¶  
Incorporation of the Harbours, Docks and Piers Clauses Act 1847

(2) Section 34 (collector may enter vessels to ascertain rates payable) shall have effect subject to the insertion after the word “may” of the words “(on production if so required, of a duly authenticated document showing his authority)”.

(3) In construing the 1847 Act as so incorporated—

(a) the expression “the special Act” means this Order;

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(b) the expressions “the Promoters of the undertaking” and “the undertakers” mean the undertaker;

Deleted: and

(c) the expression “the harbour, dock or pier” means the harbour;

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(d) the expressions “limits” and “prescribed limits” mean the harbour limits;

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(e) the expression “near the pier” does not extend beyond the harbour limits;

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(f) the expression “the harbour master”, in relation to the harbour, has the meaning given by article 49(1)(interpretation of Part 2); and

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(g) the definition of “vessel” in article 49(1) shall be substituted for the definition in section 3 of the 1847 Act (interpretation).

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(4) All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated within this Order may be recovered summarily.

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Principal powers

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Development consent etc. for temporary jetty works

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Deleted: (c) . the expression “the harbour, dock or pier” means the harbour;

Deleted: (d) . the expressions “limits” and “prescribed limits” mean the harbour limits;

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Deleted: (4) All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated within this Order may be recovered summarily.

Deleted: Principal powers

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54.—(1) Subject to the requirements and the other provisions of this Order, the undertaker is granted development consent for so much of the temporary jetty works as are development within the meaning of section 32 of the 2008 Act.

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**Deleted:** and to the requirements in Schedule 11 (requirements) attached to this Order

(2) Subject to article 55 (power to deviate), Work Nos. TJ1, TJ2 and TJ3 shall be carried out in the lines and situations shown on sheet nos. 7, 8 and 9, and in accordance with the levels shown on sheet no. 10.

**Deleted:** — ¶  
(a) :  
**Deleted:** and the temporary jetty demolition works

(3) The undertaker may, for the purposes of the temporary jetty works authorised by paragraph (1), remove any vegetation or other objects or materials lying within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on the works plans.

**Deleted:** ; and  
**Deleted:** (b) consent for the remainder of the temporary jetty works.¶

Power to deviate

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55.—(1) In carrying out Work Nos. TJ1, TJ2 and TJ3, the undertaker may deviate vertically from the levels of the works as shown on the sections shown on the works plans to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

**Deleted:** , subject to article 46A (power to deviate),

(2) In carrying out Work Nos. TJ1 and TJ2, the undertaker may deviate laterally from the lines or situations shown on the works plan to any extent not exceeding 5 metres in any direction.

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(3) In carrying out Work No. TJ3, the undertaker may—

**Deleted:** Works

(a) as respects so much of the work as lies between the commencement of the work and the line showing mean high water on sheet no. 9, deviate laterally from the lines or situations shown on the works plan to any extent not exceeding the limits of deviation shown on sheet no. 9; and

**Deleted:** Power to deviate

(b) as respects so much of the work as lies between the line showing mean high water on sheet no. 9 and the termination of the work, deviate laterally from the lines or situations shown on sheet no. 9 to any extent not exceeding 5 metres in any direction.

**Deleted:** 46.A—(1) In carrying out Work Nos. TJ1, TJ2 and TJ3, the undertaker may deviate vertically from the levels of the works as shown on the sections shown on the works plans to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

Further powers as to works and extinguishment of rights

**Deleted:** (2) In carrying out Works Nos. TJ1 and TJ2, the undertaker may deviate laterally from the lines or situations shown on the works plan to any extent not exceeding 5 metres in any direction.

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**Deleted:** (3) In carrying out Work No. TJ3, the undertaker may—

**Deleted:** (a) as respects so much of the work as lies between the commencement of the work and the line showing mean high water on sheet no. 9, deviate laterally from the lines or situations shown on the ( ... [41]

**Deleted:** (b) as respects so much of the work as lies ( ... [42]

**Deleted:** Further powers as to works and extinguishment ( ... [43]

56.—(1) The undertaker may, in connection with the construction of the temporary jetty works—

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(a) enclose or reclaim from the foreshore and bed of the sea; and

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(b) hold and use as part of Work No. TJ1.

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so much of the foreshore and bed of the sea as is situated within the limits of deviation and is required for, or in connection with, the construction of those works.

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(2) As soon as the undertaker exercises the powers under paragraph (1), any right of navigation or other public rights over the part of the sea and the foreshore in respect of which it exercises those powers shall be extinguished.

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#### Period for completion of works and termination of works powers

57.—(1) If the temporary jetty works are not completed within ten years from the coming into force of this Order or such extended period as the Secretary of State may on the application of the undertaker allow, then on the expiration of that period or such extended time (as the case may be) the rights granted to the undertaker by this Order for constructing and operating the works shall cease to have effect except in relation to so much of the works as have by then been commenced by the carrying out of a material operation within the meaning of section 56(4) of the 1990 Act.

Deleted: Period for completion of works and termination of works powers

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(2) Nothing in paragraph (1) shall apply to any works carried out under article 59 (maintenance of temporary jetty works) or article 60 (subsidiary works).

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(3) Notwithstanding paragraphs (1) and (2), on the closure date determined in accordance with article 82 any powers conferred on the undertaker still existing for constructing, maintaining and operating the temporary jetty shall cease to have effect, except in so far as required for the implementation of that article and the application of the requirements relating to that article.

#### Limits of harbour

58.—(1) The limits of the harbour within which the undertaker shall exercise jurisdiction as the harbour authority and within which the powers of the harbour master shall be exercisable shall be the seaward and the landward areas described in Schedule 16 (limits of harbour), the seaward area of which is shown, for the purpose of identification only, edged by a green broken line referred to as the temporary jetty seaward harbour limits on sheet no. 6.

Deleted: under article 100A (Closure of the jetty and reinstatement) any powers conferred on the undertaker still existing for constructing, maintaining and operating the temporary jetty shall cease to have effect, except in so far as required for the implementation of that article and the application of the requirements relating to that article.

Deleted: Limits of harbour

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(2) In the event that there is any discrepancy between the description of the seaward area in Schedule 16 and the area shown on sheet no. 6, the description shall prevail.

Deleted: 6 and in the following provisions of this Order, references to the limits of the harbour shall be construed as references to the limits so described.

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#### Maintenance of temporary jetty works

59. The undertaker may at any time maintain the temporary jetty works and from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently a work described in Part 2 of Schedule 1 (temporary jetty works) within the limits of deviation provided for that work under

Deleted: Maintenance of temporary jetty works

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article ~~55~~ and may maintain and operate that work as altered, enlarged, replaced, relayed, extended or reconstructed, except to the extent that this Order provides otherwise.

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### Subsidiary works

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~~60~~—(1) Subject to paragraph (3), the undertaker may from time to time within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on sheet nos. 7 to 9 provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction or maintenance of or the operation of the temporary jetty, and for this purpose the undertaker may construct, maintain and operate roads, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, container handling equipment, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, catwalks, equipment, machinery and appliances and such other works and conveniences (including levelling, raising and lowering of surfaces) as may be necessary or expedient.

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(2) Subject to paragraph (3), the undertaker may within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on sheet nos. 7 to 9 carry out, maintain and operate such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the temporary jetty works including—

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(a) works for the accommodation or convenience of vessels (including dolphins, mooring posts, buoys and pontoons) or for the loading and unloading of goods and the embarking and landing of personnel; and

(b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations and electrical lines.

Deleted: (a) . works for the accommodation or convenience of vessels (including dolphins, mooring posts, buoys and pontoons) or for the loading and unloading of goods and the embarking and landing of personnel; and ¶  
(b) . works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations and electrical lines.

(3) Electrical works, mechanical works or equipment constructed, maintained or used pursuant to the powers conferred by this article, shall be so constructed, maintained or used, that any electricity generated, conveyed or used by, in or in connection with them does not cause interference (whether by induction or otherwise) with any telecommunications apparatus or with telecommunication by means of such apparatus.

### Obstruction of work

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~~61~~. Any person who—

(a) intentionally obstructs any person acting under the authority of the undertaker in setting out the lines of, or in constructing, the temporary jetty works; or

(b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Deleted:** (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

**Deleted:** shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Supplemental powers

**Deleted:** Benefit of Order¶  
51. Not used: Included in article 4 of Part 1.¶  
Consent to transfer benefit of Order¶  
52. Not used: Included in article 5 of Part 1.¶  
Streets ¶  
Street works¶  
53. Not used: Not in HEO.  
Included in article 8 of Part 1.¶  
Stopping up of streets¶  
54. Not used: Not in HEO.  
Included in article 9 of Part 1.¶  
Temporary stopping up of streets¶  
55. Not used: Not in HEO.  
Included in article 11 of Part 1.¶  
Access to works¶  
56. Not used: Not in HEO as such (though see Work No. 7).  
Included in article 12 of Part 1.¶  
Agreements with street authorities

Right to dredge

62

—(1) The undertaker may, for the purposes of constructing, maintaining and operating the temporary jetty works and of affording access to the temporary jetty works by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels of Bridgwater Bay as lie within the harbour limits and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part 9 of the Merchant Shipping Act 1995 (( ) (salvage and wreck)) from time to time dredged by them.

**Deleted:** 57. Not used: Not in HEO. Included in article 13 of Part 1.¶  
Public footpaths¶  
58. Not used. ¶

(2) No such materials shall be laid down or deposited—

(a) in contravention of the provisions of any enactment as respects the disposal of waste; or

(b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Marine Management Organisation.

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**Deleted:** Discharge of water¶  
59. Not used: Not in HEO.  
Included in article 14 of P... [44]

Abatement of works abandoned or decayed

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63.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the undertaker at its own expense either to repair and restore that work or any part, or to remove that work and restore the site to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

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(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion of it, in any notice under this article.

**Deleted:** (b) in any place below the level of high water otherwise than in such p( ... [46]  
**Deleted:** Tidal works not to be executed without approval of Secretary of State¶ ... [47]

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**Deleted:** (2) Where a work consisting partly of a tidal work and partly of works on or ... [48]

(3) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice, the Secretary of State may take whatever steps the Secretary of State considers appropriate to achieve the result required by the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the undertaker.

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Survey of tidal works

64. If the Secretary of State considers it expedient to do so, the Secretary of State may order a survey and examination of a tidal work or of the site on which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the undertaker.

Lights on tidal works etc. during construction

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65. The undertaker shall at or near—

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(a) any tidal work, including any temporary work; or

Deleted: Lights on tidal works etc. during construction

(b) any plant, equipment or other obstruction placed, in connection with any authorised development or any work authorised by article 60 (subsidiary works), within the area of seaward construction activity,

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during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying of such work or development, exhibit every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

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Provision against danger to navigation

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66. In case of damage to, or destruction or decay of, a tidal work or any part of it, the undertaker shall as soon as reasonably practicable notify Trinity House and Bridgwater Harbour Authority and shall lay down such buoys, exhibit such lights, and take such other steps for preventing danger to navigation, as Trinity House may from time to time direct.

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Permanent lights on tidal works

Deleted: Permanent lights on tidal works

67. After the completion of a tidal work the undertaker shall at the outer extremity of it exhibit every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

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Rights to lease etc.

68.—(1) The undertaker may at any time lease or grant for the purposes of the harbour undertaking the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour undertaking for such period or periods and on such terms and conditions as may be agreed between the undertaker and the person taking the same.

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(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the undertaker other than those specified in subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964, (object for whose achievement harbour revision orders may be made).

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(3) A person—

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(a) exercising powers conferred by this Order; or

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(b) carrying out any development under planning permission granted by article 3 (permitted development) of, and Part 17 of Schedule 2 (development by statutory undertakers) to, the 1995 Order,

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in pursuance of a lease or grant under paragraph (1) (“the lessee or grantee”) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order or by virtue of any agreement or undertaking by the undertaker if those powers were exercised, or the development carried out, by the undertaker.

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(4) The provisions of this Order or of any such agreement or undertaking shall, as respects any such exercise of powers or carrying out of development by the lessee or grantee, have effect (where the context so permits) as if any reference in those provisions to the undertaker included a reference to the lessee or the grantee, as the case may be.

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Harbour Regulations

Byelaws

69.—(1) The undertaker may from time to time make byelaws for the efficient management and regulation of the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

(a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour;

(b) regulating the admission to, the movement within, and the departure from, the harbour of vessels, or the removal of vessels;

(c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;

(d) regulating the berthing and mooring of vessels within the harbour;

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- (e) preventing damage or injury to any goods, vehicles, plant, machinery, property or person within the harbour;
- (f) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties;
- (g) regulating the placing and maintenance of moorings within the harbour;
- (h) preventing and removing obstructions or impediments within the harbour;
- (i) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft and other small craft;
- (j) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
- (k) regulating the launching of vessels within the harbour;
- (l) prohibiting persons in or entering the harbour, or any part of the harbour, from smoking in open spaces in the harbour;
- (m) regulating the movement and parking of vehicles within the harbour;
- (n) regulating the exercise of the powers vested in the harbour master;
- (o) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour

**Deleted:** (4) In this article "permitted development rights" means the planning permission granted by article 3 of, and Part 17 of Schedule 2 to, the 1995 Order.¶  
Powers of acquisition¶  
Compulsory acquisition of land¶  
71. Not used: Included as article 18 of Part 1.¶  
Compulsory acquisition of land — incorporation of the mineral code¶  
72. Not used: Included as article 19 of Part 1.¶  
Time limit for exercise of authority to acquire land compulsorily¶  
73. Not used: Included as article 20 of Part 1.¶  
Compulsory acquisition of rights¶  
74. Not used. Included as article 21 of Part 1.¶  
Private rights of way¶  
75. Not used: Included as article 22 of Part 1.¶  
Application of the Compulsory Purchase (Vesting Declarations) Act 1981¶  
76. Not used: Included as article 23 of Part 1.¶  
Acquisition of subsoil only¶  
77. Not used: Included as article 24 of Part 1.¶ ... [49]

**Deleted:** 86. Not used: Included as article 33 of Part 1.¶  
Harbour Regulations

**Deleted:** Byelaws

**Deleted:** 86A—(1) The undertaker may from time to time make byelaws for the efficient management and regulation of the harbour.

**Deleted:** (2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

**Deleted:** (a) . regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, work ... [50]

**Deleted:** (b) . regulating the admission to, the movement within, and the departure from, the harbour of vessels, or the removal of vessels;

**Deleted:** (c) . regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;

**Deleted:** (d) . regulating the berthing and mooring of vessels within the harbour;

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master, and for authorising the harbour master to take such action as may be reasonably required in default of compliance with any such condition, control or direction.

(3) Byelaws made under this article may—

(a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given under them, fines not exceeding level 3 on the standard scale;

(b) relate to the whole of the harbour or to any part of the harbour;

(c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles.

(4) Before making any byelaw to regulate vessels using the harbour, the undertaker shall first obtain approval from the Secretary of State for Defence.

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Confirmation of byelaws

70.—(1) Byelaws made by the undertaker under this Order shall not come into operation until they have been confirmed by the Secretary of State.

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(2) At least one month before an application for confirmation of byelaws is made by the undertaker to the Secretary of State, notice of the intention to apply for confirmation and of the place at which and times during which a copy of the byelaws shall be open to inspection shall be published as follows—

(a) once in the London Gazette; and

(b) once in each of two successive weeks in a local newspaper circulating in the district of West Somerset.

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(3) Not later than the first date on which the notice under paragraph (2) is published, the undertaker shall send a copy of the notice to the Chief Executive Officer of West Somerset District Council, to the Harbour Master for the Port of Bridgwater and to the Secretary of State.

(4) During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws shall be kept by the undertaker at the office of the harbour master and shall at reasonable hours be open to public inspection without payment.

(5) The undertaker shall supply a copy of the byelaws or of part of the byelaws to a person who applies for it on payment of a reasonable charge.

(6) During the period of one month after completion of the publication of any notice required by paragraph (2), any person may make in writing to the Secretary of State any objection to or representation respecting the byelaws to which the notice relates.

(7) Subject to paragraph (8), the Secretary of State may confirm the byelaws in the form submitted to the Secretary of State with such modifications as the Secretary of State thinks fit or may refuse to confirm them.

(8) Where the Secretary of State proposes to make a modification that appears to the Secretary of State to be substantial the Secretary of State shall inform the undertaker and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification, and the Secretary of State shall not confirm the byelaws until such period has elapsed as the Secretary of State thinks reasonable for consideration of, and comment upon, the proposed modification by the undertaker and by other persons who have been informed of it.

(9) A copy of the byelaws when confirmed shall be printed and deposited by the undertaker at the office of the harbour master and shall at all reasonable hours be open to public inspection without payment, and a copy of the byelaws shall on application be furnished to any person on payment of such reasonable sum as the undertaker may determine.

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#### General directions to vessels

71.—(1) Subject to paragraph (4), the undertaker may give directions, or revoke or amend directions that it has previously given, for the purpose of—

Deleted: 86C—(1) The undertaker may, after consultation with the Secretary of State for Defence, Bridgwater Harbour Authority, the Chamber of Shipping and the Royal Yachting Association in each case of an exercise of the powers, give directions for any of the following purposes— ¶

(a) designating areas, routes or channels in the harbour and the approaches to the harbour which vessels are to use, or refrain from using, for movement or mooring;

(b) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master to identify the vessel, its cargo and its likely time of arrival at and departure from the harbour.

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(2) Directions given under paragraph (1) may apply—

(a) to all vessels or to a class of vessels designated in the direction;

(b) to the whole of the harbour and the approaches and channels leading to the harbour, or to a part designated in the direction; and

(c) at all times or at times designated in the direction,

and every direction given under this article shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) Any direction given by the undertaker under this article shall not apply in relation to any part of the Port of Bridgwater.

(4) Before giving a direction, or revoking or amending a direction previously given, under paragraph (1), the undertaker shall consult the Secretary of State for Defence, Bridgwater Harbour Authority, the Royal Yachting Association and the Chamber of Shipping (that is, the trade association for the United Kingdom shipping industry incorporated under that name as a company limited by guarantee).

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Deleted: may, after consultation with

Deleted: Chamber of Shipping and the

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#### Publication of general directions

72.—(1) Notice of the giving of a general direction or of any amendment or revocation of a general direction shall, except in case of emergency, be published by the undertaker as soon as practicable once in Lloyd's List newspaper or some other newspaper specialising in shipping news; and, if the

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notice relates to the giving or amendment of a direction, the notice shall state a place at which copies of the direction or the amended direction (as the case may be) may be inspected and bought, and the price of the direction or amended direction (as the case may be).

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the undertaker considers appropriate.

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Special directions to vessels

~~73.—~~(1) The harbour master may give a special direction under this article—

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- (a) requiring any vessel anywhere within the harbour or the approaches to the harbour to comply with a requirement made in or under a general direction;
- (b) regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour;
- (c) for securing that vessels move only at certain times or during certain periods;
- (d) prohibiting the mooring of vessels in any particular part or parts of the harbour;
- (e) regulating or requiring the movement, mooring or unmooring of a vessel; and
- (f) regulating the manner in which within the harbour a vessel takes in or discharges (from ship to shore or shore to ship) personnel, cargo, fuel, water, ship's stores or ballast in the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) Any special direction given by the harbour master under this article shall not apply in relation to any part of the Port of Bridgwater.

(4) The harbour master may revoke or amend a special direction.

Master's responsibility to be unaffected

~~74.~~ The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

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Failure to comply with directions

~~75.~~ The master of a vessel who fails without reasonable excuse to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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Enforcement of special directions

~~76.—~~(1) Without prejudice to any other remedy available to the undertaker, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons

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on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master shall not do so unless, after reasonable inquiry has been made, the master of the vessel cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the undertaker from the owner of the vessel as if they were a charge of the undertaker in respect of the vessel.

#### Charges

77.—(1) The undertaker may levy charges for any services performed by it in the exercise and performance of its statutory powers and duties at the harbour.

(2) The undertaker may confer total or partial exemption from, allow rebates to or make compositions with any person with respect to, charges and may vary or extinguish any such exemption, rebate or composition.

(3) In this article “charges” means any charges other than ship, passenger and goods dues.

#### Miscellaneous and general

#### Use of temporary jetty

78. The undertaker shall only use the temporary jetty for the purposes of, or in connection with, the construction of nuclear energy related facilities at Hinkley Point C, Somerset.

#### Saving for Trinity House

79. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

#### Application and termination of permitted development rights

80.—(1) Article 3 of, and Class B of Part 17 of Schedule 2 to, the 1995 Order (which permit certain development carried out by harbour authorities) shall not permit the undertaker to carry out any of the kinds of development specified in Class B.1 of Part 17, even if they are wholly within the limits of a dock, pier or harbour.

(2) Article 3 of the 1995 Order shall not permit the undertaker to carry out the development described in Class D of Part 17 of Schedule 2 to the 1995 Order (use of land by statutory undertakers for the spreading of dredged material).

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Deleted: Deemed consent under section 66 of the Marine and Coastal Access Act 2009¶  
87. Not used. ¶  
Deemed licence under Part 2 of the Food and Environment Protection Act 1985¶  
88. Not used: Unnecessary. ¶  
Felling or lopping of trees¶  
89. Not used: Included as article 39 of Part 1.¶  
Trees subject to tree preservation orders¶  
90. Not used: Included as article 40 of Part 1.¶  
Railway and navigation undertakings¶  
91. Not used. ¶  
Application of landlord and tenant law¶  
92. Not used: Included as article 35 of Part 1.¶  
Operational land for purposes of the 1990 Act¶  
93. Not used: Included as article 36 of Part 1. ¶  
Defence to proceedings in respect of statutory nuisance¶  
94. Not used: Included as article 7 of Part 1. ¶  
Protection of interests¶  
95. Not used¶

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Deleted: Crown rights

Deleted: 96A.—(1) Nothing in this Part affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Part authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, chan ... [51]

Deleted: Disapplication of regulation 73 of the Conservation of Habitats and Species Regulations 2010¶ ... [52]

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97.A—(

Deleted: construct or erect an educational building, car park, shop, restaurant, garage, petrol filling station or other bu ... [53]

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(3) In their application to development which is not authorised under this Order and is carried out on land which falls to be treated as operational land of the undertaker in respect of its undertaking by virtue of this Order and is within the harbour limits, article 3 of, and Part 17 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by the 1995 Order were subject to the requirements.

