

# The High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order

Draft Order and associated documents

## 7. Planning Direction and conditions

**DEPARTMENT FOR TRANSPORT 2016**

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

**THE HIGH SPEED RAIL (LONDON – WEST MIDLANDS) (GREATMOOR RAILWAY  
SIDINGS ETC.) ORDER**

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**Request for Direction under section 90(2A) of the Town and Country  
Planning Act 1990 and conditions to be attached to the Direction**

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To: The Secretary of State for Transport, Zone 1/14 – 18, Great Minster House, 33 Horseferry Road, London, SW1P 4DR

1. High Speed Two (HS2) Limited (“the Company”) hereby requests, pursuant to rule 10(6) of the above mentioned Rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the above mentioned Order now being applied for within the various limits provided for in the draft Order and the accompanying plans.
2. The proposed development comprises railway sidings and associated works for the transfer of spoil and waste material adjacent to the Aylesbury Link Railway and the Greatmoor Energy from Waste Facility and Calvert Landfill in the District of Aylesbury Vale, County of Buckinghamshire. The development is required to be carried out in connection with the construction of phase 1 of the proposed High Speed Railway between London and Birmingham and the West Midlands to be authorised under the powers to be conferred by the High Speed Rail (London – West Midlands) Bill currently before Parliament.
3. The development will replace existing railway sidings and facilities for the transfer of waste located near the village of Calvert also in the District of Aylesbury Vale and currently operated by FCC Waste Services (UK) Limited.
4. The Order authorises the compulsory acquisition of land for the purposes of the works and confers powers in connection with the construction and operation of the works and provides for the construction and maintenance of ancillary works.
5. The applicant’s interest in the proposed development is as prospective purchaser of any land permanently required for the purpose of the works proposed to be constructed.

6. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices in accordance with Rule 15 of the abovementioned Rules and other publicity required by those Rules.
7. The following aspects of the proposal contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

<b>Proposals</b>	<b>Draft Order articles/schedules</b>
The scheduled works	Article 3, Schedule 1
Miscellaneous ancillary works	Articles 3(3) and (4),

8. The effect of the direction will be to change the use of all of that land within the boundary of the scheduled works to railway use. Such land will become "operational land" as defined in section 264(3) of the Town and Country Planning Act 1990 and as provided for in Article 17 (planning permission) of the Order.
9. The direction sought is one of deemed planning permission to be granted for the whole development and for each element of it. Attached as **Appendix 1** to this Request pursuant to Rule 10(6)(b) are draft conditions which the Company currently wishes to propose.
10. In response to Rule 10(6)(c), except as set out in the proposed planning conditions contained in **Appendix 1** to this Request, it is not intended that any matters shall be reserved for subsequent approval by the relevant local planning authority.
11. There also accompanies the application pursuant to rule 10(6)(d) of the above mentioned rules a set of Planning Direction drawings showing some of the elements of development in further detail. These show the proposed planning boundary, which corresponds with the limits of land shown on the plans accompanying the application for the Order but are otherwise for illustrative purposes only.
12. An Environmental Statement also accompanies the application for the Order.

**Dated: 9 August 2016**

**Eversheds LLP  
One Wood Street  
London  
EC2V 7WS**

**Solicitors and Parliamentary Agents  
For High Speed Two (HS2) Limited**

## APPENDIX 1

### CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION DATED 9 AUGUST 2016

In these conditions, unless the context otherwise requires:

