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Our Ref: TWA/16/APP/04

7 June 2018

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992 -
APPLICATION FOR THE PROPOSED HIGH SPEED (LONDON-WEST MIDLANDS)
(GREATMOOR RAILWAY SIDINGS ETC) ORDER**

I refer to the request made on 9 August 2016 by your clients, High Speed Two (HS2) Limited for a direction as to deemed planning permission for the development provided for in the High Speed Rail (London-West Midlands) (Greatmoor Railway Sidings Etc) Order 2018 ("the Order").

The Secretary of State for Transport, in exercise of the powers conferred on him by section 90(2A) of the Town and Country Planning Act 1990, and in accordance with the letter of 13 April 2018 conveying his decision in respect of the Order, hereby directs that planning permission be deemed to be granted for the development for which provision is included in the Order. This direction is given subject to the conditions set out in the Annex to this letter.

Yours faithfully,

Natasha Kopala

ANNEX

TOWN AND COUNTRY PLANNING ACT 1990

HIGH SPEED (LONDON-WEST MIDLANDS) (GREATMOOR RAILWAY SIDINGS ETC) ORDER 2018

CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEEMED PLANNING PERMISSION DATED 07 JUNE 2018

Interpretation

In the following conditions:–

“the HS2 Act” means the High Speed Rail (London – West Midlands) Act 2017;

“the Development” means the works authorised by the Order and this Direction as to deemed planning permission;

“the Environmental Statement” means the environmental statement submitted with the application for the Order:

“the external lighting” means all the lighting equipment other than those that are temporary lighting or lighting located within a building comprised within the Development;

“the Greatmoor Sidings Mitigation Plan” means Planning Direction Drawing sheet 13;

“Heavy Goods Vehicle (HGV)” 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);

“HS2 CoCP” 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 of the HS2 Act;

“the Local Planning Authority (LPA) means either Aylesbury Vale District Council or Buckinghamshire County Council as the context requires;

“Non Road Mobile Machinery (NRMM)” 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) engine, or a compression ignition diesel engine;

“the operational hours” mean 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;

“the Operational Lighting” means the lighting used for loading and off-loading of container trains at the operational sidings but does not include lighting to illuminate the movement of trains;

“the Operational Sidings” means the railways sidings comprised within Work No. 2 and Work No. 3 in Schedule 1 to the Order;

“the Order” means the High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018;

“Preliminary Works” means the Development works consisting of the establishment of the site compounds, the erection of office and welfare facilities, boundary fencing, hoardings, ecological mitigation planting, utility diversions or alterations and the excavation of trial trenches for the purposes of Condition 7.1;

“programme of archaeological work” means a programme of proposed works to implement the Written Scheme of Investigation;

“the Reception Sidings” means the railway siding comprised within Work No. 1 in Schedule 1 to the Order;

“the relevant works” means that part of the Development consisting of the construction of the Scheduled Works and the weighbridge proposed to be constructed within the Site;

“the scheduled works ” has the same meaning as in the Order;

“Sidings” means the Operational Sidings and Reception Sidings;

“the Site” means the land contained within the red line boundary as shown on Planning Direction Drawings 1, 2 and 3 referred to in Condition 2;

“the Vegetation Management Zone” means areas of vegetation removal and management to discourage bats flying along the route of the HS2 railway authorised by the HS2 Act;.

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

Planning Direction Drawing Sheet 12	Greatmoor Railway Sidings Mitigation Context Plan
Planning Direction Drawing Sheet 13	Greatmoor Railway Sidings Mitigation Plan
Planning Direction Drawing Sheet 14	Office and Welfare Facilities General Arrangement Plan
Planning Direction Drawing Sheet 15	Bridleway GUN/28 Accommodation Green Overbridge General Arrangement (Work No.6) General Arrangement
Planning Direction Drawing Sheet 16	Bridleway QUA/36 Accommodation Green Overbridge General Arrangement (Work No.4) General Arrangement
Planning Direction Drawing Sheet 17	Bridleway QUA/36 Diversion Plan and Profile
Planning Direction Drawing Sheet 18	Realigned EfW Access Plan and Profile
Planning Direction Drawing Sheet 19	Bridleway GUN/28 Diversion Plan and Profile
Planning Direction Drawing Sheet 20	Operational Sidings Plan and Profile
Planning Direction Drawing Sheet 21	HS2 Phase One Balancing Pond Access Plan and Profile
Planning Direction Drawing Sheet 22	Lighting Boundary Plan

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

3. Lighting

3.1 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 floodlighting or other form of permanent external 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.