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(4) Notwithstanding paragraph (3), on the closure date determined under article 82, any planning permission granted by the 1995 Order still existing shall cease to have effect in respect of the development mentioned in paragraph (3), except in so far as required for the implementation of that article and the application of the requirements relating to that article.

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Deleted: 100A (Closure of the jetty and reinstatement)

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For the Protection of the Environment Agency (Part 2)

81.—(1) Paragraph (2) shall have effect unless otherwise agreed in writing between the undertaker and the Environment Agency.

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(2) Notwithstanding article 55 no part of any works falling within the descriptions set out in the following sub-paragraphs shall be constructed, carried out or installed (as the case may be) below the corresponding level above ordnance datum specified in each sub-paragraph—

Deleted: 46A (power to deviate)

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(a) any soffits of the temporary jetty head comprised within, or associated with, Work No. TJ1, 10.1 metres above ordnance datum;

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(b) the surface level of the temporary jetty head at the termination of Work No. TJ1, 11.6 metres above ordnance datum; and

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(c) the temporary jetty surface elevation of the bankseat and the commencement of Work No. TJ1, 19.0 metres above ordnance datum.

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Closure of jetty

82.—(1) In this article the closure date is—

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Deleted: Planning, etc. jurisdiction¶

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(a) 31st December 2025;

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(b) such later date as the Secretary of State may on the application of the undertaker appoint; or

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(c) such other date as is appointed under paragraph (3).

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(2) On or before the closure date, the undertaker shall cease all operations in respect of the temporary jetty except to comply with this article, and after that date shall, as soon as reasonably practicable, dismantle, demolish and remove (so far as constructed) the whole of the temporary jetty and all of the temporary jetty works or works authorised by article 3 of, and Part 17 of Schedule 2 to, the 1995 Order and associated with the temporary jetty that are in, on, under or over tidal water or tidal lands below the level of high water except for—

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(a) those parts of the temporary jetty and works on the ground lying at the level of, or under the ground;

(b) those parts of the temporary jetty or works in the sea below the level of low water lying at the level of, or under, the bed of the sea; or

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(c) any hardstanding on which any part of the temporary jetty may be constructed.

(3) If the temporary jetty is no longer required by the undertaker for the construction of Work No. 1A, the undertaker shall as soon as practicable by resolution appoint a closure date.

Deleted: (2) Subject to paragraph (3), in this article the closure date is 31 December 2025 or such later date as the Secretary of State may on the application of the undertaker allow.¶

(4) Not less than 28 days before a closure date proposed to be appointed by resolution of the undertaker under paragraph (3), the undertaker shall publish in Lloyd’s List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the undertaker appointing that date.

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Saving for termination of Part 2

Deleted: (5) In this article “tidal works” means so much of the temporary jetty works or works authorised by section 3 of, and Part 17 of Schedule 2 to, the 1995 Order as is in, on, under or over tidal water or tidal lands below the level of high water.¶

83.—(1) In the article, “relevant proceedings” means any proceedings or inquiries in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the period before this Part ceased to have effect in accordance with article 51 (duration of temporary jetty powers), so far as relating to the harbour or any part of the harbour (whether or not relating also to a part of the Port of Bridgwater), including, but without prejudice to the generality of the foregoing, proceedings for an offence committed or penalty incurred, or for recovery of expenses, rates, dues, fees or charges incurred, during that period.

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(2) No relevant proceedings shall be affected by this Part ceasing to have effect, and any such proceedings or inquiries may be commenced, continued and concluded, and any decision, judgment or ruling in them may be enforced, as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.

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(3) Any period of time current in relation to relevant proceedings when this Part ceases to have effect shall not be affected by its ceasing to have effect and may continue to run as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.

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Name

Secretary of State

Date 2013 Department of Energy and Climate Change

[THIS DOCUMENT ONLY INCLUDES SCHEDULES 2 [FORMERLY 11] 3 [FORMERLY 13], 14 AND 15. THE OTHER SCHEDULES HAVE BEEN RE-NUMBERED IN SOME CASES BUT OTHERWISE REMAIN UNCHANGED, OR ALMOST UNCHANGED: SEE ANNEX C TO THE DECISION LETTER]

SCHEDULE 2 [11]

Requirements

Deleted: Schedule 11¶ REQUIREMENTS¶ (1) . (2)¶

Interpretation

~~1. (1) In this Schedule—~~

~~“commencement” means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008, (which explains when development begins), comprised in or carried out for the purposes of the authorised project and the words “commence” and “commenced” and cognate expressions shall be construed accordingly;~~

~~“commissioning” means the process during which plant components and systems, having been constructed or modified, are made operational and verified to be in accordance with design assumptions and to have met the appropriate safety criteria;~~

~~“Construction Method Statement” means Annex 2 to the Environmental Statement;~~

~~“development” means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008, comprised in or carried out for the purposes of the authorised project and such operations shall exclude non-material ecological and habitat management works;~~

~~“Environmental Statement” means the environmental statement submitted by the undertaker with its application for development consent in respect of the authorised project;~~

~~“enter operation” means the point at which a reactor unit begins generating electricity at or near its rated output;~~

~~“exceptional circumstances” are those defined within section 3.4.2 of the TIMP;~~

~~“HGV” means any vehicle exceeding a maximum gross weight of 3.5 tonnes (being the maximum allowable total weight when loaded) travelling to or from the HPC Development Site for the purposes of the construction of the Power Station but excluding buses, minibuses and vehicles transporting abnormal indivisible loads;~~

~~“HPC construction works” means—~~

~~(a) construction activities associated with the construction of Work Nos. 1A, 1B, 1C, 2A to 2H, 3, 6A to 6J, 8A, TJ1, TJ2 and TJ3; and~~

~~(b) the carrying out of Work No. TJ0;~~

~~“HPC helipad” means the proposed helipad identified as no. 60 on Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010);~~

~~“HPC operational car park” means the 430 car parking spaces for HPC operational staff, excluding spaces for disabled workers, at the permanent development site, in the car parking areas (no. 62) identified on Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010);~~

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Deleted: “adaptive measures” . means those measures set out in Appendix 5: Adaptive Management and Contingency Measures, section 1.3.9 (Response to Issues Raised at the Second Issue Specific Hearing, submitted on the 6th August 2012) that will be undertaken, based on operational feedback, to adjust the acoustic fish deterrent and the fish recovery and return systems to meet the performance levels agreed pursuant to requirement CW5(1)(a).¶  
“advanced planting south of 144750mN” means the area marked ‘advanced planting south of 144750mN’ on HPC Development Site Works Plan, Clarification of Requirements (Ref: HP/WP/REQ/01) submitted on the 6th August 2012.¶  
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“landscape restoration area” means the area marked ‘landscape restoration: landscape works brought forward pursuant to MS16’ on HPC Development Site Works Plans, Clarification of Requirements (Ref: HP/WP/REQ/01) (submitted 6th August 2012);

“north-west bund” means the earthworks and planting in the location set out in the HEO Environmental Statement Clarification Figures 11.1, 11.2 (Rev 2), 11.3 (Rev 2), 11.4 (Rev 2), 11.5 (Rev 1) and 11.6 (November 2011);

“permanent buildings or structures” means all buildings and structures, save those temporary construction related buildings and structures brought forward pursuant to requirements MS7, OS2, BRIA4, BRIC3, CB4, CP3, C3, J23-3, J24-2 and WP2;

“public holiday” means Christmas Day, Good Friday or a day which under section 1 of the Banking and Financial Dealings Act 1971( ) is a bank holiday in England and Wales;

“security” when mentioned in connection with screens, fences or cabins, means pertaining to activities associated with the management of a site to ensure that the site and relevant parts of the site remain secure at all times;

“start-up and shut-down” in relation to Work Nos. 4A to 4C, 5A and 5B, 6A to 6J, 7A and 7B, 8A and 8B, 9A and 9B, 10, 11, 12, 13, 14A to 14C, 15A to 15C, 16, 17A and 17B, 18,19, 20, 21 and 22 (start-up) means the periods of 30 minutes before the opening up of sites of those works and 30 minutes following the end of the working day (shut-down), during which the arrival of workers, changing into and out of work wear, pre-job briefing and leaving the site prior to closing and securing the site, take place;

“TIMP” means the Traffic Incident Management Plan, dated 31st August 2012;

“Waste Management Implementation Strategy” means Annex 5 to the Environmental Statement.

(2) Where under any of the requirements the approval or agreement of the discharging authority or another person is required—

(a) the matter which requires approval or agreement must be submitted in writing for such approval or agreement; and

(b) the approval or agreement must be given in writing.

(3) Where any requirement provides that the authorised project is to be carried out in accordance with details, or a scheme, plan or other document approved or agreed by the discharging authority, the approved or agreed details, scheme, plan or other document shall be taken to include any amendments or revisions subsequently approved or agreed by the discharging authority.

(4) Where any requirement specifies “unless otherwise approved” by the discharging authority or requires the applicant to demonstrate the existence of exceptional circumstances such approval shall not be given or exceptional circumstances agreed except in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the discharging authority that the subject-matter of the approval sought or the undertaker’s proposed response to exceptional

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“incident management area” . means the area defined in Figure 4.1 of the Traffic Incident Management Plan.¶  
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Deleted: “local planning authority” . means the local planning authority for the area of land that the requirement relates to, i.e. West Somerset or Sedgemoor District Council, as the case may be.¶

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circumstances is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Project wide

2. Unless otherwise indicated, requirements PW1 to ~~PW36~~ relate to the whole of the authorised project.

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¶  
PROJECT WIDE¶

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(1)

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Reference No. (2)

Requirements

PW1 Time limits

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\_\_\_\_\_ The authorised project must commence within 5 years of the date on which this Order is made.

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PW2 Phasing of the HPC development site

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\_\_\_\_\_ Work No. 1A shall be carried out in general accordance with the project progression indicated in section 4.4 of the Construction Method Statement, unless otherwise approved by West Somerset District Council.

PW3 Buildings and structures

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\_\_\_\_\_ (1) Buildings and structures comprising Work No. 1A(d) to (k) and (o) shall be carried out in accordance with the plans relating to them as set out in Schedule 1, Part 3, save to the extent that revised plans relating to their siting, scale or appearance have been submitted to and approved by West Somerset District Council.

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\_\_\_\_\_ (2) Any revised plans referred to in paragraph (1) shall be in accordance with HPC Site Parameter Plan (HINK-A1-SL-00-GA-002 (Rev 01)) and chapter 6 (Design Principles) and chapter 9 (Implementation) of the HPC development site Design and Access Statement.

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\_\_\_\_\_ (3) The works referred to in paragraph (1) shall be carried out in accordance with the approved plans.

PW4 (1) Buildings and structures comprising Work Nos. 3, 4A, 5A, 7A, 8A, 9A, 10 and 11 shall be carried out in accordance with the plans as set out in Schedule 1, Part 3, save to the extent that revised plans relating to siting, scale or appearance have been submitted to and approved by the relevant planning authority.

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\_\_\_\_\_ (2) Any revised plans referred to in paragraph (1) shall be in accordance with section 6 (Design Principles) and section 9 (Implementation) of the relevant site-specific Design and Access Statement.

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\_\_\_\_\_ (3) The works referred to in paragraph (1) shall be carried out in accordance with the approved plans.

PW5 Building design

\_\_\_\_\_ (1) No external materials shall be installed on any permanent building or structure unless and until details of such external materials for that building have been submitted to and approved by the relevant planning authority.

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\_\_\_\_\_ (2) The works shall be carried out in accordance with the approved details.

PW6 (1) No additional external roof plant, equipment or machinery shall be installed on any permanent buildings or structures unless and until details of scale and appearance of such plant, equipment or machinery have been submitted to and approved by the relevant planning authority.

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\_\_\_\_\_ (2) The works shall be carried out in accordance with the approved details.

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PW7 Highway works

\_\_\_\_\_ (1) Work Nos. 1B, 1C, 4B, 4C, 5B, 6A to 6J, 7B, 8B, 9B and 12 to 22 shall be carried out in accordance with the plans set out in Schedule 1, Part 3, save to the extent further details approved pursuant to paragraphs (2), (3) and (4) indicate otherwise, or unless otherwise approved by Somerset County Council.

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\_\_\_\_\_ (2) Work Nos. 4C, 7B, 17A, 17B, 18 and 22 shall not commence until details of the layout and finished surfaces of that work have been submitted to and approved by Somerset County Council. These details shall be developed in general accordance with the plans set out in Schedule 1, Part 3 and taking into account the Highway Schemes Position Statement (31st August 2012).

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Deleted: (Cannington site access),

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Deleted: (Huntworth Roundabout)

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\_\_\_\_\_ (3) Work No. 6A shall not commence until details of the layout and vertical alignment have been submitted to and approved by Somerset County Council. These details shall be developed in general accordance with the plans set out in Schedule 1, Part 3 and taking into account the Highway Schemes Position Statement (31st August 2012).

\_\_\_\_\_ (4) Work No. 19 shall not commence until details of the timing of the works comprised in it have been submitted to and approved by the Secretary of State for Transport.

(5) Other than as already indicated on the plans set out in Schedule 1, Part 3 and details approved pursuant to paragraphs (2) and (3), no changes to existing finished ground levels or surface water drainage at Work Nos. 1B, 1C, 4B, 4C, 5B, 6A to 6J, 7B, 8B, 9B and 12 to 22 shall be permitted unless and until details of such have, following consultation with the Environment Agency, Sedgemoor District Council and West Somerset District Council, been submitted to and approved by Somerset County Council.

\_\_\_\_\_ (6) The works referred to in paragraph (1) shall be carried out in accordance with the approved details.

PW8 Street furniture and lighting

\_\_\_\_\_ (1) No street furniture or street lighting shall be installed at Work Nos. 12 to 22 unless and until details of such street furniture and lighting, including a programme for implementation, have, following consultation with Somerset County Council, been submitted to and approved by the relevant planning authority.

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\_\_\_\_\_ (2) The works shall be carried out in accordance with the approved details.

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#### PW9 HGV Traffic

Deleted: The HPC operational car park shall not be used by HPC staff for the operation of the HPC generating station until an operational travel plan has, after consultation with Somerset County Council and Sedgemoor District Council, been submitted to and approved by West Somerset Council. ¶

\_\_\_\_\_ (1) Except in exceptional circumstances, HGV movements associated with the HPC construction works shall not be permitted on the local highway network at the following times:—

(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset Council. ¶

\_\_\_\_\_ (a) on Sundays or on public holidays; and

\_\_\_\_\_ (b) between the hours of 22:00 and 07:00 (Monday to Saturday).

PW13 . Operational Travel Plan: HPC Public Information Centre ¶

\_\_\_\_\_ (2) For the avoidance of doubt, these restrictions do not apply to the movement of HGVs on the strategic road network (notably the M5 motorway) or on the highway connections between the M5 and the Junction 23 and Junction 24 Freight Management Facilities or in relation to the movement of AILs.

(1) The Public Information Centre (comprised in Work No. 1A(ii)) shall not be brought into use until a travel plan for the Public Information Centre has, after consultation with the highway authority and Sedgemoor District Council, been submitted to and approved by West Somerset Council. ¶

(3) The authorised project shall be carried out in accordance with a scheme of marking for HGVs which shall be submitted to and approved by the relevant planning authorities. The scheme shall be designed with the aim of enabling residents of the districts of West Somerset and Sedgemoor, wherever practicable, easily to identify if a vehicle is engaged on work on the authorised project.

(2) The approved travel plan referred to in paragraph (... [57])

#### PW10 Traffic Incident Management Plan

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\_\_\_\_\_ (1) Vehicles associated with the authorised project in the area delineated in Figure 4.1 of the TIMP as the “incident management area” shall be monitored for the detection of incidents in accordance with sections 5 and 6 of the TIMP.

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\_\_\_\_\_ (2) In the event of a traffic incident in that area during the HPC construction works, the measures set out in sections 7 to 11 and the temporary diversionary routes set out in Appendix B of the TIMP shall be implemented.

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\_\_\_\_\_ (3) The TIMP shall be fully implemented as approved throughout the HPC construction works, unless otherwise approved by the relevant planning authority.

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#### PW11 Waste Management Implementation Strategy

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\_\_\_\_\_ (1) The authorised project shall be carried out in accordance with the Waste Management Implementation Strategy, unless otherwise agreed by the relevant planning authority.

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\_\_\_\_\_ (2) No development shall commence until a site waste management plan template has, after consultation with Somerset County Council and the Environment Agency, been submitted to and approved by the relevant planning authority.

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#### PW12 Sports Facilities Management Strategy

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\_\_\_\_\_ (1) Work Nos. 3, 4A and 5A shall not be brought into use until the undertaker has, in consultation with the relevant planning authority, prepared and published a public access proposal for the sports and leisure facilities.

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\_\_\_\_\_ (2) The published public access proposals for the sports and leisure facilities referred to in paragraph (1) shall provide for—

(a) \_\_\_\_\_ a minimum of 12 hours of public access Monday to Friday, of which at least 2 hours and no more than 4 hours would be between the hours of 18:00 and 22:00; and

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(b) \_\_\_\_\_ at least a further 4 hours of public access at weekends,

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at a charge comparable with similar facilities.

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PW13 Off-site associated development sites: working hours: general

\_\_\_\_\_ (1) Construction and post-operation works associated with Work Nos. 4A, 4B, 4C, 5A, 5B, 9A, 9B and 10 to 22 shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 07:00 and 13:00 on Saturdays, unless otherwise approved by the relevant planning authority.

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\_\_\_\_\_ (2) Paragraph (1) does not apply to non-intrusive and internal activities such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.

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PW14 Code of Construction Practice

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\_\_\_\_\_ The construction of the authorised project shall be carried out in accordance with the Code of Construction Practice dated 14th September 2012, unless otherwise approved by the relevant planning authority.

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PW15 Ministry of Defence Communication Protocol

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\_\_\_\_\_ (1) The undertaker shall, in consultation with the Ministry of Defence, prepare and implement a vessel communication protocol, setting out procedures for informing the Ministry of Defence of vessel movements associated with the HPC construction works travelling through or adjacent to the Lillstock Firing Range.

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\_\_\_\_\_ (2) Vessel movements associated with the HPC construction works shall be managed in accordance with the vessel communication protocol, unless otherwise approved by the Ministry of Defence.

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PW16 Use of temporary associated development sites

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\_\_\_\_\_ The sites within the Order limits and marked as the locations of each of Work Nos. 3, 4A, 5A, 7A, 8A(2)(a) to (h), 9A, 10 and 11 on sheet nos. 5, 12, 13, 15, 16, 17, 18 and 19 respectively shall only be used in connection with the authorised project and their use shall cease upon completion of the HPC construction works.

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PW17 Cross-shore rock platform erosion and sediment transport monitoring plan

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\_\_\_\_\_ (1) Work Nos. 1A(o), TJ1 to TJ3, 2B, 2D, 2F and 2H shall not commence until a cross-shore rock platform erosion and sediment transport monitoring plan has, after consultation with the Countryside Council for Wales, Natural England and the Environment Agency, been submitted to and approved by the Marine Management Organisation. The plan should include

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\_\_\_\_\_ (a) \_\_\_\_\_ the geographical extent of the monitoring which shall include, but is not limited to, the intertidal shore fronting the HPC development site, the 'pocket beach' at the junction between the existing and proposed sea wall defences (Hinkley Point A and Hinkley Point C interface), the offshore intake and outfall heads, the jetty head and all associated dredged areas;

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\_\_\_\_\_ (b) \_\_\_\_\_ arrangements for monitoring of the cross-shore rock platform fronting the HPC development site to seaward to quantify platform lowering during the operation of Work No. 1A;

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\_\_\_\_\_ (c) \_\_\_\_\_ arrangements for sediment transport monitoring before, during and after construction, describing the mobile bed (non-suspended) sediment load and distribution, unless otherwise agreed by the Marine Management Organisation;

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\_\_\_\_\_ (d) \_\_\_\_\_ appropriate contingency measures that would be implemented having regard to the results of the monitoring referred to in (b) and (c) together with the trigger points at which such measures would apply;

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\_\_\_\_\_ (e) \_\_\_\_\_ monitoring arrangements associated with the offshore intake and outfall heads, jetty heads and associated dredged areas; and

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\_\_\_\_\_ (f) \_\_\_\_\_ the monitoring methodology, frequency of monitoring and format of monitoring reports.

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\_\_\_\_\_ (2) The cross-shore rock platform erosion and sediment monitoring plan referred to in paragraph (1) shall be implemented as approved.

PW18 Residential amenity: information dissemination and complaints handling

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\_\_\_\_\_ (1) The authorised project shall not commence until a system for the provision of information to local residents and occupiers about the works and for the handling of complaints has, following consultation with Somerset County Council, been submitted to and approved by the relevant planning authority. The information to be disseminated shall include general provision of information in relation to the phasing and carrying out of construction works for the authorised project and specifically in relation to activities on-site that may lead to nuisance.

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\_\_\_\_\_ The approved information dissemination and complaints handling systems shall be implemented as approved throughout the construction of the authorised project, unless otherwise approved by the relevant planning authority.

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PW19 No Burning of Materials

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\_\_\_\_\_ There shall be no burning of waste, materials or refuse on the site at any time during the construction of the authorised project.

PW20 Previously unidentified contamination

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(1) If in undertaking the construction of any part of the authorised project, contamination not previously identified is found to be present at the site of that part of the authorised project, then no further development shall be carried out on that site until details as to how this contamination not previously identified is to be dealt with have, following consultation with the Environment Agency and Somerset County Council, been submitted to and approved by the relevant planning authority and put into effect.

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(2) Notwithstanding paragraph (1), a defined area or areas may be identified and agreed with the relevant planning authority where development can continue without approval of the details submitted in accordance with paragraph (1).