<b>Bill</b>	means the High Speed Rail (London – West Midlands) Bill;
<b>Development</b>	means the works authorised by the Order and this Direction as to deemed planning permission;
<b>Environmental Statement</b>	means the environmental statement submitted with the application for the Order;
<b>External Lighting</b>	means all lighting equipment other than those that are temporary lighting or lighting located within a building comprised within the Development;
<b>Greatmoor Railway Mitigation Plan</b>	<b>Sidings</b> means Planning Direction Drawing Sheet 13;
<b>Heavy Goods Vehicle (HGV)</b>	means motor vehicles with a maximum allowed mass (MAM) or gross combination mass (GCM) of over 3.5 tonnes – 3,500 kilograms (7,716 lb);
<b>HS2 CoCP</b>	means the control measures and standards to be implemented throughout construction of Phase one of the HS2 project specified in the High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice as finalised at Royal Assent for the Bill;
<b>Local Planning Authority</b>	means either Aylesbury Vale District Council or Buckinghamshire County Council as the context requires;
<b>Non Road Mobile Machinery (NRMM)</b>	means any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork - that is: not intended for carrying passengers or goods on the road installed with a combustion engine - either an internal spark ignition (SI) petrol engine, or a compression ignition diesel engine;

<b>Operational Hours</b>	means those hours specified in column (2) of the Table set out in Condition 9 by reference to the corresponding periods of time set out in column (1) of the Table;
<b>Operational Lighting</b>	means the lighting used for the loading and off-loading of container trains at the Operational Sidings but does not include lighting used to illuminate the movement of trains.
<b>Operational Sidings</b>	means the railway sidings comprised within Work No. 2 and Work No. 3 of the Order;
<b>Order</b>	means the High Speed Rail (London-West Midlands) (Greatmoor Railway Sidings Etc.) Order 201[x];
<b>Preliminary Works</b>	means the element of Development consisting of establishment of the site compounds, the erection of office and welfare facilities, boundary fencing, hoardings, ecological mitigation planting and the excavation of trial trenches of the purposes of condition 7.1;
<b>Programme of Archaeological Work</b>	means a programme of proposed works to implement the Written Scheme of Investigation;
<b>Reception Sidings</b>	means the railway siding comprised within as Work No. of the Order;
<b>Relevant Works</b>	means that part of the Development consisting of the construction of the Scheduled Works and the weighbridge proposed to be constructed within the Site;
<b>Scheduled Works</b>	has the same meaning as in the Order;
<b>Site</b>	the land contained within the red line boundary as shown on Planning Direction Drawings 1, 2 and 3 referred to in Condition 2;
<b>Vegetation Management Zone</b>	means areas of vegetation removal and management to discourage bats flying along the line of route of the HS2 railway proposed to be authorised under the Bill;

**Written Scheme of Investigation**

means a scheme which outlines the known and potential archaeological features and deposits and proposes a structure for exploring them using appropriate investigation techniques;

## 1. Time Limit to Implement the Permission

The Development shall commence before the expiration of 5 years from the date that the Order comes into force.

**Reason:** To ensure that the development is commenced within a reasonable period of time.

## 2. Plans and Drawings

The Development shall only be carried out in accordance with the following approved plans and documents, unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13:

Planning Sheet 1	Direction	Drawing	Location Plan
Planning Sheet 2	Direction	Drawing	Site Plan (Sheet 1 of 3)
Planning Sheet 3	Direction	Drawing	Site Plan (Sheet 2 of 3)
Planning Sheet 4	Direction	Drawing	Site Plan (Sheet 3 of 3)
Planning Sheet 5	Direction	Drawing	Existing Plan (Sheet 1 of 2)
Planning Sheet 6	Direction	Drawing	Existing Plan (Sheet 2 of 2)
Planning Sheet 7	Direction	Drawing	General Arrangement Plan (Sheet 1 of 2)
Planning Sheet 8	Direction	Drawing	General Arrangement Plan (Sheet 2 of 2)
Planning Sheet 9	Direction	Drawing	Reception Sidings and Bridleway QUA/36 Accommodation Green Overbridge (Work No.4) Sections
Planning Sheet 10	Direction	Drawing	Reception Sidings (continued) and Bridleway GUN/28 Accommodation Green Overbridge (Work No.6) Sections
Planning Sheet 11	Direction	Drawing	Operational Sidings Sections
Planning Sheet 12	Direction	Drawing	Greatmoor Railway Sidings Mitigation Context Plan