3.2 Operational lighting, including lighting from operational plant and equipment and vehicles and trains accessing the Sidings, shall not result in a lighting level in excess of

0.5 lux at the periphery of the Operational Sidings and Reception Sidings and at other ecologically sensitive boundaries as delineated in red on the Lighting Boundary Plan (shown on Planning Direction Drawing Sheet 22 referred to in Condition 2) 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 and the purpose of environmental protection.*

5. Ecology and Landscape Management Plan (ELMP)

5.1 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 ELMP 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 be carried out as approved unless otherwise agreed in writing by the Local Planning Authority in accordance with Condition 13.

5.2 During the construction phase of the Development Black Hairstreak habitat will be monitored along Greatmoor Road to ensure the quality of the habitat is maintained. Where impacts from construction activities are identified, appropriate remediation to mitigate the impacts will be submitted to and agreed in writing with the Local Planning Authority and implemented as agreed.

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

6. Landscape Design

Prior to commencement of the Development, other than the Preliminary Works, a Landscape Mitigation Scheme shall 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 (Planning Direction Drawing Sheet 13) 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 to include those within the Vegetation Management Zone.

The approved Development 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 the Preliminary Works, shall commence until an archaeological evaluation in the form of a geophysical survey and/or trial trenching, as appropriate, in accordance with the Written Scheme of Investigation, has been submitted to and approved in writing by the Local Planning Authority.

7.2 Where archaeological remains of national importance are found, 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. The methodology shall be implemented as approved.

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, the 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. Flooding and Surface Water Drainage

8.1 Prior to the commencement of the Development, other than the Preliminary Works, a flood risk assessment shall be submitted to the Local Planning Authority. A detailed design for all surface water systems shall also be submitted to and approved in writing by the Local Planning Authority in consultation with Buckinghamshire County Council. This design will detail how any increase in flood risk will be avoided and how natural water flow will be maintained by encouraging storm water to soak into the ground or, where that is not reasonably practicable, by discharge into watercourses or surface water/combined sewers at a controlled rate by means of Sustainable Drainage Systems (SuDS). This will include the flood compensation areas and balancing ponds. The details submitted shall include but not be limited to: location, storage volume calculations, cross sections, ecological and amenity benefits in relation to the flood storage area, and location, storage volume, discharge rate, and cross sections. 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.

8.2 Prior to the commencement of the Development, other than the Preliminary Works, a “whole-life” maintenance plan for all surface water systems for the Site shall be submitted to and approved by the Local Planning Authority. The plan shall set out how and when to maintain the drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction, with details of who is to be responsible for carrying out the maintenance. The Development shall be implemented in accordance with the approved “whole-life” maintenance plan.

Reason: *In order to protect water quality, ensure peak flow and total volume of surface water run-off from the developed site is no greater than the rates prior to the Development, and to mitigate flood risk.*

9. Operational Hours - Bat Mitigation

9.1 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 only be carried out between the following GMT times:

(1) Month	(2) GMT Hours of Operation	(3) Informative BST
January	0430 – 2300	
February	0430 – 2300	
29th February – 13th March	0645 – 1830	
14th March – 26th March	0615 - 1830	0715 - 1930
27th March – 10th April	0545 - 1830	0645 – 1930
11th April – 24th April	0515 - 1845	0615 – 1945
25th April – 8th May	0445 - 1915	0545 – 2015
9th May – 22nd May	0415 - 1930	0515 – 2030
23rd May – 5th June	0400 - 2000	0500 – 2100
6th June – 19th June	0345 - 2015	0445 – 2115
20th June – 3rd July	0400 - 2015	0500 – 2115
4th July – 17th July	0415 - 2015	0515 – 2115

18th July – 31st July	0430 - 1945	0530 – 2045
1st August – 14th August	0500 - 1915	0600 – 2015
15th August – 28th August	0515 - 1845	0615 – 1945
29th August – 11th September	0530 - 1815	0630 - 1915
12th September – 25th September	0600 - 1745	0700 - 1845
26th September – 9th October	0600 - 1730	0700 – 1830
10th October – 29th October	0600 - 1730	0700 – 1830
30th October – 30th November	0430 - 2300	
December	0430 - 2300	

Hours of operation shown in column (2) are in GMT. Informative BST hours are provided in column (3) but the actual date of change to and from BST varies year on year.