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#### PW21 Noise Monitoring Scheme (Offsite Associated Development Sites)

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(1) No development shall commence at Work Nos. 4A, 4B, 5A, 5B, 6A to 6J, 7A, 7B, 8A, 8B, 9A, 9B, 10 and 11 until a noise monitoring scheme for that work has been submitted to and approved by the relevant planning authority. The noise monitoring scheme shall set out details of—

(1) Work Nos. 8A, T11, T12 and T13 shall not be brought into operation until Shelduck and non-breeding birds monitoring and mitigation schemes have, following consultation with Natural England and the Marine Management Organisation, been submitted to and approved by the local planning authority. Unless otherwise agreed, the monitoring and mitigation schemes shall be developed in accordance with the Temporary Jetty Development Shelduck Monitoring Strategy (ref: E52.2, November 2011) and the Combwich Wharf and River Parrett Non-breeding Wildfowl and Wader Monitoring and Mitigation Scheme (submitted 31st August). ¶

(a) noise monitoring to establish the effectiveness of the noise management measures;

(b) frequency and format of reporting monitoring information to the relevant planning authority; and

(c) contingency measures that would be implemented where monitoring identifies the exceedance of the noise emission levels set at table 5.2 of the Code of Construction Practice.

(2) The noise monitoring scheme referred to in paragraph (1) shall be implemented for the duration of construction, demolition and dismantling works.

(2) The Shelduck and non-breeding birds monitoring and mitigation schemes shall be implemented as approved. ¶ PW33

#### PW22 Piling techniques

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(1) The installation of piles associated with Work Nos. 1A, T1, 2A to 2H and 8A(1)(a) to (f) shall use the best practice methods, including the use of soft start techniques, equivalent to or better than those outlined in the Report to Inform the Habitats Regulations Assessment.

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(2) Notwithstanding the requirement of paragraph (1) no impact piling shall be used for Work No. 8A(1)(a) to (f) during the months October to March inclusive.

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#### PW23 Disposal of dredged material

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Dredged material arising from the authorised project shall not be disposed of except within the Severn Estuary Special Area of Conservation.

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#### PW24 Use of infill materials

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Only uncontaminated rock, subsoil, brick rubble, crushed concrete, and ceramic materials shall be permitted as infill material used within the authorised project. All site-won fill materials shall be used subject to the controls established within the Code of Construction Practice, and the protocols defined within: "The Definition of Waste: Development Industry Code of Practice. Version 2, March 2011". Published by Contaminated Land: Applications in Real Environment (CL:AIRE).Code of Practice.

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¶ HPC DEVELOPMENT SITE: SITE PREPARATION WORKS¶

HPC Development Site: site preparation works

3. Requirements P1 to P26 relate to Work No. 1A(a) to (c) and apply in relation to the aspects of the authorised project to which they refer. For the purpose of requirements P1 to P26, the "site" refers to the limits of Work No. 1A as shown on sheet no. 2 and "development" refers to Work No. 1A(a) to (c) carried out pursuant to this Order.

(1)

Reference No. (2)

Requirements

P1 Ecology: tree protection

(1) No development shall commence until a plan has been submitted to and approved by West Somerset District Council that identifies the existing trees and hedgerows (or sections of hedgerows) to be retained on the site together with the type of fencing to be used and arrangements to be made in accordance with British Standard 5837:2005 to protect the retained trees and hedgerows (or sections of hedgerows). The plan shall be implemented in accordance with the approved details.

(2) No retained tree or hedgerow (or section of hedgerow) shall be cut down, uprooted or destroyed, nor shall any retained tree or hedgerow (or section of hedgerow) be topped or lopped other than in accordance with the approved plans and particulars, without the approval of West Somerset District Council. Any topping or lopping approved shall be carried out in accordance with British Standard 5837:2005.

(3) If any retained tree or hedgerow (or section of hedgerow) is removed, uprooted or destroyed or dies, another tree or replacement hedgerow (or section of hedgerow) shall be planted at the same place and that tree or hedgerow (or section of hedgerow) shall be of such size and species, and shall be planted at such time, as may be specified by West Somerset District Council.

P2 Ecology: wildlife mitigation measures – reptiles

(1) The two haul road crossings of the Green Lane shall not be brought into use until design details of reptile crossings and associated fencing have been submitted to and approved by West Somerset District Council.

(2) The reptile crossings and associated fencing shall remain in situ for the duration of the construction of Work No. 1A, unless otherwise approved by West Somerset District Council.

P3 Historic environment: excavation and recording of buried heritage assets

Archaeological works relating to buried heritage assets shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for

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Deleted: P3 Ecology: wildlife mitigation measures – bats (FP15) Mitigation measures to maintain bat flights corridors across haul roads and along hedgerows, as set out in the Environmental Statement (Volume 2, Chapter 20, paragraph 20.6.1), shall be installed before haul roads are brought into use and the removal of hedgerows, which create gaps of over 10m. Bat habitat areas shall be retained, enhanced and created in accordance with the site preparation permission application document entitled Further Clarification in Relation to Barbastelle Bats (July 2011), unless otherwise approved by West Somerset Council, or details approved pursuant to MS1H. ¶ P4

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Archaeological Mitigation, set out in the Environmental Statement (Volume 2, [chapter 23](#), Ref 23.46) and results published in monograph form within ten years of commencement of the development.

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**P4** Historic environment: building recording

The programme of archaeological works relating to the three existing barn structures (Benhole Barn; Langborough Barn; and Sidwell Barn) shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for Historic Building Recording, set out in the Environmental Statement (Volume 2, [chapter 23](#), Ref 23.48) and results published in monograph form within ten years of commencement of the development.

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**P5** Historic environment: recording of important hedgerows

The programme of archaeological works relating to important hedgerows shall be implemented from commencement of development in accordance with the Written Scheme of Investigation for Archaeological Mitigation: Trenches through Green Lane and Historic Hedgerows, set out in the Environmental Statement (Volume 2, [chapter 23](#), Ref 23.47). The results shall be published in monograph form within ten years of commencement of the development.

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**P6** Historic environment, ecology and landscape: Green Lane; preservation in situ

The development shall not commence until a scheme showing the method of working which ensures the preservation in-situ of the Green Lane as shown on drawing HPCSPW025A Rev2: Tree and Hedgerow Retention and Removal has been submitted and approved by West Somerset [District](#) Council. The method of working shall be implemented as approved for the duration of the construction of Work No. 1A(a).

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**P7** Historic environment: monitoring of paleontological remains

No development shall commence until a monitoring scheme has, following consultation with Somerset County Council Historic Environment Service, been submitted to and approved by West Somerset [District](#) Council, to ensure that any significant fossil finds are identified, removed, conserved and deposited with the Museum of Somerset. The scheme shall be implemented as approved, unless otherwise approved by West Somerset [District](#) Council.

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**P8** Historic environment: scheduled monument management plan

(1) The development shall not commence until a monument management plan for Wick Barrow (SM No. 28) has, following consultation with English Heritage, been submitted to and approved by West Somerset [District](#) Council. The monument management plan is to include:

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(a) [investigation](#) of the landscape in which the monument was constructed;

(b) [excavation](#) of earlier archaeological trenches and reinstatement of material;

(c) [scrub](#) management and husbandry;

(d) [details](#) of the timing and implementation of the removal of the existing road adjacent to Wick Barrow (following construction of the replacement road and roundabout) and details of the grassing over of the existing road land; and

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\_\_\_\_\_ (e) updating of information relating the barrow to the National Monument Record, Somerset County Council Historic Environment Record and production of display material (including virtual and illustrated material).

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\_\_\_\_\_ (2) The monument management plan shall be implemented as approved during the construction of Work No. 1A, unless otherwise approved by West Somerset District Council.

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P9 Drainage: oil interceptors.

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\_\_\_\_\_ Surface water drainage from impermeable parking areas and hardstanding for vehicles and lorry parks shall be passed through oil interceptors prior to being discharged to any watercourse, surface water sewer or soakaway system, unless otherwise approved by West Somerset District Council. The oil interceptors shall have a sufficient capacity for the areas being drained and shall be constructed prior to the first use of the parking areas or hardstanding and shall thereafter be retained throughout the construction of Work No. 1A. Roof water shall not pass through the oil interceptors.

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P10 Surface water drainage.

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\_\_\_\_\_ (1) No development shall commence until details of the surface and foul water drainage system for that part (including means of pollution control, details of water management zones and a programme of construction and implementation) have, after consultation with the relevant drainage authority, been submitted to and approved by West Somerset District Council.

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\_\_\_\_\_ (2) The details shall be in general accordance with figure A.1.6 of Appendix 2A of Volume 2 of the Environmental Statement and shall attenuate discharge to greenfield run-off rates.

\_\_\_\_\_ (3) The surface and foul water drainage system referred to in paragraph (1) shall be constructed, maintained and retained in accordance with the approved details, save to the extent MS30 indicates otherwise.

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P11 Drainage: culvert of Holford stream.

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\_\_\_\_\_ (1) No development shall commence until details of the Holford Stream Culvert and/or infilling earthworks in the Holford Stream valley have been submitted to and approved by West Somerset District Council. The construction details for the culvert shall be in accordance with the concept details indicated on drawing HPCSPW011 Rev 1: Surface Water Drainage Holford Stream Culvert, unless otherwise approved by West Somerset District Council.

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\_\_\_\_\_ (2) The construction details shall include details of the method of working (including the direction of working, measures for dealing with any flows in the watercourse, backfilling of the original channel, culvert foundations, compaction of fill around the culvert), demonstration of whether the proposed perforated land drains will be able to support the structural loading of the 12m of fill material and operate as intended for their design life, future ownership, maintenance and inspection (including of the proposed trash and security screen), repair, and operation of the culvert, and the full hydraulic design of the Holford Stream to demonstrate that there will be no loss of depth upstream or downstream during low flow conditions.

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(3) The culvert works to the Holford Stream shall be carried out in accordance with the approved details. The culvert works shall thereafter be retained for the duration of the authorised project.

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**P12 Flood Risk: Management Strategy**

No development shall occur until a flood risk management strategy has, after consultation with the Environment Agency, been submitted to and approved by West Somerset District Council.

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**P13 Geology and Contaminated Land: Contamination Risk Assessment and Implementation**

(1) No development shall commence until the following components of a scheme to deal with the risks associated with potential and known contamination of the site shall each have been submitted to and approved by West Somerset District Council. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and must include:

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(a) a preliminary risk assessment which identifies all previous uses of the site and surrounding land, potential contaminants associated with those uses and a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;

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(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

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(c) an options appraisal and remediation strategy based upon the site investigation results and the detailed risk assessment in (b) giving full details of the remediation measures required and how they are to be undertaken;

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(d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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(2) The scheme referred to in paragraph (1) shall be implemented as approved. Any changes to the scheme require the prior approval of West Somerset District Council.

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(3) West Somerset District Council shall be given two weeks prior written notification of commencement of the remediation works. Following completion of a measure identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation must be produced and submitted to West Somerset District Council for approval prior to the commencement of any further development.

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**P14 Storage of Oils, Fuels, Concrete and Chemicals**

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In the construction of Work No. 1A, any facilities for the storage of oils, fuels, concrete or chemicals shall be sited on an impervious base and either be graded to drain to a sump/collector or surrounded by impervious walls to form a bunded compound. The volume of the sump/collector or bunded compound shall be at least equivalent to the capacity of the storage tank plus 10%. All filling points, vents, gauges and sight glasses must be located on the impervious base and the drainage

system shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be designed to discharge into the sump/collector or bunded compound.

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**P15** Geology and Land Contamination: Spoil Mound Remediation

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Unless otherwise approved by the relevant planning authority, no development shall commence within the Built Development Area East (as shown on drawing number HP/MR/01 Rev A of planning permission reference 3/32/10/025 dated 13th January 2011 (issued by Somerset County Council)) until

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(a) remediation works in any defined area of the site pursuant to planning permission reference 3/32/10/025 dated 13th January 2011 (issued by Somerset County Council) have been completed to the satisfaction of the relevant planning authority and the validation report and completion certificate for that defined area have been submitted to and approved by the relevant planning authority; except

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(b) within areas confirmed in writing by the relevant planning authority in which there is no known or identified contamination, whereby development can proceed subject to condition PW31

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**P16** Geology and contaminated land: radiological monitoring

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(1) No development shall commence until a scheme for radiological monitoring of the land within a 30 metre radius of sample locations GB2 and TE312 specified on figure 15.19 (Volume 2 of the Environmental Statement) has been submitted to and approved by West Somerset District Council.

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(2) The radiological monitoring scheme shall be implemented in accordance with the approved details.

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**P17** Vegetation clearance

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(1) Before undertaking any vegetation clearance within the period from October to March inclusive, a Winter Clearance Scheme designed to avoid or reduce impacts on over-wintering birds which are interest features of the Severn Estuary SPA shall be submitted to and approved by West Somerset District Council.

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(2) Any vegetation clearance undertaken during the period October to March inclusive shall be carried out in accordance with the requirements of the Winter Clearance Scheme.

**P18** Ecological Mitigation and Monitoring Plan

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(1) No development shall commence until an Ecological Mitigation and Monitoring Plan has been submitted to and approved by West Somerset District Council. The submitted details shall reflect the survey results and ecological mitigation and enhancement measures included in Volume 2, chapter 20 of the Environmental Statement and shall include details of

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\_\_\_\_\_ (a) works for plant community development based on the National Vegetation Classification across the grasslands woodland and hedgerow habitats;

\_\_\_\_\_ (b) the monitoring of invertebrates (butterflies and other indicator species);

\_\_\_\_\_ (c) the scale and timing of habitat creation and enhancement works;

\_\_\_\_\_ (d) the monitoring of bat activity;

\_\_\_\_\_ (e) a scheme for the protection of badgers;

\_\_\_\_\_ (f) bird counts to be undertaken on the site, and

\_\_\_\_\_ (g) a timetable for implementation.

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\_\_\_\_\_ (2) The Ecological Mitigation and Monitoring Plan shall be implemented as approved for the duration of the construction of Work No. 1A.

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#### P19 Habitat Management Plan

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\_\_\_\_\_ (1) No development shall commence until a Habitat Management Plan has been submitted to and approved by West Somerset District Council. The submitted details shall include all areas of habitats proposed to be retained or created and include information on proposals for the management and monitoring of retained features.

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\_\_\_\_\_ (2) The Habitat Management Plan shall be implemented as approved.

#### P20 Transport: HGV emissions

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\_\_\_\_\_ Unless otherwise agreed by West Somerset District Council, all HGVs to be used in the HPC construction works shall be of the Euro standard that is at least EURO IV. All HGVs to be used in the HPC construction works shall register on a database held by the undertaker but accessible to Somerset County Council, Sedgemoor District Council and West Somerset District Council.

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#### P21 Engineering details of foreshore access road

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\_\_\_\_\_ No works to construct the foreshore access road shall commence until engineering construction details for the road including any associated drainage works have been submitted to and approved by West Somerset District Council. The foreshore access road shall be removed on completion of construction of the offshore works, unless otherwise approved by West Somerset District Council.

#### P22 Access to foreshore

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\_\_\_\_\_ (1) The foreshore access road shall not be brought into use until demarcations are in place to prevent the movement of vehicles and plant outside the works area/access corridor on intertidal habitats that form part of the designated features of the Severn Estuary European sites and SSSI.

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\_\_\_\_\_ (2) Construction vehicles and plant shall not be permitted to have access to any other areas of the foreshore outside the works area/access corridor.

P23 Flooding: foreshore access

The foreshore access road shall not be brought into use for any HPC construction works until flood warning notices have been erected in suitable and visible positions, such positions and wording of the signs to be approved by West Somerset District Council. The flood warning notices shall be retained throughout the period during which the foreshore access road is in place.

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Deleted: P26 . Air Quality Monitoring (FP5)  
(1) No development shall commence until an air quality-monitoring scheme has been submitted to and approved by West Somerset Council. The scheme shall include the following elements:  
a. Air quality monitoring comprising continuous ambient particle (PM10, PM2.5 and Total Suspended Particles) monitoring at or near to Doggetts, Bishops Farm House, Knighton Farm and one close to the hamlet of Wick. The monitoring sites should be sited in agreement with West Somerset Council. Monitoring should include where possible real time logging of averaging periods not less than 15 minutes and remote interrogation and downloading. Automatic notification of concentrations above the trigger levels s

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P24 Flooding / erosion: retaining wall

No works to construct the temporary earthworks retaining wall on the cliff / foreshore shall commence until engineering construction details of the temporary earthworks retaining wall have been submitted to and approved by West Somerset District Council. The works shall be carried out and retained in accordance with the approved details.

P25 Landscape and visual: concrete batching plants

Notwithstanding the provisions of the 1995 Order the concrete batching plants and associated integral silos to be constructed on the site shall be finished in a neutral colour and matt finish, unless otherwise approved by West Somerset District Council.

P26 General Permitted Development Order; sleeping accommodation

Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 to the 1995 Order, except in respect of Work No. 3, no part of the site shall be used for the stationing of sleeping accommodation for site workers, unless the approval of the relevant planning authority has first been obtained.

HPC Development Site: Work Nos. 1A, 1B and 1C

4. For the purpose of requirements MS1 to MS40, the "site" refers to the limits of Work No. 1A as shown on sheet no. 2 and "development" refers to Work Nos. 1A, 1B and 1C. Requirements MS1 to MS40 relate only to development carried out on the site as so defined. Of the requirements in this paragraph only requirements MS1 to MS27 apply to Work No. 1A(a) to (c) (site preparation works).

(1)

Reference No. (2)

Requirements

MS1 Ecology: wildlife mitigation measures - bat foraging

(1) Before haul roads are brought into use, and before vegetation is removed to create gaps in hedgerows of over 10 metres, mitigation measures to maintain bat flight corridors across haul roads and along hedgerows shall be installed as set out in the Environmental Statement (Volume 2, chapter 20, paragraph 20.6.1). These mitigation measures shall be retained until replacement areas of bat habitat have been created or enhanced, in accordance with a scheme to be submitted to and

approved by West Somerset District Council, in consultation with Natural England and Somerset County Council.

(2) Notwithstanding the bat mitigation land secured by the site preparation permission, section 106 Agreement – unless otherwise agreed by West Somerset District Council, Work Nos. 1A(d) to (p), 1B and 1C shall not commence until additional bat habitat creation and enhancement works to an additional area of 15ha, in a location agreed with Natural England, Somerset County Council, and the relevant planning authority, have been completed.

(3) Unless otherwise agreed by the relevant planning authority, following consultation with Natural England and Somerset County Council, the bat habitat creation and enhancement works shall be carried out in accordance with the specification set out in the site preparation permission, Schedule A of "Further Clarification in Relation to Barbastelle Bats", dated July 2011.

(4) The bat habitat creation and enhancement works referred to in paragraph (2) and the bat mitigation secured by the site preparation permission section 106 agreement (identified on Plan 6 to that agreement) shall be retained until the earthworks and planting in the landscape restoration area have been completed in accordance with requirement MS28.

(5) In this requirement, references to "the site preparation permission section 106 agreement" refer to the agreement dated 27th January 2012 and made pursuant to section 106 of the 1990 Act between (1) West Somerset District Council, (2) Somerset County Council, (3) Sedgemoor District Council, (4) EDF Development Company Limited, (5) EDF Energy Nuclear Generation Company Limited, (6) Elizabeth Periam Acland Hood Gass (of the Fairfield Estate) and (7) NNB Generation Company Limited;

MS2 Air Quality Monitoring Scheme

(1) Work Nos. 1A, 1B and 1C shall not commence until details of an air quality monitoring scheme has been submitted to and approved by West Somerset District Council. The details shall include—

(a) the methodology for monitoring continuous ambient particles (PM10, PM2.5 and Total Suspended Particles) and wind speed and direction, temperature, relative humidity and rainfall;

(b) monitoring locations, including sites at (or near to) Doggetts, Knighton Farm, Head Weir House (west of Wick Village) and Yellow Door Cottage (Shurton);

(c) arrangements for real-time logging of air quality over averaging periods of not less than 15 minutes, with remote interrogation and downloading;

(d) trigger levels, and arrangements for automatic notification to West Somerset District Council when these are exceeded;

(e) steps to be taken in the event that maximum hourly mean concentrations for PM10 of 200µg/m3 are exceeded;

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~~(f) the~~ identity of persons to carry out visual inspections in order to review the potential for dust nuisance and, in the event of dust nuisance complaints being made, to help quantify the actual or potential dust nuisance;

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~~(g) the~~ measures to ensure that any diesel fuel used on site shall be ultra-low sulphur diesel (ULSD) (<10mgS/kg).

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~~(2) The details of the air quality monitoring scheme may be revised from time to time, subject to the approval of West Somerset District Council. Monitoring under the approved air quality monitoring scheme shall begin not less than one month prior to the commencement of the development and the scheme shall be implemented throughout the construction of Work Nos. 1A, 1B and 1C and any subsequent landscaping and restoration works.~~

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#### ~~MS3 Drainage: Surface Water Monitoring~~

~~(1) Work Nos. 1A(d) to (p), 1B and 1C shall not commence until a scheme for the monitoring and sampling, including phosphorus, of the Holford Stream, including up and downstream locations, has, following consultation with the Environment Agency, been submitted to and approved by West Somerset District Council.~~

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~~(2) The scheme shall be implemented in accordance with the approved details.~~

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#### ~~MS4 Groundwater: Monitoring~~

~~(1) No development, including dewatering, shall commence until a scheme for the management and monitoring of groundwater levels and quality has, following consultation with the Environment Agency, been submitted to and approved by West Somerset District Council.~~

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~~(2) Details of the groundwater monitoring scheme may be revised from time to time, subject to the approval of West Somerset District Council, following consultation with the Environment Agency.~~

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~~(3) The scheme shall be implemented in accordance with the approved details throughout Work Nos. 1A, 1B and 1C.~~

#### ~~MS5 Soil Management Measures~~

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~~Construction works at the site shall be carried out in accordance with methodology and measures set out in Sections 2 to 4 of the Soil Management Plan (Annex 3 of the Environmental Statement), unless otherwise agreed by West Somerset District Council.~~

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#### ~~MS6 Stockpiling~~

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~~(1) No stockpiling shall be permitted on the site until further details of stockpiling have, following consultation with the Environment Agency, been submitted to and approved by West Somerset District Council. Such further details shall comprise a materials stockpile plan which shows the location, composition, maximum dimensions, movement and duration of any stockpile that would be in place for longer than one year.~~

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(2) Any stockpiling on the site shall be carried out in accordance with the approved details referred to in paragraph (1).