Planning Sheet 13	Direction	Drawing	Greatmoor Railway Sidings Mitigation Plan
Planning Sheet 14	Direction	Drawing	Office and Welfare Facilities General Arrangement Plan
Planning Sheet 15	Direction	Drawing	Bridleway GUN/28 Accommodation Green Overbridge General Arrangement (Work No.6) General Arrangement
Planning Sheet 16	Direction	Drawing	Bridleway QUA/36 Accommodation Green Overbridge General Arrangement (Work No.4) General Arrangement
Planning Sheet 17	Direction	Drawing	Bridleway QUA/36 Diversion Plan and Profile
Planning Sheet 18	Direction	Drawing	Realigned EfW Access Plan and Profile
Planning Sheet 19	Direction	Drawing	Bridleway GUN/28 Diversion Plan and Profile
Planning Sheet 20	Direction	Drawing	Operational Sidings Plan and Profile
Planning Sheet 21	Direction	Drawing	Hs2 Phase One Balancing Pond Access Plan and Profile

The Development shall only be carried out in accordance with the following approved plans and documents, unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13:

**Reason:** For the avoidance of doubt and in the interests of proper planning.

### 3. Lighting

No permanent floodlighting or other form of permanent external lighting shall be installed within the Site unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any permanent lighting which is so installed shall not thereafter be altered unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13.

**Reason:** In the interests of mitigating ecological and landscape and visual impacts.



#### **4. HS2 CoCP (Environmental Management Plan, Travel Plan, Construction Working Hours, Traffic Management Plan etc.)**

Construction of the Development shall be carried out in accordance with the HS2 CoCP unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13.

**Reason:** In the interests of the amenity of the area.

#### **5. Ecology and Landscape Management Plan (ELMP)**

The Development shall be constructed in accordance with an Ecological and Landscape Management Plan (ELMP) submitted to and approved in writing by the Local Planning Authority. The ELMP shall include long term design objectives, management responsibilities and maintenance schedules for all landscaped areas and drainage ponds. The scheme shall be carried out as approved and shall be based upon the mitigation measures contained within the Environmental Statement and shall include a programme of implementation, management and maintenance and details of connectivity of wet features, treatments of site boundaries and buffers around water bodies and fencing along the road edge. The ELMP shall thereafter be carried out as approved unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13.

**Reason:** To mitigate the impact of the Development on biodiversity.

#### **6. Landscape Design**

The Development shall be constructed in accordance with a Landscape Mitigation Scheme to be submitted to and approved in writing by the Local Planning Authority. The details of the Landscape Mitigation Scheme shall conform generally to those illustrated in the Greatmoor Railway Sidings Mitigation Plan and those measures contained within the Environmental Statement. The scheme shall include the following details:

- i. Details of vegetation to be removed within the Vegetation Management Zone;
- ii. Details of the retention of existing vegetation including a tree survey to BS5837 'Trees in relation to construction';
- iii. Details of species of trees and shrubs to be planted;
- iv. Location of planting of new trees and shrubs;
- v. Phasing planting plan;
- vi. Protection measures to be provided to new planting including weed control;

- vii. Five year programme of management and maintenance and replanting of any trees or shrubs, which die or become diseased. Maintenance including those within the Vegetation Management Zone.

The approved scheme shall be implemented in accordance with the Landscape Mitigation Scheme.

**Reason:** In the interests of mitigating ecological impacts, to ensure a satisfactory appearance and to secure biodiversity enhancements as part of the scheme.

## **7. Archaeology**

7.1 No part of the Development, other than of Preliminary Works, shall commence until an archaeological evaluation in form of a geophysical survey and/or trial trenching, as appropriate, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. Where archaeological remains of national importance are confirmed these will be preserved in situ, where reasonably practicable.

7.2 Where archaeological remains of national importance are confirmed, no Development at the relevant location shall take place until an appropriate methodology for their preservation in situ, where reasonably practicable, has been submitted to and approved in writing by the Local Planning Authority.

7.3 Where archaeological remains are recorded by the evaluation carried out under condition 7.1 and are not of sufficient significance to warrant preservation in situ but are worthy of recording, Development at the relevant location shall be carried out in accordance with a Programme of Archaeological Work which has been submitted to and approved in writing by the Local Planning Authority in accordance with a Written Scheme of Investigation.