9.2 Until such time as the period of the HS2 Bernwood European Protected Species Licence (Bats) ceases, High Speed Two (HS2) Limited (and its successors) will produce an annual monitoring report which covers the Development. This annual monitoring report shall be agreed with Natural England and submitted, on the last working day of November each year, to the Local Planning Authority and the operator of the Operational Sidings.

a) To the extent it is concluded that the evidence in the monitoring report identifies that the hours of operation of the Operational Sidings may have a material effect on the Favourable Conservation Status of the bats, the monitoring report shall explain that conclusion and refer to such evidence, and the Local Planning Authority, High Speed Two (HS2) Limited and the operator of the Operational Sidings, in consultation with Natural England, will consider whether remediation measures may be appropriate in respect of operational activities within the hours set out in Condition 9.1 above to preserve the Favourable Conservation Status of the bats, within six weeks of receipt of the report.

b) If other remediation measures in respect of operational activities within the hours set out in Condition 9.1 above are not appropriate, the operator of the Operational Sidings shall, in consultation with Natural England and High Speed Two (HS2) Limited, submit a scheme within a further six weeks for approval by the Local Planning Authority, of modified operational hours to address the findings of the monitoring report.

c) The scheme for approval under paragraph b) shall include a timetable for implementation of the modified operational hours.

The approved scheme of modified operating hours shall thereafter be implemented by the operator of the Operational Sidings, and the Operational Sidings shall be operated only within the approved hours.

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 from the mainline or the Operational Sidings from the Reception Sidings outside of the 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 onto the mainline or exiting the Operational Sidings into the Reception Sidings outside of the operational hours shall do so within 30 minutes of engine start up or any internal or external lighting being switched on.

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, the following vehicles on the site of the Operational Sidings to transport spoil or waste:

a) Non Road Mobile Machinery (NRMM), in accordance with the 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;

b) Or 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 of the 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.*

14. Highway design

14.1 No Development shall commence until the detailed design of the Sidings access road, including its junction with Greatmoor Road within the Development has been submitted to and approved in writing by the Local Planning Authority. That part of the Development shall be laid out and constructed only in accordance with the approved design details.

14.2 No Development shall commence until details of the vehicle loading and manoeuvring areas within the Development have been submitted to and approved in writing by the Local Planning Authority. That part of the Development shall be laid out and constructed only in accordance with the approved details and thereafter the vehicle loading and manoeuvring areas shall be retained as approved, unless otherwise agreed by the Local Planning Authority.

Reason: *in the interests of highway safety and capacity.*

15. Noise

15.1 The Development shall be designed, constructed, installed and maintained so that the rating level of noise from the fixed mechanical and electrical plant and equipment, in normal operation, shall not exceed +5dB above the background level determined in accordance with BS4142:2014 at the worst affected residential receptor.

15.2 Prior to the commencement of the operation of the Sidings a competent person shall carry out a noise assessment in accordance with BS4142:2014 to calculate the rating level of noise expected to be emitted from the Site (being the land contained within the red line boundary as shown on Planning Direction Drawings 1, 2 and 3 referred to in Condition 2), on nearby residential dwellings. The assessment shall include all potential noise sources associated with activities at the Operational Sidings and Reception Sidings and shall include (but not be limited to) all static and mobile plant and ancillary equipment, and road and rail vehicles servicing operations within the Site. Prior to commencement of the assessment the methodology to be used shall be submitted to and agreed in writing with the Local Planning Authority. On completion of the assessment the results shall be

submitted to the Local Planning Authority. Should the assessment show that any residential dwelling may be impacted by noise at a rating level of +10dB or more above the representative background sound level, all reasonably practicable mitigation measures, at or near to the noise sources, shall be applied to reduce the potential rating level at the dwelling to below +10dB above the representative background sound level. Such measures shall be submitted to and agreed in writing by the Local Planning Authority.

15.3 Prior to the commencement of the operation of the Sidings a Noise Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan must set out the operational controls for noise management on the Site and how and at what frequency this will be monitored. The Noise Management Plan will include a documented recording system to record incidents and the resulting actions taken. The approved Noise Management Plan shall be complied with during the operation of the Sidings.

15.4 Within 6 weeks of the commencement of the operation of the Sidings noise monitoring shall be undertaken at nearby residential dwellings in accordance with the Noise Management Plan approved under Condition 15.3. Should such monitoring indicate that noise rating levels at any of the nearby residential dwellings are +10 dB or more above the representative background sound level (as assessed using BS4142; 2014 methodology) those dwellings affected shall be eligible for additional noise mitigation measures at the dwelling. Such measures shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: *To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.*

END