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**MS7 Construction development**

(1) Buildings, structures, plant, equipment, uses, haul roads, construction hoardings and means of enclosure required in connection with construction works for the site shall be built and used in accordance with section 4.3 of the Construction Method Statement and construction parameter plan figure 4.6, unless otherwise approved by West Somerset District Council.

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Only uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic materials shall be permitted as infill material used within the site. All site won fill materials shall be used subject to the controls established within the Code of Construction Practice, and shall follow the protocols defined within: "The Definition of Waste: Development Industry Code of Practice, Version 2, March 2011"; published by Contaminated Land: Applications in Real Environments (CL:AIRE).  
MS1H . Ecology: wildlife mitigation measures – bats  
The bat mitigation measures set out in requirement P3 shall be retained, enhanced and created in accordance with the approved details unless and until further or revised details of areas of created, retained and enhancements to bat habitat have been submitted to and approved by West Somerset Council.  
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(2) Notwithstanding paragraph (1) any means of enclosure of the site shall only be installed after it is safe to erect and maintain an appropriate means of marking the boundary of the site which is the subject of the Hinkley Point C Nuclear Site Licensing Licence Condition Arrangements – Assessment Report: ONR-CNRP-AR-12-129 revision 0 (20th November 2012).

(3) For the avoidance of doubt, the construction works and associated plant and equipment south of the 144750mN site boundary (see requirement MS26) shall be limited to works associated with the emergency access road, the bridge over Bum Brook and landscape works.

(4) Following completion of construction of Work No. 1A, all temporary structures, plant and equipment required for construction of the development shall be removed and landscape restoration works implemented in accordance with the details approved for MS26 and MS28.

**MS8 Permanent fencing**

(1) No permanent security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance, having regard to guidance document 'Finding A Balance, Guidance on the Sensitivity of Nuclear and Related Information and its Disclosure', Office of Nuclear Regulation (Office for Civil Nuclear Security), April 2005, have been submitted to and approved by West Somerset District Council.

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(2) No permanent fencing of Work No. 1A shall be erected unless in accordance with the approved details.

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**MS9 Construction noise**

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(1) As determined at the facade of any dwelling, lawfully in existence at the date on which this Order is made, outside of Work No. 1A, the level of noise emitted from the site during the construction of Work No. 1A, including the removal of temporary construction development and landscape restoration works, 1B, 1C, 2A to 2H and TJ0 to TJ3 shall not exceed the following levels:

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(a) Monday to Saturday:

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(i) 07.00 to 19.00: 65 dB LAeq, 1hour;

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(ii) 19.00 to 23.00: 60 dB LAeq, 1hour; and

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(iii) 23.00 to 07:00: 45 dB LAeq, 1hour, and 65 dB LMax;

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(b) Sundays and public holidays:

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(i) 07.00 to 19.00: 60 dB LAeq, 1hour;

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(ii) 19.00 to 23.00: 55 dB LAeq, 1hour; and

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(iii) 23.00 to 07:00: 45 dB LAeq, 1hour, and 65 dB LAmax.

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(2) The noise level restriction referred to in paragraph (1)(a)(i) shall apply except for specific, short duration construction or demolition activities during which an increased noise threshold of 75 dB LAeq, 1hour shall apply. A scheme for notifying local residents shall be submitted to and approved by West Somerset District Council before the increased noise threshold is applied. Notice of the application and duration of the increased threshold shall be given to West Somerset District Council and to local residents, in accordance with the approved scheme, at least 48 hours before the increased threshold is applied. The number and duration of occasions on which the increased noise threshold is applied shall be limited to those approved by West Somerset district Council.

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(3) Monitoring of the noise levels during construction of the development shall be carried out pursuant to the details approved pursuant to requirement MS11.

MS10 Prohibition of Construction Activities

The following construction activities shall be prohibited between the hours of 23:00 and 07:00:

(a) construction of the emergency access road and its bridge over Bum Brook;

(b) landscaping works south of the 144750mN site boundary;

(c) rock ripping and crushing associated with deep excavations; and

(d) construction of the HPC Accommodation Campus (Work No. 3).

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MS11 Noise Monitoring Scheme

(1) Work Nos. 1A, 1B and 1C shall not commence until a noise monitoring scheme for the site has been submitted to and approved by West Somerset District Council. The noise monitoring scheme shall set out details of:

(a) a methodology for monitoring noise to ensure compliance with Requirement MS10;

(b) the location of representative monitoring points outside residential properties;

(c) the frequency and format of reporting monitoring information to West Somerset District Council; and

(d) contingency measures to be taken if noise limits specified in requirement MS10 are exceeded.

(2) The details of the noise monitoring scheme may be revised from time to time, subject to the approval of West Somerset district Council.

(3) The noise monitoring scheme as approved shall be implemented for the duration of construction of Work Nos. 1A, 1B and 1C, and throughout any subsequent site restoration and landscaping.

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MS12 Operational Noise

When measured at the façade of any dwelling, legally in existence at the date on which this Order is made, between 23:00 and 07:00 hours, operational noise from the proposed power station shall not exceed 45 dB LAeq, 1 hour.

MS13 Construction lighting

Installation of external construction lighting shall be carried out in accordance with the Construction Lighting Strategy, Appendix A3 of the Construction Method Statement submitted on the 31st October 2011.

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MS14 Construction workforce parking

During the construction of Work No. 1A, the number of car and minibus parking spaces for the HPC construction workforce at the site shall not exceed 200 spaces for construction workers and a further 100 spaces for business visitors, VIP visitors, disabled parking and bus parking for the Public Information Centre, unless otherwise approved by West Somerset District Council.

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MS15 Operational Car Parking

(1) Car parking for HPC operational staff shall not exceed 430 spaces, excluding spaces allocated for disabled HPC operational staff, unless otherwise agreed by West Somerset District Council.

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(2) Car parking for the Public Information Centre shall be operated in accordance with the details approved pursuant to MS40.

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(3) Car parking associated with the Training and Simulator Building and Outages and maintenance shall be operated in accordance with the details approved pursuant to MS39.

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MS16 Building design

(1) Construction of the Interim Spent Fuel Store (comprised in Work No. 1A(g)), including associated ancillary plant, shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset District Council.

(2) The details referred to in paragraph (1), shall be in accordance with parameter plans HINK-A2-HHK-00-GP-000 (Rev 01), HINK-A2-HHK-00-GE-001 (Rev 01) and HINK-A2-HHK-00-GE-002 (Rev 01) and chapters 6 and 9 of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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MS17 Access Control Building

(1) Construction of the Access Control Building (comprised in Work No. 1A(g)) shall not commence until details of the layout, scale and external appearance of that building have been submitted to and approved by West Somerset District Council.

(2) The details referred to in paragraph (1) shall be in accordance with parameter plan HINK-A2-HUD-00-GA-001 (Rev 01) and chapters 6 and 9 of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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MS18 Auxiliary Feedwater Storage Buildings

(1) Construction of the Auxiliary Feedwater Storage buildings (comprised in Work No. 1A(d)(ii) and (e)(ii)) shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset District Council.

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(2) The details referred to in paragraph (1) shall be in accordance with parameter plans HINK-A2-HSB-01-GA-001 (Rev 01), HINK-A2-HSB-02-GA-001 (Rev 01) and chapters 6 and 9 of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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MS19 Service Access Buildings

(1) Construction of the Service Access Buildings (comprised in Work No. 1A(h)) shall not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by West Somerset District Council.

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(2) The details referred to in paragraph (1) shall be in accordance with parameter plan HINK-A1-SL-00-GA-002 (Rev 01) and chapters 6 and 9 of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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MS20 Sewage Treatment Plant

(1) Construction of the Sewage Treatment Plant (comprised in Work No. 1A(f)) shall not commence until details of the scale and external appearance of that plant have been submitted to West Somerset District Council for approval.

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(2) The details referred to in paragraph (1) shall be in accordance with parameter plan HINK-A2-STP-00-GA-001 (Rev 01) and chapters 6 and 9 of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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MS21 Meteorological Station Mast

(1) Construction of the Meteorological Station Mast (comprised in Work No. 1A(h)) shall not commence until details of the siting, scale and external appearance of that ~~mast~~ have been submitted to and approved by West Somerset ~~District~~ Council.

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(2) The details referred to in paragraph (1) shall be in accordance with parameter plan HINK-A1-SL-00-GA-002 (Rev 01) and chapters 6 ~~and 9~~ of the HPC development site Design and Access Statement.

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(3) The works shall be carried out in accordance with the approved details.

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#### ~~MS22~~ Bridge

(1) Construction of Work No. 1A(p) (Bridge over Bum Brook) shall not commence until details of the siting, design and appearance of the bridge have been submitted to and approved by West Somerset ~~District~~ Council.

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(2) The details referred to in paragraph (1) shall be in general accordance with chapters 6 ~~and 9~~ of the HPC development site Design and Access Statement and, as set out in section 8.5.50 of the HPC development site Flood Risk Assessment, the soffit level of the bridge shall be no lower than 21.2m above ordnance datum, unless otherwise approved by West Somerset ~~District~~ Council.

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(3) The works shall be carried out in accordance with the approved details.

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#### ~~MS23~~ Emergency Access Road

(1) Construction of the Emergency Access Road (Work No. ~~1A(p)~~) shall not commence until details of its proposed siting, layout and horizontal alignment have been submitted for approval to West Somerset ~~District~~ Council.

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(2) The details referred to in paragraph (1) shall be in general accordance with section 7.23 and Figure D.17 of the HPC development site Design and Access Statement and 8.5.50 of the HPC development site Flood Risk Assessment.

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(3) The works shall be carried out in accordance with the approved details.

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#### ~~MS24~~ Security

(1) No CCTV columns and mountings shall be installed on the perimeter fence unless and until details of their siting and scale, having regard to guidance document 'Finding A Balance, Guidance on the Sensitivity of Nuclear and Related Information and its Disclosure', Office of Nuclear Regulation (Civil Nuclear Security), April 2005, have been submitted to and approved by West Somerset ~~District~~ Council.

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(2) The works referred to in (1) shall be carried out in accordance with the approved details, unless otherwise agreed by West Somerset ~~District~~ Council.

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#### ~~MS25~~ Landscape works: permanent development site

(1) Within 6 months of Unit 1 entering operation a ~~landscape~~ scheme for the permanent development site shall be submitted to and approved by West Somerset ~~District Council. Unit 2 shall~~

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not enter operation before this landscaping scheme has been approved. The landscape scheme shall be developed in accordance with the principles established in the HPC development site Design and Access Statement, Site Layout Plan (Operational) (Ref: HINK-A1-SL-00-GA-010) and the Site Drainage Strategy (Appendix 2A, Volume 2 of the Environmental Statement) and must include details of proposed landscape works, including ~~—~~

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- ~~—~~ (a) soft landscape details;
- ~~—~~ (b) hard surfacing materials, including siting of the helipad;
- ~~—~~ (c) proposed finished ground levels;
- ~~—~~ (d) vehicular and pedestrian access, parking and circulation areas;
- ~~—~~ (e) street furniture, refuse or other storage units; and
- ~~—~~ (f) an implementation timetable for works.

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~~—~~ (2) The landscape works shall be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.

MS26 Landscape works: advanced planting south of 144750mN

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~~—~~ (1) No development in the area marked 'advanced landscape works brought forward pursuant to MS15' on HPC Development Site Works Plans, Clarification of Requirements (Ref: HP/WP/REQ/01) (submitted 6th August 2012) shall commence until a landscape scheme has, following consultation with Natural England, been submitted to and approved by West Somerset District Council. The landscape scheme shall be developed in general accordance with the principles set out in section 2.2 of the HPC development site Landscape Strategy. The landscape scheme shall include details of all proposed landscape works, including ~~—~~

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- ~~—~~ (a) location, number, species, size and planting density of any proposed planting;
- ~~—~~ (b) cultivation, importing of materials and other operations to ensure plant establishment;
- ~~—~~ (c) ~~—~~ proposed finished ground levels;
- ~~—~~ (d) ~~—~~ pedestrian footpaths / bridleways and circulation areas;
- ~~—~~ (e) ~~—~~ details of existing trees to be retained, with measures for their protection during the HPC construction works; and
- ~~—~~ (f) plant establishment, maintenance and management arrangements.

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~~—~~ (2) Work No. 3 (HPC Accommodation Campus) shall not be brought into use until the landscape works referred to in paragraph (1)(c) to (e) have been completed. Planting, referred to in paragraph (1)(a) to (b), shall be implemented in the first available planting season thereafter.

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\_\_\_\_\_ (3) No landscape works shall be undertaken other than in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standards.

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MS27 Landscape Works: North-West Bund

\_\_\_\_\_ (1) No part of the superstructure of any building or structure shall be constructed in Area A identified on drawing HP/WP/REQ/MS15A until the earthworks associated with the north-west bund have been completed.

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\_\_\_\_\_ (2) Unless otherwise approved by West Somerset District Council, screen planting of the bund in accordance with the details approved pursuant to Condition SP23 of the site preparation permission shall be undertaken in the first available planting season (November to March inclusive), following completion of the earthworks referred to in paragraph (1), in accordance with the heights and specification shown on the HEO Environmental Statement Clarification Figures 11.1, 11.2 (Rev 2), 11.3 (Rev 2), 11.4 (Rev 2), 11.5 (Rev 1) and 11.6 (November 2011) to provide a screen height generally at 23.0m above ordnance datum.

\_\_\_\_\_ (3) If during the construction of Work No. 1A any tree or shrub is removed, dies or becomes seriously damaged or diseased it shall be replaced with plants to the specification referred to in paragraph (2) during the next available planting season as required.

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\_\_\_\_\_ (4) The north-west bund and associated planting shall be maintained for the duration of construction at Work No. 1A, or in accordance with the approved timetable for landscape restoration works approved under MS28.

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MS28 Landscape works: landscape restoration

\_\_\_\_\_ (1) Within six months of Unit 1 entering operation, a landscape scheme for the landscape restoration area shall, following consultation with Natural England, be submitted for the approval of West Somerset District Council. Unit 2 shall not enter operation until this landscaping scheme has been approved. The landscape scheme shall be in general accordance with sections 3 and 4 of the Hinkley Point C Landscape Strategy and must include details of—

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\_\_\_\_\_ (a) location, number, species, size and planting density of any proposed planting;

\_\_\_\_\_ (b) cultivation, importing of materials and other operations to ensure plant establishment;

\_\_\_\_\_ (c) proposed finished ground levels;

\_\_\_\_\_ (d) hard surfacing materials;

\_\_\_\_\_ (e) vehicular and pedestrian access, parking and circulation areas;

\_\_\_\_\_ (f) landscape maintenance buildings, street furniture, refuse or other storage units;

\_\_\_\_\_ (g) details of existing trees to be retained, with measures for their protection during the implementation of the landscape works;

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\_\_\_\_\_ (h) removal and restoration proposals for the north-west bund and the HPC Accommodation Campus (Work No. 3);

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\_\_\_\_\_ (i) plant establishment, maintenance and management arrangements;

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\_\_\_\_\_ (j) implementation timetable for the landscape works, including details of the phased removal of temporary construction related development; and

\_\_\_\_\_ (k) removal and restoration proposals for the HPC Accommodation Campus (Work No. 3).

\_\_\_\_\_ (2) The landscape works must be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.

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#### MS29 Permanent lighting

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\_\_\_\_\_ (1) Installation of external lighting at the site shall be installed in accordance with the HPC Operational Lighting Strategy, Volume 2 of the Environmental Statement, Appendix 2B, save to the extent permitted by paragraph (2).

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\_\_\_\_\_ (2) Further or revised lighting details may, after consultation with the highway authority, be submitted to and approved by West Somerset District Council.

\_\_\_\_\_ (3) The approved lighting scheme shall be implemented and maintained during operation of development on the permanent development site.

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#### MS30 Surface water drainage

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\_\_\_\_\_ (1) Work Nos. 1A(d) to (p), 1B and 1C shall not commence until details of the surface and foul water drainage system (including management and maintenance arrangements, means of pollution control, sewage treatment works and a programme of construction and implementation) for those works have, after consultation with the Environment Agency and the drainage authority, been submitted to and approved by West Somerset District Council. The surface and foul water drainage proposals shall be based on sustainable drainage principles and in accordance with the Site Drainage Strategy (Appendix 2A, Volume 2 of the Environmental Statement).

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\_\_\_\_\_ (2) The surface and foul water drainage system for that relevant part must be constructed and maintained in accordance with the approved details.

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#### MS31 Coastal path

\_\_\_\_\_ (1) Following completion of construction of the sea wall, when it is safe to do so (as determined by the undertaker in consultation with Somerset County Council and West Somerset District Council) and in accordance with any footpath implementation plan prepared pursuant to article 16, the coastal path shall be reopened.

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\_\_\_\_\_ (2) Before the coastal path is reopened, the undertaker shall, following consultation with West Somerset District Council and the highway authority, prepare and publish proposals for safety provisions relating to the coastal path.

\_\_\_\_\_ (3) The coastal path shall be managed in accordance with the details referred to in paragraph (2).

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MS32 Signage

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007, no further signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset District Council.

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\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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MS33 Emergency Flood Planning

During the construction and operation of Work No. 1A, the arrangements for emergency flood planning shall be carried out in accordance with section 10.7 of the HPC development site Flood Risk Assessment, including the use of the Environment Agency's Flood Warning service, emergency access routes into site and flood management measures in time of flood (e.g. signage of traffic diversions).

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MS34 Limitations on Helipad Use

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\_\_\_\_\_ (1) Excluding flights associated with the official opening ceremony, flights providing emergency services and flights of the Ministry of Defence, the number of flights using the HPC helipad and associated with the authorised project shall be restricted to a maximum of 12 two-way flights per calendar year, unless otherwise agreed by West Somerset District Council.

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\_\_\_\_\_ (2) No flights associated with the authorised project except those providing emergency services shall land or take-off from the HPC helipad except between the hours of 08:00 and 21:00 Monday to Saturday (excluding public holidays).

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MS35 Helicopter Restrictions

Non-emergency helicopter landings, take-offs and stationing associated with the authorised project shall only take place within the confines of the HPC helipad.

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MS36 Recording of Helicopter Flights

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\_\_\_\_\_ (1) Details of all non-emergency flights (and, so far as practicable, emergency flights) to and from the site shall be recorded and such records shall be kept for a minimum of two years from the date of each flight. The record of each flight shall include the origin and destination, times of touchdown and take-off, helicopter type and registration, and purpose of the trip, and shall be kept for a minimum of two years from the date of the flight.

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\_\_\_\_\_ (2) These records shall be made available for inspection and sent to West Somerset District Council within 7 days of a request being made by West Somerset District Council.

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MS37 Sea Wall

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The crest level of the Sea Wall (Work No. 1A(o)) shall not be lower than 13.5m above ordnance datum (N).

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MS38 Use of Adjacent Land

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HPC DEVELOPMENT SITE:  
TEMPORARY JETTY¶

Notwithstanding the provisions of the 1995 Order, no land outside but adjoining the site shall be used for the provision of temporary buildings, works, plant or construction machinery required for the development hereby authorised, unless the approval of the relevant planning authority has first been obtained.

MS39 Operational Travel Plan: HPC generating station

(1) The HPC operational car park shall not be used by HPC staff for the operation of the HPC generating station until an operational travel plan has, after consultation with Somerset County Council and Sedgemoor District Council, been submitted to and approved by West Somerset District Council.

(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset District Council.

MS40 Operational Travel Plan: HPC Public Information Centre

(1) The Public Information Centre (comprised in Work No. 1A(i)) shall not be brought into use until a travel plan for the Public Information Centre has, after consultation with the highway authority and Sedgemoor District Council, been submitted to and approved by West Somerset District Council.

(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset District Council.

HPC Development Site: temporary jetty

5. For the purpose of requirements J1 to J5, the "site" refers to the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 as shown on sheet nos. 7, 8 and 9 and "development" refers to Work Nos. TJ0, TJ1, TJ2 and TJ3. Requirements J1 to J5 relate only to development carried out on the site as so defined.

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Requirements

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J1 Cliff Management Plan

(1) Prior to the removal of any part of the Jetty (Work Nos. TJ1 to TJ3), a Cliff Management Plan, which shall provide details for arrangements and responsibilities for the removal of those parts

of the Jetty and its associated infrastructure which are located within 15m in any direction of the cliff edge, shall be submitted to and approved by West Somerset District Council.

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(2) The Cliff Management Plan shall be implemented in accordance with the approved details.

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#### J2 Shelduck and non-breeding birds monitoring and mitigation schemes

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HPC DEVELOPMENT SITE:  
COOLING WATER  
INFRASTRUCTURE¶

(1) Work Nos. TJ1, TJ2 and TJ3 shall not be brought into operation until Shelduck and non-breeding birds monitoring and mitigation schemes have, following consultation with Natural England and the Marine Management Organisation, been submitted to and approved by the relevant planning authority. Unless otherwise agreed, the monitoring and mitigation schemes shall be developed in accordance with the Temporary Jetty Development Principles for an Adaptive Shelduck Monitoring Strategy (ref: NE/9).

(2) The Shelduck and non-breeding birds monitoring and mitigation schemes shall be implemented as approved.

#### J3 Removal and Reinstatement

(1) Prior to the removal of any part of the temporary jetty works, a detailed reinstatement strategy for the area to be occupied by the jetty lying between the northern boundary of the site of Work No. 1A and the mean low water mark shall be submitted to and approved by West Somerset District Council. The reinstatement strategy shall include details of—

(a) the location and depth of all buried structures within the intertidal area, and the depth and composition of materials to be used to cover those structures;

(b) the levels at which piles would be cut off;

(c) the materials to fill voids left after the removal of piles; and

(d) an implementation timetable for the reinstatement works.

(2) The reinstatement strategy referred to in (1) shall be implemented as approved.

#### J4 Foghorn

(1) Any foghorn associated with the development shall not be installed unless and until details of the foghorn have been submitted to and approved by West Somerset District Council.

(2) Any foghorn shall not be installed, retained or operated unless in accordance with the approved details.

#### J5 Lighting

(1) Prior to its installation, details of any lighting to be used on the temporary jetty must be submitted to and approved by West Somerset District Council.

(2) No lighting shall be installed other than in accordance with the approved details.