**Reason:** To record or safeguard any archaeological evidence that may be present at the site.

## **8. Surface Water Drainage**

Prior to the commencement of any Relevant Works details of the design and construction of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13.

**Reason:** In order to protect water quality and mitigate flood risk.

## 9. Operational Hours - Bat Mitigation

Activities associated with the offloading or loading of spoil or container trains, Operational Lighting, and train movements within the Operational Sidings (other than permitted in accordance with Condition 11) shall be restricted to between the following times:

<b>Table</b>	
<b>(1)</b>	<b>(2)</b>
<b>Month</b>	<b>Hours of Operation</b>
January	0430 - 2300
February	0430 - 2300
29th February – 13th March	0645 - 1830
14th March – 26th March*	0615 - 1830
27th March – 10th April	0645 - 1930
11th April – 24th April	0645 - 1945
25th April – 8th May	0545 - 2015
9th May – 22nd May	0515 - 2030
23rd May – 5th June	0500 - 2100
6th June – 19th June	0445 - 2115
20th June – 3rd July	0500 - 2115
4th July – 17th July	0515 - 2115
18th July – 31st July	0530 - 2045
1st August – 14th August	0600 - 1815
15th August – 28th August	0615 - 1945
29th August – 11th September	0630 - 1915
12th September – 25th September	0700 - 1845
26th September – 9th October	0700 - 1830
10th October – 29th October*	0700 - 1830
30th October – 30th November	0430 - 2300
December	0430 - 2300

\*Accounts for change between GMT and BST. Note this date will vary from year to year.

**Reason:** To avoid disturbance of protected species (bats).

## **10. Design, External Appearance and Materials**

No works in respect of the items listed below shall be commenced until details of the location, layout, scale, appearance and external materials of that item have been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the approved details.

Item (a): Office and Welfare facilities.

Item (b): Bridleway GUN/28 Accommodation Green Overbridge.

Item (c): Bridleway QUA/36 Accommodation Green Overbridge.

Item (d): Rail mounted gantry crane.

Item (e): Permanent boundary fencing, including Environmental Fencing (noise and light) or other means of enclosure.

Item (f): Weighbridge

Item (g): Hard surfacing

**Reason:** In the interests of visual amenity

## **11. Management of Trains Arriving at Sidings Outside of Operational Hours**

11.1 Trains entering the Reception Sidings or the Operational Sidings outside of Operational Hours shall shut down their engines and switch off all internal and external lighting within 30 minutes of arrival.

11.2 Trains exiting the Reception Sidings or the Operational Sidings outside of Operational Hours shall do so within 30 minutes of engine start up or any internal or external lighting being switched on

11.3 All train movements within the Reception Sidings and the Operational Sidings shall be subject to the above restrictions.

**Reason:** To avoid disturbance of protected species (bats).

## **12. Air Quality Mitigation for Adjacent SSSIs**

The operator of the Operational Sidings will only use and permit to be used on the Operational Sidings to transport spoil or waste:

12.1 Non Road Mobile Machinery (NRMM, in accordance with Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as

amended ) with engine emissions compliant with Type Approval Stage IV, or with lower emissions; or

12.2 Road-going Heavy Goods Vehicles (HGV) with engine emissions compliant with the Euro VI standard (in accordance with European Commission Regulation 595/2009), or with lower emissions.

**Reason:** To mitigate the impact of the Development on biodiversity and protected designated sites.

### **13. Approval of Amendments**

Where under any conditions the Local Planning Authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the Local Planning Authority that the approval sought will not give rise to any materially new or materially different significant environmental effects from those assessed in the Environmental Statement.

**Reason:** For the avoidance of doubt and in the interests of proper planning.



**DEPARTMENT FOR TRANSPORT  
2016**

**Transport and Works Act 1992**

**Transport and Works (Applications and  
Objections Procedure) (England and  
Wales) Rules 2006**

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