HPC Development Site: cooling water infrastructure

6. For the purpose of requirements CW1 and CW2, the “site” refers to the limits of deviation for Work Nos. 2A, 2C, 2E and 2G as shown on sheet nos. 3 and 4 and “development” refers to Work Nos. 2A, 2B, 2C, 2D, 2E, 2F, 2G and 2H. Requirements CW1 and CW2 relate only to development carried out on the site as so defined.

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Requirements

CW1 Cooling water infrastructure design

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         (1) No development shall commence until details of Work Nos. 2A to 2H have, following consultation with the Countryside Council for Wales, Natural England, English Heritage and the Environment Agency, been submitted to and approved by the Marine Management Organisation. The details shall include         

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         (a)          the location and design (size and shape) of the off-shore intake and outfall heads;

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         (b)          the alignment (horizontal and vertical) of the cooling water intake and outfall tunnels; and

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         (c)          the location and design of the fish recovery and return system and the low velocity side entry intakes, which shall be in accordance with the Environment Agency guidance referenced in the Environmental Statement (Volume 2, chapter 2, paragraph 2.6.21).

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         (2) The acoustic fish deterrent system shall not be installed until details of the location and design have, following consultation with the Countryside Council for Wales, Natural England and the Environment Agency, been submitted to and approved by the Marine Management Organisation.

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         (3) No water abstraction shall commence until the off-shore intake and outfall heads, cooling water intake and outfall tunnels, the fish recovery and return system, the low velocity side entry intakes and the acoustic fish deterrent system have been installed in accordance with the approved details referred to in paragraphs (1) and (2).

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CW2 Monitoring and adaptive measures

(1) No water abstraction shall commence until a monitoring and adaptive measures plan for Work Nos. 2A to 2H has, after consultation with the Countryside Council for Wales, Natural England and the Environment Agency, been submitted to and approved by the Marine Management Organisation. The purpose of the plan shall be to ensure that the acoustic fish deterrent system minimises the impacts of water abstraction on the relevant fish populations, having regard to the

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conservation objectives of the Severn Estuary SAC and other relevant ecological considerations. The plan shall set out—

\_\_\_\_\_ (a) \_\_\_\_\_ the performance level to be maintained by the acoustic fish deterrent system associated with the cooling water intakes to be confirmed through trials and the fish recovery and return system, during the operation of Unit 1 and Unit 2;

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\_\_\_\_\_ (b) \_\_\_\_\_ the monitoring arrangements for the trialling of the acoustic fish deterrent system and the fish recovery and return system during commissioning of Unit 1 and Unit 2, in respect of the performance levels set in (a);

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\_\_\_\_\_ (c) \_\_\_\_\_ the monitoring arrangements for the acoustic fish deterrent system and the fish recovery and return system during operation of Unit 1 and Unit 2, in respect of the performance levels set in (a);

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\_\_\_\_\_ (d) \_\_\_\_\_ the additional adaptive measures arising from (a), (b) and (c) and reflecting the contents of Appendix 5: Adaptive Management and Contingency Measures, section 1.3.9 (submitted 6th August 2012 as part of EDF Energy – Response to Issues Raised at the Second Issues Specific Hearing), that the Marine Management Organisation may require to be adopted during operation of Unit 1 and Unit 2, to meet or improve on the performance levels agreed under (a); the conditions where such measures would apply; and the process for their implementation; and

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\_\_\_\_\_ (e) \_\_\_\_\_ the monitoring methodology, frequency of monitoring and format of monitoring reports.

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\_\_\_\_\_ (2) The plan shall be implemented in accordance with its terms.

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HPC Development Site: HPC Accommodation Campus

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7. For the purpose of requirements OS1 to OS8, the “site” refers to land within the limits of Work No. 3 as shown on sheet no. 5 and “development” refers to Work No. 3. Requirements OS1 to OS8 relate only to development carried out on the site as so defined.

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Reference No. (2)

Requirements

OS1 Car parking

\_\_\_\_\_ The number of car parking spaces to be provided and available for Work No. 3 shall not exceed 353, unless otherwise approved by West Somerset District Council.

OS2 Construction compounds

\_\_\_\_\_ (1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development ~~shall~~ be built and used in accordance with Section 4 of the Construction Method Statement and Construction parameter plan Figure 4.6, unless otherwise approved by West Somerset District Council.

\_\_\_\_\_ (2) Following completion of construction at Work No. 3, all temporary structures, plant and equipment required for construction of the development shall be removed.

OS3 Landscape works

\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by West Somerset District Council. The landscape scheme shall be developed in accordance with the landscape strategy drawing 500103 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and section 6 (Design Principles) and section 7 (Development Proposals) of the on-site campus Design and Access Statement and shall include details of all proposed landscape works, including \_\_\_\_\_

\_\_\_\_\_ (a) soft landscape details;

\_\_\_\_\_ (b) hard surfacing materials;

\_\_\_\_\_ (c) vehicular and pedestrian access, parking and circulation areas;

\_\_\_\_\_ (d) street furniture, security cabins, bus shelters, refuse or other storage units;

\_\_\_\_\_ (e) plant establishment, maintenance and management arrangements; and

\_\_\_\_\_ (f) an implementation timetable for the landscape works.

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\_\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

OS4 Fencing

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OS5 . Fencing¶

(1) Except for fencing erected pursuant to requirement OS2 and MS2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset Council. ¶

(2) The development must remain securely fenced at all times during construction and operation of the development. ¶

OS6 . Lighting¶  
(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation ... [66]

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Reference No. . Requirements¶  
BRIA1 . Archaeology

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**Deleted:** BRIA2 . Ecology

**Deleted:** (1) The development shall not commence until a written ecological mitigation ... [70]

**Deleted:** BRIA3 . Car parking

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**Deleted:** (1) Buildings, structures, plant, equipment, uses, construction hoarding ... [72]

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\_\_\_\_\_ (1) Except for fencing erected pursuant to requirement OS2 and MS8, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset District Council.

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\_\_\_\_\_ (2) The development must remain securely fenced at all times during construction and operation of the development.

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#### OS5 Lighting

\_\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by West Somerset District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the On-site campus Design and Access Statement.

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\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

#### OS6 Signage

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset District Council. Signage details shall be in accordance with section 6 of the On-site campus Design and Access Statement.

\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

#### OS7 Surface and foul water

\_\_\_\_\_ (1) No works shall commence until details of the surface and foul water drainage system (including means of pollution control and future responsibility and maintenance arrangements) have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset District Council.

\_\_\_\_\_ (2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

#### OS8 Sports Pitches

\_\_\_\_\_ The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.

### Bridgwater A Accommodation Campus

8. For the purpose of requirements BRIA1 to BRIA21, the “site” refers to the land within the Order limits shown on sheet no. 12 and “development” refers to Work Nos. 4A, 4B and 4C. Requirements BRIA1 to BRIA21 relate only to development carried out on the site as so defined.

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Reference No. (2)

#### Requirements

##### BRIA1 Archaeology

(1) The development shall not commence until a scheme for geoarchaeological investigation of potential peat deposits, as outlined in the Volume 3, chapter 16 of the Environmental Statement, has been submitted to and approved by Somerset County Council.

(2) Any archaeological works must be carried out in accordance with the approved scheme.

##### BRIA2 Ecology

(1) The development shall not commence until an ecological mitigation and monitoring plan reflecting the survey results and ecological mitigation and enhancement measures included in Volume 3, chapter 14 of the Environmental Statement has been submitted to and approved by Sedgemoor District Council.

(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.

##### BRIA3 Car parking

The number of car parking spaces to be provided and available for Work No. 4A for the duration of the HPC construction works shall not exceed 543, unless otherwise approved by Sedgemoor District Council.

##### BRIA4 Construction compound

(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 3) Construction Work Area and Access Plan, unless otherwise approved by Sedgemoor District Council.

(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

##### BRIA5 Landscape works

(1) No development shall commence until a landscape scheme has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council. The

landscape scheme shall be developed in general accordance with the landscape strategy drawings 500106 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and 500108 (Rev 01): Tree and Hedgerow Retention and Removal Plan, and the relevant sections of the Bridgwater A Design and Access Statement and Bridgwater A Flood Risk Assessment. The landscape scheme shall include details of all proposed landscape works, including—

- (a) soft landscape details;
- (b) proposed finished ground levels;
- (c) hard surfacing materials;
- (d) street furniture, security cabins, bus shelters, refuse or other storage units;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) details of existing trees to be retained, with measures for their protection during construction of the development;
- (g) plant establishment, maintenance and management arrangements; and
- (h) an implementation timetable for all landscaping works.

(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

#### BRIA6 Fencing

(1) Except for fencing erected pursuant to requirement BRIA4, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.

(2) Work No. 4A must remain securely fenced at all times during construction and operation of Work No. 4A.

#### BRIA7 Lighting

(1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, have been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Bridgwater A Design and Access Statement.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

#### BRIA8 Signage

(1) Except for signage which the undertaker is permitted to erect by virtue of ~~the~~ Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in ~~the~~

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approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Bridgwater A Design and Access Statement.

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(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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**BRIA9 Flood Risk Assessment / resilience**

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(1) No development shall commence until a flood resilience scheme for the Bridgwater A accommodation campus buildings and associated structures (Work No. 4A(c)) has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council. The flood resilience scheme shall set out the measures that will be incorporated within the building design, such as the location of service entry points, and the positioning of internal electrical sockets at appropriate heights above finished floor levels.

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(2) The development shall be carried out in accordance with the details approved under paragraph (1), unless otherwise approved by Sedgemoor District Council.

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**BRIA10 Finished floor levels**

(1) The development of the Bridgwater A accommodation campus buildings (Work No. 4A(c)) shall not commence until details of all proposed finished floor levels have been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be carried out in accordance with the details approved under paragraph (1).

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**BRIA11 Surface and foul water**

(1) The development shall not commence until details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

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**BRIA12 Treatment of potential contaminants**

(1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

(2) The development shall be carried out in accordance with the details approved under paragraph (1).

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BRIA13 North East Bridgwater drainage scheme

(1) The development shall be connected into the wider North East Bridgwater surface water master drainage scheme already approved under the planning permission granted on 2nd July 2010 by Sedgemoor District Council in respect of the urban extension of North East Bridgwater with reference number 09/08/00017, once the rhyme rationalisation works are available to service the site drainage.

(2) Unless otherwise agreed, the works referred to in paragraph (1) shall be implemented within six months of either the North East Bridgwater surface water master drainage scheme or the development being available for use, whichever is the later.

BRIA14 Highways

The Bridgwater A accommodation buildings (Work No. 4A(c)) shall not be brought into use until Work Nos. 4A(g) (Bus Stops), 4B and 4C are available for use.

BRIA15 Post-operation

All proposed buildings on the site of Work No. 4 shall be demolished, and all materials resulting from their demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.

BRIA16 Sports Pitches

The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.

BRIA17 Contamination

(1) No development shall commence until the following have been submitted to and approved by Sedgemoor District Council:

(a) the remediation strategy required by condition 33 of planning permission granted on 2nd July 2010 by Sedgemoor District Council in respect of the urban extension of North East Bridgwater with reference number 09/08/00017; or

(b) following consultation with the Environment Agency, a remediation strategy which details the required measures and a method statement for the remediation works.

(2) Where works are undertaken pursuant to the details approved under paragraph (1)(b), a verification plan shall be submitted to and approved by Sedgemoor District Council. The verification plan shall demonstrate that the remedial works referred to in paragraph (1)(b) are complete. The verification plan shall identify necessary arrangements for monitoring of pollutant linkages, maintenance and contingency measures.

(3) The remediation strategy shall be implemented as approved, unless otherwise approved by Sedgemoor District Council.

BRIA18 Infiltration of surface water drainage

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- Deleted: (2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 24 months of completion of the HPC construction works.¶
- Deleted: (3) If after 12 months of completion of the HPC construction works the scheme referred to in paragraph (1) above has not been approved, then all buildings shall be removed within 24 mont[... [73]
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(1) No infiltration of surface water drainage into the ground shall be permitted unless and until details demonstrating that there is no unacceptable risk to controlled waters have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be carried out in accordance with the approved details.

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BRIA19 Piling

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(1) No piling or any other foundation designs using penetrative methods shall be used unless and until details demonstrating that there is no unacceptable risk to controlled waters have, in consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be carried out in accordance with the approved details.

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BRIA20 Migration paths for contaminants

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(1) No development shall commence until details and plans demonstrating measures to prevent underground services acting as migration pathways for contaminants have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be carried out in accordance with the approved details.

BRIA21 Bridgwater Sports and Social Club

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No development authorised by this Order shall take place on the site of the Bridgwater Sports and Social Club, until a scheme giving assurance that the existing playing fields will be replaced by at least equivalent facilities has been submitted to and approved by Sedgemoor District Council.

Bridgwater C Accommodation Campus

9. For the purpose of requirements BRIC1 to BRIC18, the "site" refers to the land within the Order limits shown on sheet no. 13 and "development" refers to Work Nos. 5A and 5B. Requirements BRIC1 to BRIC18 relate only to development carried out on the site as so defined.

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Requirements

BRIC1 Car parking

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\_\_\_\_\_ The number of car parking spaces to be provided and available for Work No. 5A for the duration of the HPC construction works shall not exceed 66, unless otherwise approved by Sedgemoor District Council.

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**BRIC2** Vegetation clearance

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(1) No vegetation clearance within the period from March to August inclusive shall be carried out unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved scheme.

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\_\_\_\_\_ (3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.

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**BRIC3** Construction compound

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\_\_\_\_\_ (1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 4) Construction Work Area and Access Plan, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

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**BRIC4** Temporary Canteen Facility

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\_\_\_\_\_ (1) Construction of the Temporary Canteen Facility (comprised in Work No. 5A(e)) shall not commence until details of its siting, scale and external appearance have been submitted to and approved by Sedgemoor District Council.

\_\_\_\_\_ (2) The details referred to in paragraph (1) shall be in accordance with sections 6 (Design Principles) and 9 (Parameters for Implementation) of the BRI C Accommodation Campus Design and Access Statement.

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\_\_\_\_\_ (3) The Temporary Canteen Facility shall be implemented in accordance with the approved details.

**BRIC5** Landscape works

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\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawing 500103 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan, and section 6 (Design Principles) and section 7 (Development Proposals) of the Bridgwater C Design and Access Statement. The landscape scheme shall include details of all proposed hard and soft landscape works, including —

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← (a) soft landscape details;

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← (d) vehicular and pedestrian access, parking and circulation areas;

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← (e) street furniture, security cabins, bus shelters, refuse or other storage units;

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← (f) details of existing trees to be retained, with measures for their protection during construction of the development;

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← (g) plant establishment, maintenance and management arrangements; and

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← (h) an implementation timetable for all landscaping works.

\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

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**BRIC6** Highways

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\_\_\_\_ (1) The site access shall be carried out in accordance with the drawings 830208(Rev 01): Site Entrance Layout and 001001 (Rev 01): Proposed Highways General Arrangement Plan, unless otherwise approved by Sedgemoor District Council.

\_\_\_\_ (2) No works shall be carried out otherwise than in accordance with the approved plans.

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\_\_\_\_ (3) Work No. 5A shall not be brought into use until Work No. 5B and the site access are available for use.

**BRIC7** Fencing

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\_\_\_\_ (1) Except for fencing erected pursuant to requirement **BRIC3**, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_ (2) Work No. 5A must remain securely fenced at all times during construction and operation of Work No. 5A.

**BRIC8** Lighting

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\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Bridgwater C Design and Access Statement.

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\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

**BRIC9 Signage**

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\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Bridgwater C Design and Access Statement.

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\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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**BRIC10 Flood Risk Assessment**

\_\_\_\_ The development shall be carried out in accordance with the recommendations set out in sections 5 and 6 of the Bridgwater C Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

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**BRIC11 Finished floor levels**

(1) Construction of the Bridgwater C accommodation campus buildings (Work No. 5A(e) shall not commence until details of all proposed finished floor levels have been submitted to and approved by Sedgemoor District Council. Accommodation floor levels shall be set no lower than 7.5m above ordnance datum (N), or no lower than +150mm above existing ground levels, as recommended by Section 7.1.6 of the Bridgwater C Flood Risk Assessment.

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\_\_\_\_ (2) The development shall be carried out in accordance with the details approved under paragraph (1).

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**BRIC12 Surface and foul water**

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\_\_\_\_ (1) No works shall commence until details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_ (2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

**BRIC13 Infiltration of surface water drainage**

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(1) No infiltration of surface water drainage into the ground shall be permitted unless and until details demonstrating that there is no unacceptable risk to controlled waters have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_ (2) The development shall be carried out in accordance with the approved details.

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BRIC14 Migration paths for contaminants

(1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the sewerage and drainage authority, been submitted to and approved by Sedgemoor District Council.

(2) The development shall be carried out in accordance with the details approved under paragraph (1).

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BRIC15 Post-operation

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All proposed buildings on the site of Work No. 5A shall be demolished, and all materials resulting from their demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.

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BRIC16 Contamination

(1) No development shall commence until a remediation strategy that takes into account the findings of the Factual Report on Ground Investigation at Associated Developments Bridgwater C Campus, Phases I, II and III (Volume 4 of the Environmental Statement, Appendix 12B), has been submitted to and approved by Sedgemoor District Council.

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BRIC14

(2) Following completion of the remediation strategy referred to in paragraph (1), a verification plan shall be submitted to Sedgemoor District Council detailing data to be collected in order to demonstrate that the remediation strategy set out in paragraph (1) has been fully implemented and which identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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(3) The remediation strategy referred to in paragraph (1) shall be implemented as approved.

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BRIC17 Piling

(1) No piling or any other foundation designs using penetrative methods shall be used, or underground services installed, unless and until details demonstrating that there is no unacceptable risk to controlled waters have, in consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be carried out in accordance with the approved details.

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BRIC18 Sports Pitches

The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.

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CANNINGTON BYPASS¶

Cannington Bypass

10. For the purpose of requirements CB1 to ~~CB12~~, the "site" refers to the land within the Order limits shown on sheet no. ~~14~~ and "development" refers to Work Nos. 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I and 6J. Requirements CB1 to ~~CB12~~ relate only to development carried out on the site as so defined.

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Requirements

CB1 Archaeology

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(1) The development shall not commence until a scheme of investigation for areas of archaeological interest as identified in Volume 5, chapter 16 of the Environmental Statement has been submitted to and approved by Somerset County Council.

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(2) All archaeological works must be carried out in accordance with the approved scheme, unless otherwise approved by Somerset County Council.

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CB2 Ecology

(1) The development shall not commence until an ecological mitigation and monitoring plan reflecting the survey results and ecological mitigation measures set out in Volume 5, chapter 14 of the Environmental Statement has been submitted to and approved by Sedgemoor District Council.

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(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved, unless otherwise approved by Sedgemoor District Council.

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CB3 Otter protection plan

(1) The development shall not commence until an otter protection plan, setting out the mitigation measures, as identified in Volume 5, chapter 14 of the Environmental Statement, to protect otter populations and the timetable for implementation, has been submitted to and approved by Sedgemoor District Council.

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(2) The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

CB4 Construction compound

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(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 5) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

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**CB5** Construction working hours

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\_\_\_\_\_ (1) Construction work shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.

**CB6** Landscape works

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\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with drawings 500129 (Rev 02), 500130 (Rev 01), 500131 (Rev 01), 500132 (Rev 01), 500133 (Rev 01) and 500134 (Rev 01) (Detailed Landscape Plan), and must include details of:

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\_\_\_\_\_ (a) location, number, species, size and planting density of any proposed planting;

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\_\_\_\_\_ (b) cultivation, importing of materials and other operations to ensure plant establishment;

\_\_\_\_\_ (c) details of existing trees to be retained, with measures for their protection during construction;

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\_\_\_\_\_ (d) plant establishment, maintenance and management arrangements; and

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\_\_\_\_\_ (e) an implementation timetable for the landscape works.

\_\_\_\_\_ (2) The landscape works must be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.

**CB7** Lighting

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\_\_\_\_\_ (1) Installation of highway lighting shall not commence until, after consultation with the highways authority, details of highway lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with the relevant sections of the Cannington Bypass Design and Access Statement.

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\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

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**CB8** Flood Risk Assessment

\_\_\_\_\_ The development shall be carried out in accordance with the recommendations set out in the Cannington Bypass Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

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CB9 Mill Stream crossing

(1) The development shall not commence until full engineering details of the Mill Stream crossing, including all finished road surface levels over the crossing(s) point(s), have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) The Mill Stream culvert crossing shall be constructed in accordance with the approved details and timetable.

CB10 Flood plain storage

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(1) The development shall not commence until details of compensatory floodplain storage ~~to replace that~~ lost ~~as a result of~~ the road footprint at the 1% AEP CC fluvial event have, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) The compensatory flood storage shall be constructed in accordance with the approved details and timetable.

CB11 Surface and foul water

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\_\_\_\_\_ (1) The development shall not commence until details of the surface and foul water drainage system (including details of balancing ponds, means of pollution control and details of the future responsibility and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

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CB12 Migration paths for contaminants

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(1) The development shall not commence until a scheme to treat and remove suspended solids from surface water run-off during construction works has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

\_\_\_\_\_ (2) The scheme shall be constructed in accordance with the approved details.

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CANNINGTON PARK AND RIDE¶

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Cannington Park and Ride

11. For the purpose of requirements CP1 to ~~CP15~~, the "site" refers to the land within the Order limits shown on sheet no. 15 and "development" refers to Work Nos. 7A and 7B. Requirements CP1 to ~~CP15~~ relate only to development carried out on the site as so defined.

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Requirements

CP1 Ecology

(1) The development shall not commence until an ecological mitigation and monitoring plan has been submitted to and approved by Sedgemoor District Council. The ecological mitigation and monitoring plan shall be prepared to reflect the ecological mitigation and measures included in Volume 6, chapter 14 of the Environmental Statement.

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(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.

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CP2 Car parking

The number of car and minibus parking spaces to be provided and available for Work No. 7A for the duration of the HPC construction works shall not exceed 132 for the construction workforce and a further 120 for visitor parking, unless otherwise approved by Sedgemoor District Council.

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CP3 Construction compound

(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 6) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.

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(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

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CP4 Storage

There shall be no storage of materials, including soil, within the part of the site liable to flood, shown in light blue on figure 4 of the Cannington Park and Ride Flood Risk Assessment (along the north-eastern boundary of the site).

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CP5 Construction hours

(1) Construction work shall only be undertaken between the hours of 08:00 and 19:00 on weekdays (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.

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(2) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.

**CP6 Landscape works**

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(1) No development shall commence until a landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings (500102 (Rev 02): Tree and Hedgerow Retention and Removal Plan During Operation; 500106 (Rev 01): Tree and Hedgerow Retention and Removal Site Access; and 500109 (Rev 02): Planting Plan During Operational Phase) and must include details of all proposed landscape works, including:

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- (a) soft landscape details, including details of landscape bunds and earth stockpiles;
- (b) hard surfacing materials;
- (c) proposed finished ground levels;
- (d) vehicular and pedestrian access, parking and circulation areas;
- (e) street furniture, security cabins, bus shelters, refuse or other storage units;
- (f) details of plant establishment maintenance and management arrangements; and
- (g) an implementation timetable for all landscaping works.

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(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

**CP7 Fencing**

(1) Except for fencing erected pursuant to requirement CP3, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.

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(2) Work No. 7A must remain securely fenced at all times during construction and operation of Work No. 7A.

**CP8 Lighting**

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(1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Cannington Park and Ride Design and Access Statement and drawing 012001: Proposed Lighting, CCTV and Signage.

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(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

**CP9 Signage**

(1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the

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approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Cannington Park and Ride site-specific Design and Access Statement.

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(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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#### CP10 Flood Risk Assessment

The development shall be carried out in accordance with the recommendations set out in the Cannington Park and Ride Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

#### CP11 Flood alleviation channel

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Other than the development indicated on drawing 000101 (Rev 02), no development, including the raising of ground level, shall be undertaken within 8m of the banks of the existing flood alleviation channel, unless otherwise approved by Sedgemoor District Council.

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#### CP12 Surface and foul water

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(1) The development shall not commence until details of the surface and foul water drainage system (including means of pollution control, balancing ponds and future responsibility, monitoring and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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(2) The surface and foul water drainage system shall be constructed in accordance with the approved details referred to in paragraph (1).

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#### CP13 Highways

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Work No. 7A shall not be brought into use until Work No. 7B is available for use.

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#### CP14 Access road crossings

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(1) No development shall commence until engineering details for the site access road crossings of the A39 roadside ditch and the new flood alleviation channel have been submitted to and approved by Sedgemoor District Council. The details shall be in general accordance with the illustrative details set out in Appendix D of the Cannington Park and Ride Flood Risk Assessment.

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(2) The details referred to in paragraph (1) shall be implemented as approved.

Deleted: in accordance with table A4.4 of the Post-Operational Strategy, Appendix A4 of the Planning Statement.¶ (2) Unless otherwise approved by Sedgemoor District Council, any works required under paragraph (1)

#### CP15 Post-operation

Within 12 months of the completion of the HPC construction works, all buildings on the site of Work No. 7A shall be demolished: all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use.

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Combwich Wharf and Freight Laydown facility

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COMBWICH¶

12. For the purpose of requirements C1 to C30, the "site" refers to the land within the Order limits shown on sheet no. 16 and "development" refers to Work Nos. 8A and 8B. Requirements C1 to C30 relate only to development carried out on the site as so defined.

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Requirements

C1 Ecology

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(1) Work No. 8A shall not commence until an ecological mitigation and monitoring plan, reflecting the survey results and ecological mitigation and enhancement measures included in Volume 7, chapter 14 of the Environmental Statement have been submitted to and approved by Sedgemoor District Council.

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(2) The ecological mitigation and monitoring plan shall include an implementation timetable and shall be carried out as approved.

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C2 Shelduck and non-breeding birds monitoring and mitigation schemes

(1) Work No. 8A shall not be brought into operation until Shelduck and non-breeding birds monitoring and mitigation schemes have, following consultation with Natural England and the Marine Management Organisation, been submitted to and approved by Sedgemoor District Council. Unless otherwise agreed, the monitoring and mitigation schemes shall be developed in accordance with the Combwich Wharf and River Parrett Non-breeding Wildfowl and Wader Monitoring and Mitigation Scheme (submitted 31st August 2012).

(2) The Shelduck and non-breeding birds monitoring and mitigation schemes shall be implemented as approved.

C3 Combwich intertidal monitoring and contingency plan

(1) Work No. 8A shall not commence until a Combwich intertidal monitoring and contingency plan has, after consultation with the Countryside Council for Wales, the Environment Agency, the Marine Management Organisation and Natural England, been submitted to and approved by Sedgemoor District Council. The plan should include—

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(a) the geographical extent of topographical monitoring of the intertidal shore and the associated flood defences within, surrounding and immediately adjacent to the Combwich Pill (i.e. the flood defences bordering the Combwich Pill itself and both extending 75m to the north of the Combwich Pill on the western bank of the River Parrett and 75m to the south of the Combwich Pill on that same western bank of the River Parrett);

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\_\_\_\_\_ (b) \_\_\_\_\_ the geographical extent of monitoring of the eastern flood defences of the River Parrett, extending beyond the predicted area of impact related to the construction of Combwich Wharf. This monitoring shall be undertaken to a level sufficient to confirm the findings of the assessment (i.e. that there are no significant effects);

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\_\_\_\_\_ (c) \_\_\_\_\_ the details of monitoring of tug boats without payloads, comprising visual observations of vessel wash and recording of tug boat speed, to confirm the predicted absence of impact on the intertidal zone flanking the navigational stretch of the tidal River Parrett upstream to Combwich Wharf, to be undertaken during 12 observational surveys (i.e. 6 travelling to and 6 travelling from Combwich Wharf);

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\_\_\_\_\_ (d) \_\_\_\_\_ appropriate contingency measures that are to be implemented should monitoring of (a) and (c) above indicate that erosion of the areas concerned, and potential risk to the integrity of the associated flood defences, can be attributed to the construction or operation of Combwich wharf; and

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\_\_\_\_\_ (e) \_\_\_\_\_ the monitoring methodology, the frequency of monitoring and format of the monitoring reports.

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\_\_\_\_\_ (2) The Combwich intertidal monitoring and contingency plan referred to in paragraph (1) shall be implemented as approved.

#### C4 Car parking

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\_\_\_\_\_ Except for existing car parking provision associated with the continued use of the Combwich Motor Boat and Sailing Club and the Combwich Laboratory, the number of car and minibus parking spaces to be provided and available for Work No. 8A for the duration of the HPC construction works shall not exceed 50, unless otherwise approved by Sedgemoor District Council.

#### C5 Construction compound

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\_\_\_\_\_ (1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with section 6 of the Construction Method Statement and as set out in the Environmental Statement, Volume 7, Figures 3.1 and 3.2 Construction Work Area and Access Plans, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Following completion of construction works on site, all such temporary structures, plant and equipment required for construction shall be removed, except the welfare cabin at Combwich Wharf (illustrated on drawing 1600: Proposed Layout and Levels).

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#### C6 Construction Hours

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\_\_\_\_\_ (1) Construction and demolition works associated with Combwich Wharf (Work No. 8A (1)(a) to (h)) shall only be undertaken between the hours of 08:00 and 19:00 Monday to Friday (excluding public holidays) and 08:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Construction and demolition works associated with the Combwich Freight Laydown Facility (Work No. 8A(2)(a) to (h)) shall only be undertaken between the hours of 07:00 and 19:00 on weekdays (excluding public holidays) and 07:00 and 13:00 hours on Saturdays, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (3) Activities excluded from the above working hours restrictions comprise non-intrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing.

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#### C7 Freight laydown facility

\_\_\_\_\_ Until Work Nos. 6A (Cannington bypass) and 6B (Cannington new road) have been constructed and are available for use, no work shall take place on Work No. 8A(2)(a) to (h) (Combwich Freight Laydown Facility) which involves the delivery or removal of bulk filling materials other than via Combwich Wharf and the Combwich Wharf Access Road.

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#### C8 Landscape works

\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the drawings (500103 (Rev 01) and 500104 (Rev 01): Landscape Planting Plan during Operation; 500400 (Rev 01): Landscape Planting Plan Post Operation, 500101 (Rev 01) and 500105 (Rev 01): Tree and Hedgerow Retention and Removal Plan and 1615 (Rev 01), 007001 (Rev 01) and 1005 (Rev 01): Proposed Surface Finishes), and must include details of all proposed landscape works, including \_\_\_\_\_

Deleted: shall not commence until Work Nos. 6A and 6B are available for use. ¶  
C3C . Fill Materials¶  
Only uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic shall be permitted as fill material used for

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Deleted: shall follow the protocols defined within: "The Definition of Waste: Development Industry Code of Practice, Version 2, March 2011"; published by Contaminated Land: Applications in Real Environments (CL:AIRE).

- \_\_\_\_\_ (a) soft landscape details, including details of landscape bunds and earth stockpiles;
- \_\_\_\_\_ (b) hard surfacing materials;
- \_\_\_\_\_ (c) proposed finished ground levels;
- \_\_\_\_\_ (d) vehicular and pedestrian access, parking and circulation areas;
- \_\_\_\_\_ (e) street furniture, security cabins, bus shelters, refuse or other storage units;
- \_\_\_\_\_ (f) details of plant establishment, maintenance and management arrangements; and
- \_\_\_\_\_ (g) an implementation timetable for all landscaping works.

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\_\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

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#### C9 Fencing

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\_\_\_\_\_ (1) Except for fencing erected pursuant to requirement C4, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Work No. 8A must remain securely fenced at all times during construction and operation of Work No. 8A.

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**C10** Lighting

\_\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Combwich Design and Access Statement.

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\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

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**C11** Signage

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of ~~the~~ Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in ~~the~~ approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Combwich Design and Access Statement.

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\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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**C12** Structures

\_\_\_\_\_ (1) The ~~fire fighting water supply tank~~ shall not be installed until details of ~~its~~ siting, scale and appearance have been submitted to and approved by Sedgemoor District Council and shall be in accordance with chapter 6 (Design Principles) and chapter 9 (Implementation) of the Combwich Design and Access Statement.

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\_\_\_\_\_ (2) The ~~fire fighting water supply tank~~ shall be installed in accordance with the approved details.

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**C13** Flood Risk Assessment

\_\_\_\_\_ The development shall be carried out in accordance with the recommendations set out in the Combwich Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

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**C14** Surface and foul water

\_\_\_\_\_ (1) The development shall not commence until details of the surface and foul water drainage system (including means of pollution control, culverts and future responsibility, monitoring of maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

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C15 Treatment of potential contaminants

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(1) The development shall not commence until a scheme to treat and remove suspended solids from surface water run-off during construction works has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The scheme referred to in paragraph (1) shall be implemented as approved.

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C16 Working Hours

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(1) Unless Sedgemoor District Council agrees otherwise, the unloading of AILs and general construction goods at Combwich Wharf shall be restricted to the hours of 07:30 to 18:30, seven days a week.

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(2) Where the Council agrees to deliveries outside the times stated in paragraph (1), the undertaker shall notify residents and occupiers of premises in Riverside and adjacent to the Wharf of the anticipated timing of such deliveries at least 24 hours before any of them takes place. Notwithstanding article 44, notification shall be given in writing and delivered to each of those premises unless the resident or occupier has agreed otherwise in writing (in which case, notification shall be given by the means agreed).

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(3) At Combwich Freight Laydown Facility, the arrival and departure of vehicles in connection with unloading activities at Combwich Wharf, the movement of general construction goods between the Wharf and the Laydown Facility, and other storage activities at the Laydown Facility shall not take place outside the hours of 07:00 to 20:00 Mondays to Fridays or 08:00 to 18:00 on Saturdays and Sundays and public holidays, unless Sedgemoor District Council agrees otherwise.

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Deleted: (Work No. 8A (a) to (h)),

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C17 Vessel Arrivals and Departures

(1) Unless Sedgemoor District Council agrees otherwise, no vessel shall arrive or depart from Combwich Wharf in connection with the authorised project on high tides predicted to occur between the hours of 22:00 and 06:00 (by the tidal prediction tables giving the time and height of high tides at Combwich, prepared by the National Oceanography Centre, National Tidal and Sea Level Facility).

Deleted: (3) For the avoidance of doubt, this requirement does not apply to the arrival or departure of vehicles in connection with the berthing or departure of vessels or the departure of AILs from the Combwich Freight Laydown Facility.¶ C13A

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(2) Where the Council agrees to arrival or departure on high tides predicted to occur between the times stated in paragraph (1), the undertaker shall notify residents of premises in Riverside between Ship Lane and Old Mill Close of the arrivals or departures concerned and their anticipated timing at least 24 hours before any of them takes place. Notwithstanding article 44, notification shall be given in writing and delivered to each of those premises unless the resident or occupier has agreed otherwise in writing (in which case, notification shall be given by the means agreed).

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C18 Generator Noise

(1) Except for emergencies, vessels berthed at Combwich Wharf shall not operate on-board generators between the hours of 23:00 and 07:00 unless the undertaker has first notified Sedgemoor District Council and erected a public notice in a location within Combwich approved by

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Sedgemoor District Council at least 24 hours in advance. The notification and notice shall include details of the planned commencement and duration of the use of the on-board generators.

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(2) As determined outside of the nearest residential receptor (24 Riverside), the level of noise emitted between the hours of 23:00 to 07:00 by on-board generators of vessels berthed at Combwich Wharf shall not exceed 45dB LAeq, 8 hour, unless otherwise agreed by Sedgemoor District Council.

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(3) Monitoring of the noise levels during the HPC construction works shall be carried out pursuant to the details approved for requirement C19.

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C19 Operational noise monitoring scheme

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(1) Combwich Wharf shall not be brought into use until a noise monitoring scheme for the site has been submitted to and approved by Sedgemoor District Council. The noise monitoring scheme shall set out details of:

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(a) noise monitoring to establish the effectiveness of the noise management measures; and

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(b) frequency and format of reporting monitoring information to the relevant planning authority.

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(2) The noise monitoring scheme referred to in paragraph (1) shall be implemented and maintained for the duration of the operation of Combwich Wharf.

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C20 Highways

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Work No. 8A shall not be brought into use in connection with the HPC construction works until Work No. 8B is available for use.

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C21 Storage

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Except for AILs, items shall not be stored at the Combwich Freight Laydown Facility (Work No. 8A(2)(a) to (h)) in any arrangement which exceeds 6m in height, unless otherwise approved by Sedgemoor District Council.

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C22 Use of freight laydown facility

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The Combwich Freight Laydown Facility (Work No. 8A(2)(a) to (h)) shall not be used as a contractor compound area for the HPC development site, or for the storage of construction materials from Work No. TJ1.

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Deleted: Planning Statement. ¶ (2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme

C23 Post-operation

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Within 12 months of the completion of the HPC construction works, all buildings on the site of Work No. 8A(2)(a) to (h) shall be demolished: all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use.

C24 Replacement pontoon

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(1) The pontoon located immediately to the west of the AIL Quay shall not be removed until details of a replacement pontoon have, following consultation with the Combwich Motor Boat and Sailing Club, been submitted to and approved by Sedgemoor District Council. The details shall set out the replacement pontoon's design, location and timing of its implementation.

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(2) The replacement pontoon shall be implemented in accordance with the approved details.

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C25 Tuckett's Clyce

(1) No development shall commence until a full structural survey is carried out on the Tuckett's Clyce structure and, after consultation with the Environment Agency, the report of the survey has been submitted to and approved by Sedgemoor District Council. The report shall set out appropriate monitoring of the structure and measures that would be implemented should monitoring indicate that erosion of Tuckett's Clyce would be likely to increase the risk of flooding.

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~~(2) No development shall be carried out until an inspection/maintenance schedule (and if necessary an upgrade programme) for Tuckett's Clyce has, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.~~

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(3) The development shall be implemented in accordance with the details approved under paragraphs (1) and (2), unless otherwise approved by Sedgemoor District Council.

C26 Finished floor levels

(1) No development shall commence until proposed ground and finished floor levels have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be implemented in accordance with the levels as approved.

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C27 Rhyne crossings

(1) No development shall commence until engineering details of all rhyne culvert crossings have, after consultation with the Environment Agency and the Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor District Council.

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(2) The development shall be implemented in accordance with the approved details.

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C28 Flood resilience

(1) No development shall commence until a scheme setting out the proposed flood defence improvements (including flood bund around the Combwich Freight Laydown Facility area and proposals for future maintenance) has, after consultation with the Environment Agency and Marine Management Organisation, been submitted to and approved by Sedgemoor District Council.

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(2) The scheme shall be implemented as approved.

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C29 Protection of flood defences

~~Other than development indicated on Drawing No 1003, no development within Work No. 8A(2)(a) to (h) (Combwich Freight Laydown Area), including the raising of ground level, shall be undertaken within 8 metres of the River Parrett flood defences, unless otherwise approved by Sedgemoor District Council, following consultation with the Environment Agency.~~

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~~Deleted: and until a scheme detailing timing and method has, in~~

~~Deleted: , Natural England and Marine Management Organisation, been submitted to and approved by Sedgemoor District Council.~~

~~Deleted: (2) The scheme shall be implemented as approved. ¶ C23~~

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### ~~C30 Mooring vessels~~

~~(1) Following completion of the Combwich Wharf refurbishment works, vessels carrying goods associated with the HPC construction works shall only berth on the Berthing Bed, indicated on drawing: Site Layout and Levels (Ref: 1600), unless otherwise agreed in writing by Sedgemoor District Council.~~

~~(2) For the avoidance of doubt, this restriction shall only apply to vessels carrying goods associated with the construction of HPC and shall not apply to small work boats, such as those used to carry mooring lines between the main vessels and the wharf.~~

### ~~Junction 23~~

~~Deleted: ¶ JUNCTION~~

~~13. For the purpose of requirements J23-1 to J23-16, the "site" refers to the Order limits shown on sheet no. 17 and "development" refers to Work Nos. 9A and 9B. Requirements J23-1 to J23-16 relate only to development carried out on the site as so defined.~~

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~~Reference No. (2)~~

~~Requirements~~

### ~~J23-1 Archaeology~~

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~~(1) The development shall not commence until a scheme for geoarchaeological recording of soils and sediments of geoarchaeological interest, as outlined in Volume 8, chapter 16 of the Environmental Statement, has been submitted to and approved by Somerset County Council.~~

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~~(2) Any archaeological works must be carried out in accordance with the approved scheme.~~

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### ~~J23-2 Ecology~~

~~(1) The development shall not commence until an ecological mitigation and monitoring plan for the site reflecting the survey results and ecological mitigation and enhancement measures included in Volume 8, chapter 16 of the Environmental Statement have been submitted to and approved by Sedgemoor District Council.~~

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~~(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.~~

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### ~~J23-3 Car parking~~

\_\_\_\_\_ The number of car and minibus parking spaces to be provided on the site shall not exceed 1300, unless otherwise approved by Sedgemoor District Council.

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J23-4 Construction compound

\_\_\_\_\_ (1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development ~~shall~~ be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 8) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Following completion of construction works on site, all temporary structures, plant, equipment and uses required for construction of the development shall be removed or ~~cease~~.

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J23-5 Landscape works

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\_\_\_\_\_ (1) No development shall commence until a ~~landscape scheme~~ has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings 500102 (Rev 01): Tree and Hedgerow Retention and Removal Plan; 500106 (Rev 01): Tree and Hedgerow Retention and Removal Plan Site Access Road; 500107 (Rev 01): Planting Plan During Operation, and drawings 007001 (Rev 01), 007002 (Rev 02), 007003 (Rev 01), to 007004 (Rev 01): Proposed Surface Finishes and must include details of all proposed landscape works, including ~~=~~

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\_\_\_\_\_ (a) soft landscape details, including details of landscape bunds and earth stockpiles;

\_\_\_\_\_ (b) proposed finished ground levels;

\_\_\_\_\_ (c) hard surfacing materials;

\_\_\_\_\_ (d) vehicular and pedestrian access, parking and circulation areas;

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\_\_\_\_\_ (e) security cabins, furniture, refuse or other storage units;

\_\_\_\_\_ (f) details of plant establishment, maintenance and management arrangements; and

\_\_\_\_\_ (g) an implementation timetable for all landscaping works.

\_\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

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J23-6 Fencing

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\_\_\_\_\_ (1) Except for fencing erected pursuant to requirement J23-4, ~~no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.~~

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(2) Work No. 9A must remain securely fenced at all times during construction and operation of Work No. 9A.

J23-7 Lighting

**Deleted:** (2) Work No. 9A must remain securely fenced at all times during construction and operation of Work No. 9A.

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\_\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Junction 23 Design and Access Statement and drawings 012001 to 012004: Proposed Signage, Lighting and CCTV.

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**Deleted:** The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Junction 23 Design and Access Statement and drawings 012001 to 012004: Proposed Signage, Lighting and CCTV.

\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

J23-8 Signage

**Deleted:** (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Junction 23 Design and Access Statement.

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**Deleted:** Signage details shall be in accordance with section 6 (Design Principles) of the Junction 23 Design and Access Statement.

\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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Flood Risk Assessment and Mitigation

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J23-9 The development shall be carried out in accordance with the recommendations set out in the Junction 23 Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

J23-10 Other than the development indicated on drawing 000101, no development, including the raising of ground level, shall be undertaken within 8m of the River Parrett flood defences, unless otherwise approved by Sedgemoor District Council, in consultation with the Environment Agency.

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J23-11 (1) No development shall commence until proposed ground/finished floor levels have, after consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) The details shall be implemented as approved.

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Surface and foul water

**Deleted:** J23-10

J23-12 (1) The development shall not commence until details of the surface and foul water drainage system (including means of pollution control and future responsibility, monitoring and maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and

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drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

J23-13 (1) Work No. 9A shall not commence until engineering details of all rhyne culvert crossings have, following consultation with the Environment Agency and Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor District Council.

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(2) The approved culverts shall be constructed in accordance with the engineering detail approved under paragraph (1).

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J23-14 (1) Work No. 9A shall not commence until a scheme setting out the proposed River Parrett flood defence improvements (including future responsibility and maintenance arrangements) has, following consultation with the Environment Agency and Parrett Internal Drainage Board, been submitted to and approved by Sedgemoor District Council.

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(2) The flood defence improvements shall be carried out in accordance with the approved details and be in place prior to any part of the site being brought into use.

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J23-15 Highways

Work No. 9A shall not be brought into use until Work No. 9B is available for use.

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J23-16 Post-operation

Within 12 months of the completion of the HPC construction works, all temporary buildings, structures, internal access roads and areas of hardstanding shall be removed from the site of Work No. 9A; and the ground shall be restored to its pre-development level, and to a condition suitable for agricultural use.

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Deleted: submitted to Sedgemoor District Council for approval, unless a planning permission for an alternative scheme allows otherwise. ¶ (2) Any works required to be carried out under

Junction 24

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14. For the purpose of requirements J24-1 to J24-10, the "site" refers to the land within the Order limits shown on sheet no. 18 and "development" refers to Work No. 10. Requirements J24-1 to J24-10 relate only to development carried out on the site as so defined.

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Reference No. (2)

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Requirements

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J24-1 Car parking

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\_\_\_\_\_ The number of car and minibus parking spaces to be provided and available for Work No. ~~10~~ for the duration of the HPC construction works shall not exceed 1,300, unless otherwise approved by Sedgemoor District Council.

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J24-2 Vegetation clearance

\_\_\_\_\_ (1) No vegetation clearance within the period from March to August inclusive shall commence unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved scheme referred to in paragraph (1).

\_\_\_\_\_ (3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.

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J24-3 Construction compound

\_\_\_\_\_ (1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development ~~shall~~ be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 9) Construction Work Area Plan, unless otherwise approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

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J24-4 Landscape works

\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in accordance with the approved landscape strategy drawings 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan; 500104 (Rev 01): Tree and Hedgerow Retention and Removal Plan Detailed Area; 500102 (Rev 01): Planting Plan During Operation Pre-Junction 23; 500403 (Rev 01): Planting Plan During Operation Post-Junction 23; 007001 to 007002 (Rev 01): Proposed Surface Finishes Pre-Junction 23 and 007003 to 007004 (Rev 01): Proposed Surface Finishes Post-Junction 23 and must include details of all proposed hard and soft landscape works, including—

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\_\_\_\_\_ (a) soft landscape details;

\_\_\_\_\_ (b) hard surfacing materials;

\_\_\_\_\_ (c) vehicular and pedestrian access, parking and circulation areas;

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\_\_\_\_\_ (d) security cabins, furniture, refuse or other storage units;

\_\_\_\_\_ (e) details of plant establishment, maintenance and management arrangements; and

\_\_\_\_\_ (f) an implementation timetable for all landscaping works.

\_\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

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J24-5 Site access

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\_\_\_\_\_ Work No. 10 shall not be brought into use until the site access is available for use.

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J24-6 Fencing

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\_\_\_\_\_ (1) Except for fencing erected pursuant to requirement J24-3, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by Sedgemoor District Council.

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\_\_\_\_\_ (2) Work No. 10 must remain securely fenced at all times during construction and operation of Work No. 10.

J24-7 Lighting

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\_\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by Sedgemoor District Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Junction 24 Design and Access Statement and with drawings 012001 to 012002 (Rev 01): Proposed Signage, Lighting and CCTV Pre Junction 23; 012003 to 012004 (Rev 01): Proposed Signage, Lighting and CCTV Post-Junction 23.

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\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

J24-8 Signage

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by Sedgemoor District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Junction 24 Design and Access Statement.

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\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

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J24-9 Flood Risk Assessment

\_\_\_\_\_ The development shall be carried out in accordance with the recommendations set out in the Junction 24 Flood Risk Assessment, unless otherwise approved by Sedgemoor District Council.

J24-10 Surface and foul water

\_\_\_\_\_ (1) No modifications shall be made to the existing surface and foul water drainage system until details (including means of pollution control and details of the future responsibility and

maintenance arrangements) have, after consultation with the Environment Agency, the sewerage authority and drainage authority (Parrett Internal Drainage Board), been submitted to and approved by Sedgemoor District Council.

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(2) The surface and foul water drainage system shall be constructed in accordance with the approved details referred to in paragraph (1).

Williton

15. For the purpose of requirements WP1 to WP12, the "site" refers to the land within the Order limits shown on sheet no. 19 and "development" refers to Work No. 11. Requirements WP1 to WP12 relate only to development carried out on the site as so defined.

Deleted: J24-11 . Post-operation¶  
(1) Prior to completion of the HPC construction works, a post-operational scheme for that relevant part shall be submitted to Sedgemoor District Council for approval and shall be in accordance with table A4.7 of the Post-Operational Strategy, Appendix A4 of the Planning Statement. ¶  
(2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 6 months of completion of the HPC construction works.¶  
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WILLITON¶

(1)

Reference No. (2)

Requirements

WP1 Car parking

The number of car and minibus parking spaces to be provided and available for Work No. 11 for the duration of the HPC construction works shall not exceed 160, unless otherwise approved by West Somerset District Council.

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WP2 Vegetation clearance

(1) No vegetation clearance within the period from March to August inclusive shall commence unless and until a scheme designed to avoid or reduce impacts on breeding birds has been submitted to and approved by West Somerset District Council.

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(2) Any vegetation clearance undertaken during the period March to August inclusive shall be carried out in accordance with the approved scheme referred to in paragraph (1).

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(3) All vegetation clearance works shall be undertaken under the supervision of an ecological clerk of works.

WP3 Construction compound

(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development shall be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 10) Construction Work Area Plan, unless otherwise approved by West Somerset District Council.

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(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

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**WP4** Landscape works

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\_\_\_\_\_ (1) No development shall commence until a landscape scheme has been submitted to and approved by West Somerset **District** Council. The landscape scheme shall be developed in accordance with the approved landscape strategy drawings 500100 (Rev 01): Tree and Hedgerow Retention and Removal Plan and 007001 (Rev 01): Proposed Surface Finishes and must include details of all proposed hard and soft landscape works, including—

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- \_\_\_\_\_ (a) soft landscape details;
- \_\_\_\_\_ (b) hard surfacing materials;
- \_\_\_\_\_ (c) vehicular and pedestrian access, parking and circulation areas;
- \_\_\_\_\_ (d) security cabins, furniture, refuse or other storage units;
- \_\_\_\_\_ (e) plant establishment, maintenance and management arrangements; and
- \_\_\_\_\_ (f) an implementation timetable for all landscaping works.

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\_\_\_\_\_ (2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

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**WP5** Site access

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\_\_\_\_\_ Work No. 11 shall not be brought into use until the site access is available for use.

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**WP6** Fencing

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\_\_\_\_\_ (1) Except for fencing erected pursuant to requirement **WP3**, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset **District** Council.

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\_\_\_\_\_ (2) The site must remain securely fenced at all times during construction and operation of Work No. 11.

**WP7** Lighting

\_\_\_\_\_ (1) Installation of external lighting shall not commence until details of external lighting, including a scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by West Somerset **District** Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the Williton Design and Access Statement and drawing 012001: Proposed Lighting, CCTV and Signage.

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\_\_\_\_\_ (2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

**WP8** Signage

\_\_\_\_\_ (1) Except for signage which the undertaker is permitted to erect by virtue of the Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in the approved plans, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset District Council. Signage details shall be in accordance with section 6 (Design Principles) of the Williton Design and Access Statement.

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\_\_\_\_\_ (2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

Flood Risk Assessment and Mitigation

WP9 The development shall be carried out in accordance with the recommendations set out in the Williton Flood Risk Assessment, unless otherwise approved by West Somerset District Council.

**Deleted:** WP13 . Post-operation¶  
(1) Prior to completion of the HPC construction works, a post-operational scheme shall be submitted to West Somerset Council for approval and shall be in accordance with table A4.8 of the Post-Operational Strategy, Appendix A4 of the Planning Statement.¶

(2) Unless otherwise approved by West Somerset Council, any works required to be carried out under the approved post-operational scheme shall be completed within 6 months of completion of the HPC construction works.¶

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Schedule 12¶  
LIMITS OF HARBOUR¶

The limits of the harbour referred to in article 48 are—¶  
(a) the seaward limits, that is to say, the area bounded by an imaginary line commencing at a point at ST1945046126, then extending in a straight line to a point at ST1873246621, then extending in a straight line to a point at ST1964046879, then in a straight line to a point at ST1964046153, then following the line of mean high water to the point of commencement ... [75]

WP10 (1) The development shall not commence until engineering details of the proposed surface water outfall pipe connection to the culverted watercourse have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset District Council.

\_\_\_\_\_ (2) The connection shall be implemented in accordance with the approved details.

Surface and foul water

WP11 (1) The development shall not commence until details of the surface and foul water drainage system (including means of pollution control and details of the future responsibility, monitoring and maintenance arrangements) have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset District Council.

\_\_\_\_\_ (2) The works shall be implemented as approved.

WP12 (1) The development shall not commence until a scheme to treat and remove suspended solids, hydrocarbons and concrete leachate, and any other potential contaminant, from surface water run-off during construction works has, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset District Council.

\_\_\_\_\_ (2) The scheme shall be implemented as approved.

**SCHEDULE 3 [13]**

SCHEDULE 3

**Deleted:** . TJ1, TJ2 and TJ3 shown on sheet nos. 7, 8 and 9 as is above the level of mea ... [76]

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Article 4

Deemed approval of matters referred to in requirements

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Site preparation permission condition (2)

Order requirement

FP14: Ecology: Wildlife Mitigation Measures – Reptiles P2

Deleted: G37: Historic Environment, Ecology and Landscape: Green Lane - Preservation in situ P7

G37: Historic Environment, Ecology and Landscape: Green Lane - Preservation in situ P6

SP15: Historic Environment: Monitoring of Paleontological Remains P7

Deleted: SP2: Drainage: Culvert of Holford Stream P12  
Deleted: SP3: Drainage: Holford Culvert Flood Risk Management Strategy P13  
Deleted: SP5: Engineering Details of Foreshore Access Road P18  
Deleted: SP9: Flooding / Erosion: Retaining Wall P21  
Deleted: SP10: Geology & Contaminated Land: Radiological Monitoring P15

SP22: Historic Environment: Scheduled Monument Management Plan P8

FP4 and SP1: Surface water drainage P10

SP2: Drainage: Culvert of Holford Stream P11

SP3: Drainage: Holford Culvert Flood Risk Management Strategy P12

Deleted: P8

SP11: Geology and Contaminated Land: Contamination Risk Assessment and Implementation P13

Deleted: P9

SP10: Geology and Contaminated Land: Radiological Monitoring P16

Deleted: P11A

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FP7: Vegetation clearance P17

Deleted: P14A

FP1: Ecological Mitigation and Monitoring Plan P18

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FP3: Habitat Management Plan P19

Deleted: P16A

Deleted: P16B

SP5: Engineering Details of Foreshore Access Road P21

Deleted: FP5: Air Quality Monitoring P26  
Deleted: FP6: Noise and Vibration Monitoring P27  
Deleted: SP16: Groundwater Monitoring P28

SP8: Flooding: foreshore access P23

Deleted: P20

SP9: Flooding / Erosion: Retaining Wall P24

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### SCHEDULE 14

SCHEDULE 14 Article 46

Deleted: PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Procedure for discharge of requirements

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Applications made under requirement

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1. (1) Where an application has been made to a discharging authority for any agreement or approval required by a requirement included in this Order the discharging authority shall give notice to the undertaker of its decision on the application before the end of the decision period.

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(2) For the purposes of sub-paragraph (1), the decision period is—

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(a) in the case of a major detailed requirement—

(i) where no further information is requested under paragraph 2, 8 weeks from the day immediately following that on which the application is received by the authority;

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(ii) where further information is requested under paragraph 2, 8 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or

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(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and

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(b) in the case of a minor detailed requirement—

(i) where no further information is requested under paragraph 2, 5 weeks from the day immediately following that on which the application is received by the authority;

(ii) where further information is requested under paragraph 2, 5 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or

(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii).

Further information

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2. (1) In relation to any application to which this Schedule applies, the discharging authority shall have the right to request such further information from the undertaker as is necessary to enable it to consider the application.

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(2) If the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority shall, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

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(3) If the requirement specifies that consultation with a requirement consultee is required, the discharging authority shall issue the consultation to the requirement consultee within 1 business day of receipt of the application, and shall notify the undertaker in writing specifying any further information requested by the requirement consultee within 1 business day of receipt of such a request and in any event within 21 days of receipt of the application.

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(4) If the discharging authority does not give notification as specified in sub-paragraph (2) or (3), it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the undertaker.

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Fees

3. (1) Where an application is made to the discharging authority for agreement or approval in respect of a requirement, a fee shall be paid to that authority as follows:—

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(a) where the application relates to a major detailed requirement, fees shall be calculated in accordance with the following table—

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Category 1 The erection of buildings—

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(i) where no floor space is to be created by the development, £170;

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(ii) where the area of gross floor space to be created by the development does not exceed 40 metres, £170;

(iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £335;

(iv) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £335 for each 75 square metres of that area;

(v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565; and an additional £100 for each 75 square metres.

Category 2 The carrying out of any operations not coming within Category 1, £170 for each 0.1 hectare of the site area, up to a maximum of £1,690.

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(b) where an application is made for discharge of a major detailed requirement (“current application”) in respect of which an application has been made previously, the fee payable in respect of the current application shall be £335; and

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(c) where the application relates to a minor detailed requirement, £85 for each application.

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(2) For the purpose of the calculation of fees pursuant to paragraph 3(1)(a)—

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(a) the area shall be taken as consisting of the area of land to which the application relates;

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(b) where the application relates to development within Category 1, the area of gross floor space created by the development shall be ascertained by external measurement of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building;

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(c) where the application relates to development within Category 1 and the gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floorspace by the figure of 75 shall be treated as being 75 metres; and

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(d) where the application relates to development within Category 2 and the site area exceeds 0.1 hectares and is not an exact multiple of 0.1 hectares, the area remaining after division of the total number of hectares by the figure of 0.1 hectares shall be treated as being 0.1 hectares.

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(3) Any fee paid under this Schedule shall be refunded to the undertaker within 8 weeks of—

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(a) the application being rejected as invalidly made; or

(b) the discharging authority failing to determine the application within the decision period as determined under paragraph 1, unless within that period the undertaker agrees, in writing, that the fee shall be retained by the discharging authority and credited in respect of a future application.

Appeals

4. (1) The undertaker may appeal in the event that—

(a) the discharging authority refuses an application for any agreement or approval required by a requirement included in this Order or grants it subject to conditions;

(b) the discharging authority does not give notice of its decision to the undertaker within the decision period as determined under paragraph 1;

(c) on receipt of a request for further information pursuant to paragraph 2 the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or

(d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process shall be as follows—

(a) the undertaker shall submit the appeal documentation to the Secretary of State a copy of the application submitted to the discharging authority and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”);

(b) the undertaker shall on the same day provide copies of the appeal documentation to the discharging authority and the requirement consultee (if applicable);

(c) as soon as is practicable after receiving the appeal documentation, the Secretary of State shall appoint a person to determine the appeal (“the appointed person”) and shall notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;

(d) the discharging authority and the requirement consultee (if applicable) shall submit written representations to the appointed person in respect of the appeal within 10 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and shall ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;

(e) the appeal parties shall make any counter-submissions to the appointed person within 10 business days of receipt of written representations pursuant to paragraph (d); and

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(f) the appointed person shall make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

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(3) If the appointed person considers that further information is necessary to enable the appointed person to consider the appeal he shall as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

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(4) Any further information required pursuant to sub-paragraph (3) shall be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information shall be submitted to the appointed person, and made available to all appeal parties within 10 business days of that date.

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(5) On an appeal under this paragraph, the appointed person may—

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(a) allow or dismiss the appeal; or

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(b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),

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and may deal with the application as if it had been made to the appointed person in the first instance.

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(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.

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(7) The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

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(8) The decision of the appointed person on an appeal shall be final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

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(9) If an approval is given by the appointed person pursuant to this Schedule, it shall be deemed to be an approval for the purpose of Schedule 2 as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) shall not be taken to affect or invalidate the effect of the appointed person's determination.

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(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person shall be met by the undertaker.

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(11) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it shall be

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made, the appointed person shall have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

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Interpretation of Schedule 14

5. In this paragraph—

“the appeal parties” means the discharging authority, the requirement consultee and the undertaker;

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;

“major detailed requirements” means requirements: PW3, PW4, PW7, P10, MS16, MS17, MS18, MS19, MS20, MS21, MS22, MS25, MS26, MS28, MS30, CW1, CW2, OS3, BRIA5, BRIC5, CP6, C8, J23-4, J24-3, and WP3;

“minor detailed requirements” means requirements, other than major detailed requirements, which require any agreement or approval of a discharging authority or permit the discharging authority to agree or approve matters otherwise than provided for in the requirement; and

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement.

**SCHEDULE 15**

SCHEDULE 15 Article 47

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For the protection of the Environment Agency

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1.— (

1.—(1) The following provisions shall apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency

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(2) Where any consent, approval or agreement is required to be given by the Agency in relation to any part of the authorised project, other than under the terms of this Order, the terms of this Schedule shall apply

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(3) In this Schedule—

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“the Agency” means the Environment Agency;

“completion” in relation to any work means the date on which it is brought into use;

“consented work” means a work that is required to be consented under the terms of the Water Resources Act 1991, the Land Drainage Act 1991 or the Wessex Water Authority Land Drainage Byelaws irrespective of any status as a statutory undertaker under those provisions;

“damage” includes scouring and erosion and “damaged” shall be construed accordingly;

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“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment, outfall or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

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“erosion” means any erosion of the bed or shore of the sea or of the bed or banks of any river;

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“outfall” means—

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(a) any existing land drainage outfall for which the Agency is responsible;

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(b) any sewer, pipe or drain provided for groundwater, surface water or storm overflow sewerage;

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“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer.

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#### Surveys and maintenance of drainage works

2. (1) Before commencing the construction of a consented work liable to affect a drainage work, the undertaker shall procure at its expense, in liaison with and to the reasonable satisfaction of the Agency, a survey of any drainage work liable to be affected by that consented work.

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(2) Subject to sub-paragraph (3), the undertaker shall, from the commencement of the construction of any consented work and except to the extent that any approval given by the Agency under this Schedule permits otherwise, maintain in good repair and condition and free from obstruction any drainage work which is already in existence which is situated within the limits of deviation and on land owned by the undertaker or which it otherwise has control of or is in occupation of for the purposes of or in connection with the consented work.

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(3) The obligation imposed on the undertaker by sub-paragraph (2) does not apply where the Agency or another person other than the undertaker is liable to maintain the drainage work in question and is not precluded by the exercise of the powers of this Order from doing so.

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(4) If any drainage work referred to in sub-paragraph (2) is not maintained in good repair and condition and free from obstruction the Agency may by notice in writing require the undertaker to repair and restore that drainage work, or any part of it, or (if the undertaker so elects and the Agency in writing consents), to remove the drainage work and restore the site (including sea defences) to its former condition, to such extent and within such limits as the Agency reasonably requires.

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(5) If within a reasonable period, being not less than 28 days beginning with the date on which a notice under sub-paragraph (4) is served on the undertaker, it has failed to begin taking steps to comply with the reasonable requirements of the notice and subsequently complete them within such reasonable period as may be specified in the notice, the Agency may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.

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(6) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (4), the Agency shall not, except in a case of emergency, exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined.

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#### Impairment of efficiency of drainage work for flood defence purposes

3. If by reason of the construction of any consented work, or of the failure of any such work, the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage shall be made good by the undertaker to the reasonable satisfaction of the Agency; and if the undertaker fails to do so within such reasonable period as the Agency may require by notice in writing to the undertaker, the Agency may make good such impairment or damage and recover from the undertaker the expense reasonably incurred by it in so doing.

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#### Indemnity as to costs and expenses

4. (1) The undertaker shall indemnify the Agency in respect of all reasonable and proper costs, charges and expenses which the Agency may reasonably incur or have to pay or which it may sustain in the inspection, for the purpose of compliance with this Schedule, of the construction of any consented works or any protective works required by the Agency under this Schedule.

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(2) The undertaker shall indemnify the Agency against all claims, demands, proceedings, costs, damages, expenses or losses, which may be made or taken against, or recovered from or incurred by the Agency by reason of—

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(a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;

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(b) any raising or lowering of the water table in land adjoining the works or any sewers, drains and watercourses;

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(c) any flooding or increased flooding of any land adjoining the works; or

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(d) inadequate water quality in any watercourse or other surface waters or in any groundwater

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which is caused by the construction of any of the consented works or any act or omission of the undertaker, its contractors, agents or employees whilst engaged upon the consented works.

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(3) The Agency shall give to the undertaker reasonable notice of any such claim, demand, or proceedings and no settlement or compromise of any such claim, demand, proceedings, costs, damages, expenses or losses shall be made without the consent of the undertaker which shall not be unreasonably withheld and if the undertaker shall not give such consent the Agency shall diligently defend such claim or demand.

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5. The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the undertaker from any liability under paragraph 4.

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Disputes and differences

6. Any dispute arising between the undertaker and the Agency under this Schedule shall, if the parties agree, be determined by arbitration, but shall otherwise be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Energy and Climate Change acting jointly.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent and authorises NNB Generation Company Limited to construct, operate and maintain a nuclear powered generating station Hinkley Point in Somerset, to be known as Hinkley Point C and comprising two European Pressurised Reactor units, as well associated development. The Order imposes requirements in connection with the development and associated development.

The Order permits NNB Generation Company limited to acquire, compulsorily, or by agreement, lands and rights in land and to use land for the purposes of the development and supporting development.

A copy of the book of reference, plans and other documents referred to in the Order, certified in accordance with article 43 of the Order (certification and construction of plans and documents) may be inspected free of charge at the offices of West Somerset District Council (West Somerset House, Killick Way, Williton, Taunton, TA4 4QA) or Sedgemoor District Council (Bridgwater House, King Square, Bridgwater, TA6 3AR).

STATUTORY INSTRUMENTS

[2012 No X]

INFRASTRUCTURE PLANNING

Hinkley Point C (Nuclear Generating Station) Order [ ]

Made - - - -

Laid before Parliament

Coming into force - -

Powers of acquisition

71. Not used

72. Not used

73. Not used

74. Not used

75. Not used

76. Not used

77. Not used

78. Not used

- 79. Not used
- 80. Not used
- 81. Not used
- 82. Not used
- 83. Not used
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- 87. Not used
- 88. Not used
- 89. Not used
- 90. Not used
- 91. Not used
- 92. Not used
- 93. Not used
- 94. Not used
- 95. Not used
- 95A

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- 97. Disapplication of regulation 73 of the Conservation of Habitats and Species Regulations 2010
- 97A

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- 98. Not used
- 99. Not used
- 100. Not used
- 100A



"the 2010 Regulations" means the Community Infrastructure Levy Regulations 2010(2);

"agreed day" means the day agreed for the provision of further information pursuant to paragraph 4(5) of Schedule 14;

"AIL" means an abnormal indivisible load and is defined in The Road Vehicles (Authorisation of Special Types) (General) Order 2003(3) and means a load that cannot without undue expense or risk of damage be divided into two or more loads for the purpose of being carried on a road and that— (a) on account of its length, width or height, cannot be carried on a motor vehicle of category N3 or a trailer of category O4 (or by a combination of such vehicles) that complies in all respects with Part 2 of the Construction and Use Regulations(4); or (b) on account of its weight, cannot be carried on a motor vehicle of category N3 or a trailer of category O4 (or by a combination of such vehicles) that complies in all respects with— (i) the Authorised Weight Regulations(5) (or, if those Regulations do not apply, the equivalent provisions in Part 4 of the Construction and Use Regulations); and (ii) Part 2 of the Construction and Use Regulations;

"appeal documentation" means a copy of the application submitted to the discharging body and any supporting documentation which the undertaker may wish to provide;

"appeal parties" means the discharging authority, the requirement consultee and the undertaker;

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"business days" means Monday to Friday excluding bank holidays;

"

as in the 1980 Act;

"Commission" means the Infrastructure Planning Commission or successor body;

"decision-maker" has the same meaning as

103 of the 2008 Act;

"deed

easement" means the draft deed of easement relating to Wick Moor Drove, Hinkley Point, Somerset between EDF Energy Nuclear Generation Limited (1) Nuclear Decommissioning Authority (2) National Grid Electricity Transmission Plc (3) and EDF Development Company Limited (4) as certified by the Secretary of State pursuant to article 41;

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"highway" and "highway authority" have the same meaning as in the 1980 Act;

"Hinkley Point A" means all that freehold land and buildings and structures erected on it at Hinkley Point Somerset which comprises the whole of the land registered under title number ST264472;"

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"major detailed requirements" means requirements: PW3, PW4, PW7, P11A, MS6, MS7, MS8, MS9, MS10, MS11, MS12, MS14, MS15, MS16, MS19, CW1, CW2, CW3, CW4, CW5, OS3, BRIA5, BRIC3, CP5, C4, J23-4, J24-3, and WP3;

"minor detailed requirements" means requirements, other than major detailed requirements, which require any consent, agreement or approval of a discharging authority or permit the discharging authority to agree or approve matters otherwise than provided for in the requirement;

"North East Bridgwater s106 agreement" means the agreement made on 2nd July 2010 pursuant to section 106 of the 1990 Act between (1) Sedgemoor District Council (2) Somerset County Council (3) Hallam Land Management Limited (4) Innovia Cellophane Limited and (5) John Anthony Moate, as varied by an agreement made pursuant to section 106 of the 1990 Act dated 9th December 2010 between (1) Sedgemoor District Council (2) Somerset County Council (3) Hallam Land Management Limited (4) Innovia Cellophane Limited (5) John Anthony Moate (6) BDW Trading Limited and (7) Optimisation Developments Limited;

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"owner", in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981( );

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the area in which the land to which the provisions of this Order apply is situated;

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“relevant time limits” means the time limits prescribed in Schedule 14 or set by the appointed person pursuant to Schedule 14;

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement;

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means those matters set out in Schedule 11 (requirements);

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“restricted land” means the parcels of land shown as BRI\_C\_1, BRI\_C\_5, BRI\_C\_6 and BRI\_C\_7 on sheet no. 3 of the land plans;

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decision-maker

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“site preparation permission s106 agreement” means an agreement made pursuant to section 106 of the 1990 Act dated 27 January 2012 between (1) West Somerset District Council, (2) Somerset County Council, (3) Sedgemoor District Council, (4) EDF Development Company Limited, (5) EDF Energy Nuclear Generation Company Limited, (6) Elizabeth Periam Acland Hood Gass (of the Fairfield Estate) and (7) NNB Generation Company Limited;

“start date” means the date on which the appeal parties are notified of the person appointed to determine an appeal made under Schedule 14;

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as

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Part 3

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Works

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authorised project

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transitional date" means the date upon which notice is served by the undertaker under  
article 2A(1);

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;

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"the tribunal" means the Lands Chamber of the Upper Tribunal;

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decision-maker

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; and a reference to a numbered sheet is a reference to that numbered sheet in the works plans

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"material operation" has the meaning given by section 56(4) of the 1990 Act;

"ordnance datum" means the datum line or mean sea level to which all heights are referred in the Ordnance Survey;

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"Port of Bridgwater" means the port known as the Port of Bridgwater comprised within the area defined as the Navigation in section 101 of the 1845 Act;

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“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“Trinity House” means the Corporation of Trinity House of Deptford Strond; and

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“vessel” means every description of vessel, however propelled or moved, and includes a non- displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water.

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(2) Any reference in this Part of this Order to a work identified by the letters and number of such work shall be construed as a reference to the work of those letters and number described in Part 1A of Schedule 1.

(3) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

Commencement of Part 2

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Save in respect of article 100B (saving for termination of Part 2) this Part shall cease to have effect on the termination date.

(2) In this article and in article 100B (saving for termination of Part 2) “the termination date” means the date appointed by the undertaker by resolution after the

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referred to in article 48

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(2) The provisions of this Part shall apply instead of the provisions of the temporary jetty harbour empowerment order.

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have effect (in relation to things done before as well as after the date on which this Part has effect).

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shall be deemed to have

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pursuant to this Order (and not article 4 or 7 of the temporary jetty harbour empowerment order) and to have been subject to the requirements (and not the conditions imposed by the temporary jetty harbour empowerment order).

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(6) The HEO supplemental agreement and (to the extent that the reinstatement obligations contained within it relate to removing the part of the jetty reinstatement works covered by the site preparation reinstatement works) paragraph 46 of the First Schedule of the HEO bilateral agreement shall be abrogated.

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(a) as respects so much of the work as lies between the commencement of the work and the line showing mean high water on sheet no. 9, deviate laterally from the lines or situations shown on the works plan to any extent not exceeding the limits of deviation shown on sheet no. 9; and

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(b) as respects so much of the work as lies between the line showing mean high water on sheet no. 9 and the termination of the work, deviate laterally from the lines or situations shown on sheet no. 9 to any extent not exceeding 5 metres in any direction.

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Further powers as to works and extinguishment of rights

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Discharge of water

59. Not used: Not in HEO. Included in article 14 of Part 1.

Protective work to buildings

60. Not used: Not in HEO and included as article 15 of Part 1.

Authority to survey and investigate the land

61. Not used: Not in HEO. Included as article 16 of Part 1.

Removal of human remains

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.Not used: Not in HEO and included as article 17 of Part 1.

Right to dredge

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(b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Marine Management Organisation.		

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Tidal works not to be executed without approval of Secretary of State		

64. Not used.

Abatement of works abandoned or decayed

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(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion of it, in any notice under this article.		

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(4) In this article “permitted development rights” means the planning permission granted by article 3 of, and Part 17 of Schedule 2 to, the 1995 Order.		

Powers of acquisition

Compulsory acquisition of land

71. Not used: Included as article 18 of Part 1.

Compulsory acquisition of land — incorporation of the mineral code

72. Not used: Included as article 19 of Part 1.

Time limit for exercise of authority to acquire land compulsorily

73. Not used: Included as article 20 of Part 1.

Compulsory acquisition of rights

74. Not used. Included as article 21 of Part 1.

Private rights of way

75. Not used: Included as article 22 of Part 1.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

76. Not used: Included as article 23 of Part 1.

Acquisition of subsoil only

77. Not used: Included as article 24 of Part 1.

Acquisition of land limited to subsoil lying more than 9 metres beneath surface

78. Not used: corresponding general model clause 25 not used in Part 1.

Acquisition of part of certain properties

79. Not used: Included as article 26 of Part 1.

Rights under or over streets

80. Not used: Included as article 27 of Part 1.

Temporary use of land for carrying out the authorised project

81. Not used: Included as article 28 of Part 1.

Temporary use of land for maintaining authorised project

82. Not used: Included as article 29 of Part 1.

Special category land

83. Not used: Corresponding general model clause 30 is not used in Part 1.

Statutory undertakers

84. Not used: See article 31 of Part 1.

Apparatus and rights of statutory undertakers in stopped up streets

85. Not used: Included as article 32 of Part 1.

Recovery of costs of new connections

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(a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour;

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96A.—(1) Nothing in this Part affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Part authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the Government Department having the management of that land; or
- (c) belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department without the consent in writing of that Government Department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.

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Disapplication of regulation 73 of the Conservation of Habitats and Species Regulations 2010

97.—[(1) Regulation 73 of the Conservation of Habitats and Species Regulations 2010( ) (general development orders) (“the Habitats Regulations”) shall not apply to any planning permission which relates to the works authorised by article 50 (subsidiary works) and which is granted by article 3 of the 1995 Order for the class of development described as permitted development in Part 11 of Schedule 2 to that Order.

(2) Paragraph (1) does not apply if and to the extent that those works—

- (a) do not form part of the plan and project which was subject to an appropriate assessment in accordance with regulation 61 of the Habitats Regulations (assessment of implications for European Site) in connection with the making of this Order; and
- (b) are not the subject of a further consent, permission or authorisation by a competent authority as defined in the Habitats Regulations.]

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construct or erect an educational building, car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation

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"exceptional circumstances" are those defined within the Traffic Incident Management Plan, section 3.4.2, and comprise; (a) a traffic or other similar incident on the highway network that delays a HGV such that it misses its allocated slot or falls outside the permitted working hours; (b) a breakdown of a HGV en-route to the HPC development site; (c) inclement weather (e.g. high winds, flooding, snow or ice) that significantly disrupts the normal operation of the highway network; and (d) circumstances associated with demonstrations or protests.

"HGV"

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Requirements (Ref: HP/WP/REQ/01) submitted on the 6th August 2012.

"reserved matter" means imposed requirements requiring specified details to be approved subsequently.

"security" means

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"tide tables" means the tidal prediction tables giving the time and height of high tides at Combech, prepared by the National Oceanography Centre, National Tidal and Sea Level Facility.

(2) Definitions set out in article 2 (interpretation) of this Order shall apply to the interpretation of the requirements in this Schedule.

(3)

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The HPC operational car park shall not be used by HPC staff for the operation of the HPC generating station until an operational travel plan has, after consultation with Somerset County Council and Sedgemoor District Council, been submitted to and approved by West Somerset Council.

(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset Council.

PW13 Operational Travel Plan: HPC Public Information Centre

(1) The Public Information Centre (comprised in Work No. 1A(i)) shall not be brought into use until a travel plan for the Public Information Centre has, after consultation with the highway authority and Sedgemoor District Council, been submitted to and approved by West Somerset Council.

(2) The approved travel plan referred to in paragraph (1) shall be implemented as approved, unless otherwise agreed by West Somerset Council.

(1) No development shall commence until an air quality-monitoring scheme has been submitted to and approved by West Somerset Council. The scheme shall include the following elements:

a. Air quality monitoring comprising continuous ambient particle (PM10, PM2.5 and Total Suspended Particles) monitoring at or near to Doggetts, Bishops Farm House, Knighton Farm and one close to the hamlet of Wick. The monitoring sites should be sited in agreement with West Somerset Council. Monitoring should include where possible real time logging of averaging periods not less than 15 minutes and remote interrogation and downloading. Automatic notification of concentrations above the trigger levels should be agreed with West Somerset Council (including the frequency, averaging period, threshold(s), format (e.g. text message, email) and relevant persons (e.g. site manager, Environmental Health Officer).

b. Monitoring should start at least one month prior to commencement of development in order to establish a baseline. The most suitable open monitoring station shall also monitor wind speed, direction, temperature, relative humidity and rainfall.

c. Maximum hourly mean concentrations of PM10, PM2.5 and TSP must be set at trigger levels to be agreed by West Somerset Council in consultation with Environmental Health Officers.

d. Concentrations above the trigger levels should be notified to West Somerset Council automatically within 10 minutes of the end of the relevant averaging period and action must immediately be taken to reduce any dust generating activities being undertaken, to include additional mitigation measures and/or cessation of any or all dust generating activities being undertaken as part of the works, until the monitored concentrations are below the trigger values.

e. Trigger values may be set as short term means with averaging periods of 1 hour or less and so monitoring should be carried out in accordance with these trigger levels. An initial trigger level of 200µg/m<sup>3</sup> PM10 as a 15-minute mean is proposed which shall be reviewed by the local planning authority and the undertaker and revised levels approved by West Somerset Council if it proves to be too high or too low the aim being to ensure adequate protection without excessive alerts.

f. Suitable and competent persons to carry out visual inspections at locations and frequencies approved by West Somerset Council in order to review the potential for dust nuisance and in the event of dust nuisance complaints being made, to help quantify the actual or potential dust nuisance.

g. Dust deposition (total dust) monitoring to be commenced at least one month prior to the commencement of the development, for the duration of construction of Work No. 1A(a) and

continue in accordance with the details approved under MS1B. Monitoring shall be at 1.8 metres above ground level at locations every 500 metres taking account of the presence of potential receptors unless otherwise approved by the West Somerset Council or unless there are no receptors within 500 metres of the proposed monitoring point along the site boundary and at other locations as approved by West Somerset Council.

h. Monitoring shall be for continuous periods of 30 days for the first year of works after which the effectiveness of the monitoring shall be reviewed by the undertaker and West Somerset Council and other stakeholders as approved by West Somerset Council, to determine whether modifications should be made. Sampling and averaging should be designed to yield data comparable with and indicative threshold criterion of 200mg/m<sup>2</sup>/day (30-day mean). As soon as practicable after any data become available they shall be reviewed and where any data are above this threshold, activities on site shall be reviewed along with any other dust monitoring to determine if additional mitigation can and should be applied and if required, such measures shall be submitted to West Somerset Council for approval and if approved implemented and carried out in accordance with such approval.

i. Measures to ensure that any diesel fuel used on site shall be ultra low sulphur diesel (ULSD) (<10mgS/kg). Diesel fuelled construction vehicles travelling off-site shall also use ULSD.

(2) The air quality scheme shall be implemented as approved throughout construction of Work No. 1A(a). The data resulting from the scheme monitoring shall be submitted in an agreed format to West Somerset Council and Environmental Health and shall be in compliance with the statutory guidance.

#### P27 Noise and Vibration: Control of Noise During Construction and Maintenance (FP6)

(1) No development shall commence until a written scheme for noise management during the development has been submitted to and approved by West Somerset Council. The scheme shall set out the particulars of:

- a. The method by which the development is to be carried out.
- b. Any plant and machinery to be used in constructing Work 1A(a).
- c. The noise attenuation measures to be taken to minimise noise resulting from the works.
- d. A scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures, including submission of the monitoring information to West Somerset Council.
- e. Further measures to be implemented if the noise limits are being breached during the works.

(2) The scheme referred to in paragraph (1) shall be implemented as approved throughout construction of Work No. 1A(a), unless otherwise agreed by West Somerset Council.

#### P28 Groundwater: Monitoring (SP16)

(1) No development shall commence until a scheme for the management and monitoring of groundwater levels and quality has been submitted to and approved by West Somerset Council. The scheme shall include details of how the management and monitoring will be undertaken and how the system will be configured to respond to the exceedance of particular contaminants. The results of the monitoring shall be submitted to West Somerset Council once every three months during the construction of Work No. 1A(a).

(2) The approved scheme shall be implemented as approved during the construction of Work No. 1A(a) unless otherwise approved by West Somerset Council, or details approved pursuant to MS1C.

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DEVELOPMENT SITE: WORK NOS.

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the submission of proposals for continuous periods of monitoring and the provision of the results to West Somerset Council, together with proposals for the review of monitoring periods following the first anniversary of commencement of development.

(c) The monitoring details shall include

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and details of automatic notification to West Somerset Council and other persons (such as the site manager) in circumstances where monitored concentrations exceed the trigger levels.

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MS3B (1) Any foghorn associated with the development shall not be installed unless and until details of the foghorn have been submitted to and approved by West Somerset Council.

(2) The foghorn shall not be installed, retained or operated unless in accordance with the approved details.

MS3C

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the noise management measures

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implemented where monitoring identifies the exceedance

emission levels set at MS3.

(2) All landscape works must be carried out in accordance with the landscape scheme approved under this requirement and in accordance with the relevant recommendations of appropriate British Standards.

#### OS5 Fencing

(1) Except for fencing erected pursuant to requirement OS2 and MS2, no security fences, walls or other means of enclosure shall be erected until details of their layout, scale and appearance have been submitted to and approved by West Somerset Council.

(2) The development must remain securely fenced at all times during construction and operation of the development.

#### OS6 Lighting

(1) Installation of external lighting shall not commence until details of external lighting, including a written scheme for the management and mitigation of artificial light emissions, has been submitted to and approved by West Somerset Council. The lighting scheme shall be in accordance with section 7 (Development Proposals) of the On-site campus Design and Access Statement.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the construction and operation of the development.

#### OS7 Signage

(1) Except for signage which the undertaker is permitted to erect by virtue of The Town and Country Planning (Control of Advertisement) Regulations 2007 or any signage set out in Schedule 1, Part 2 of this Order, no signage shall be erected on the site until details of the location, size, colour, projection and method of any illumination have been submitted to and approved by West Somerset Council.

Signage details shall be in accordance with section 6 of the On-site campus Design and Access Statement.

(2) Signage referred to in paragraph (1) shall be implemented in accordance with the approved details.

#### OS8 Surface and foul water



(1) No works shall commence until written details of the surface and foul water drainage system (including means of pollution control and future responsibility and maintenance arrangements) have, after consultation with the sewerage and drainage authority, been submitted to and approved by West Somerset Council.

(2) The surface and foul water drainage system shall be constructed in accordance with the approved details.

#### OS9 Sports Pitches

The external sports facilities shall not be used or associated lighting operated between the hours of 22:00 and 08:00.

#### BRIDGWATER A

For the purpose of requirements BRIA1 to BRIA21, the "site" refers to the land within the Order limits shown on sheet no. 12 of the works plans and "development" refers to Work Nos. 4A, 4B and 4C. Requirements BRIA1 to BRIA21 relate only to development carried out on the site as so defined.

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(1) The development shall not commence until a written scheme for geoarchaeological investigation of potential peat deposits, as outlined in the Chapter 16, Volume 3 of the Environmental Statement, has been submitted to and approved by Somerset County Council.

(2) Any archaeological works must be carried out in accordance with the approved scheme.

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(1) The development shall not commence until a written ecological mitigation and monitoring plan reflecting the survey results and ecological mitigation and enhancement measures included in Chapter 14, Volume 3 of the Environmental Statement has been submitted to and approved by Sedgemoor District Council.

(2) The ecological mitigation and monitoring plan shall include an implementation timetable and must be carried out as approved.

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The number of car parking spaces to be provided and available for Work No. 4A for the duration of the HPC construction works shall not exceed 543, unless otherwise approved by Sedgemoor District Council.

#### BRIA4 Construction compound

(1) Buildings, structures, plant, equipment, uses, construction hoardings and means of enclosure required in connection with construction of the development will be built and used in accordance with Section 6 of the Construction Method Statement and as set out in Figure 3.1 (Environmental Statement, Volume 3) Construction Work Area and Access Plan, unless otherwise approved by Sedgemoor District Council.

(2) Following completion of construction works on site, all temporary structures, plant and equipment required for construction of the development shall be removed.

#### BRIA5 Landscape works

(1) No development shall commence until a written landscape scheme has, following consultation with the Environment Agency, been submitted to and approved by Sedgemoor District Council. The landscape scheme shall be developed in general accordance with the landscape strategy drawings 500106 (Rev 01): Proposed Hard and Soft Landscape Works During Operation and 500108 (Rev 01): Tree and Hedgerow Retention and Removal Plan, and the relevant sections of the Bridgwater A Design and Access Statement and Bridgwater A Flood Risk Assessment. The written landscape scheme shall include details of all proposed landscape works, including:

- (a) soft landscape details;
- (b) proposed finished ground levels;
- (c) hard surfacing materials;
- (d) street furniture, security cabins, bus shelters, refuse or other storage units;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) details of existing trees to be retained, with measures for their protection during construction of the development;
- (g) plant establishment, maintenance and management arrangements; and
- (h) an implementation timetable for all landscaping works.

(2) Unless otherwise approved by Sedgemoor District Council, any works required to be carried out under the approved post-operational scheme shall be completed within 24 months of completion of the HPC construction works.

(3) If after 12 months of completion of the HPC construction works the scheme referred to in paragraph (1) above has not been approved, then all buildings shall be removed within 24 months of completion of the HPC construction works.

#### BRIA17

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Planning Permission (Ref:

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WP13 Post-operation

(1) Prior to completion of the HPC construction works, a post-operational scheme shall be submitted to West Somerset Council for approval and shall be in accordance with table A4.8 of the Post-Operational Strategy, Appendix A4 of the Planning Statement.

(2) Unless otherwise approved by West Somerset Council, any works required to be carried out under the approved post-operational scheme shall be completed within 6 months of completion of the HPC construction works.

## Schedule 12

### LIMITS OF HARBOUR

The limits of the harbour referred to in article 48 are—

(a) the seaward limits, that is to say, the area bounded by an imaginary line commencing at a point at ST1945046126, then extending in a straight line to a point at ST1873246621, then extending in a straight line to a point at ST1964046879, then in a straight line to a point at ST1964046153, then following the line of mean high water to the point of commencement; and

(b) the landward limits, that is to say so much of the land lying within the limits of deviation of Work No

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. TJ1, TJ2 and TJ3 shown on sheet nos. 7, 8 and 9 as is above the level of mean high water.

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, and the appointed person shall notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal shall require submission of

the agreed date but shall otherwise be in accordance with the process and time limits set out in sub-paragraph (2)(c)-(e).