



Department  
for Transport

# High Speed Rail (West Midlands to Crewe) Bill:

A consultation on the draft class approval for matters ancillary to development under Schedule 17

**Moving Britain Ahead**

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# Introduction

- 1 Clause 17 of the High Speed Rail (West Midlands - Crewe) Bill (“the Bill”) grants deemed planning permission for the works authorised by the Bill. This permission requires that certain approvals are obtained from relevant planning authorities under the planning regime established by Schedule 17 to the Bill. One of these approvals relates to how matters ancillary to development are managed during construction.
- 2 Paragraph 5 of Schedule 17 to the Bill allows the Secretary of State to make a class approval for some of the matters ancillary to development. Where a class approval is in effect, the nominated undertaker does not need to seek specific approval, although the nominated undertaker can still apply for approval should the circumstances require it. Before making a class approval the Secretary of State must consult the planning authorities that would be affected by it.
- 3 This consultation is on the draft class approval for generic matters ancillary to development (paragraph 4(2) (a), (b) and (d) to (g) of Schedule 17) authorised by the Bill. This consultation is focussed on planning authorities that have indicated that they wish to become a “qualifying authority” by signing the High Speed Rail (West Midlands - Crewe) Planning Memorandum<sup>1</sup>. Qualifying authorities have responsibility to determine requests for approval of matters ancillary to development under paragraph 5 of Schedule 17 and would therefore be affected by a class approval.

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<sup>1</sup> The Planning Memorandum details further responsibilities of qualifying authorities. It can be viewed at <https://www.gov.uk/government/publications/environmental-minimum-requirements-for-hs2-phase-2a>

# Purpose of a class approval

## Matters ancillary to development

- 4 On Royal Assent the Bill will grant deemed planning permission for the works authorised by it. This deemed planning permission is granted subject to the conditions set out in Schedule 17 to the Bill. Schedule 17 requires that certain matters are approved by the relevant planning authority. Amongst the approvals that are required is the approval of matters ancillary to development (paragraph 4 of Schedule 17), otherwise known as ‘construction arrangements’. This is the approval of how certain matters are managed during the works. These matters are:
  - handling of re-useable spoil and topsoil;
  - storage sites for construction materials, spoil or topsoil;
  - construction camps;
  - works screening;
  - artificial lighting;
  - dust suppression; and
  - road mud control measures.
- 5 Apart from construction camps, this is in effect the approval of environmental control measures for the matters identified. For these matters the HS2 Phase 2a draft Code of Construction Practice<sup>2</sup> (“CoCP”), which will be finalised on Royal Assent, sets out appropriate measures which have been developed in consultation with planning authorities and negotiated through the parliamentary process. The nominated undertaker will be bound to comply with the measures set out in the CoCP, however by including these matters in the planning conditions schedule to the Bill, the relevant qualifying authority will have planning enforcement powers over these matters in accordance with the Town and Country Planning Act 1990.
- 6 The development of construction camps would be subject to requests for approval and determined by the qualifying authority under Schedule 17.

## Approach on previous projects

- 7 The approval of construction arrangements was similarly required under Schedule 6 to the Channel Tunnel Rail Link Act 1996 and Schedule 7 to the Crossrail Act 2008. However, for these projects there was no option to make a class approval. Instead individual requests for approval were submitted to the relevant planning authorities. This translated into many hundreds of requests for approval that needed to be

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/809392/Phase\\_2a\\_Draft\\_CoCP\\_June\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809392/Phase_2a_Draft_CoCP_June_2019.pdf)

generated by the relevant nominated undertaker and considered by the relevant planning authority.

- 8 On both the Channel Tunnel Rail Link and Crossrail projects (other than for construction camps), the text that was submitted for approval was extracted from the projects' codes of construction practice. These codes, like the HS2 Phase One and Phase 2a CoCP, were developed with the relevant local authorities and set out the measures which would be implemented during construction to control the effects of the works on communities and the environment, including the control measures relevant to the construction arrangements.
- 9 As a result, hundreds of identical submissions for the generic construction arrangements were submitted by the nominated undertaker for approval and each qualifying authority was approving identical submissions for the generic matters many times.
- 10 This whole process was administratively burdensome and the only purpose it served was to allow the relevant planning authority to have planning enforcement powers in relation to these matters. Therefore, the High Speed Rail (London – West Midlands) Act (the Phase One Act) included the power to enable the Secretary of State to make a class approval in relation to these construction arrangements. Following a statutory consultation, the Secretary of State made a class approval in April 2017 relating to works authorised by the Phase One Act. Since then, the arrangements for the Phase One class approval has been successfully implemented.
- 11 The approach in the Phase One Act has been put in place in the Phase 2a Bill.

# Content of the draft class approval

- 12 A class approval is a route-wide or area-wide approval of construction arrangements. It allows the Secretary of State to approve appropriate measures to apply to the HS2 Phase 2a works and removes the need for repeated individual approvals from planning authorities as qualifying authorities. The making of a class approval does not alter the level of protection for communities or the environment. Qualifying authorities will also retain the ability to take planning enforcement action with respect to the arrangements approved by a class approval.
- 13 If the nominated undertaker wishes to implement alternative measures to those set out in a class approval it must seek approval from the relevant qualifying authority for those measures, in accordance with paragraph 4 of Schedule 17.
- 14 Works authorised by the Bill will be subject to the measures set out in the HS2 Phase 2a CoCP. The CoCP has been subject to extensive discussions with local authorities affected by HS2 Phase 2a works and other stakeholders. The measures in the CoCP are best practice developed from other projects such as Crossrail, the Thames Tideway Tunnel and the Olympics. The CoCP has been drafted so that it contains the measures necessary for all works on all parts of the HS2 Phase 2a route.
- 15 Therefore, following the best practice set on the Channel Tunnel Rail Link and Crossrail projects, the matters ancillary to development (other than construction camps) can be effectively and best controlled by the approval of text extracted from the CoCP.
- 16 The powers in the Bill allow the Secretary of State to make a class approval that covers works authorised by the Bill generally, works in specific locations or specific works. Given the scope of the measures for approval we believe it is appropriate to make a class approval that will apply to all works authorised by the Bill. While the environs of the works can vary greatly along the route of HS2 Phase 2a, measures in the CoCP, enforceable through the class approval process, are appropriate regardless of their local context, as demonstrated on previous projects. For example, dust suppression measures in the CoCP are focussed primarily on controlling the specific activities which produce dust, as well as some general measures which will be applicable at all times, providing suitable dust prevention controls for the different environments found along the HS2 Phase 2a route.
- 17 The matters which may be subject to a class approval are:
  - handling of re-useable spoil and topsoil;
  - storage sites for construction materials, spoil or topsoil;
  - works screening;
  - artificial lighting;
  - dust suppression; and
  - road mud control measures

- 18 For each of these matters the draft class approval sets out the measures that the nominated undertaker will be obliged to implement in order to comply with the planning approval. The measures in the draft class approval are consolidated from the relevant sections of the CoCP. Paragraph references to the relevant sections of the CoCP have been included in the draft class approval to assist consultees. They will be omitted from any class approval that is made.
- 19 Paragraph 5 (2) of Schedule 17 provides for a class approval to be made subject to conditions. In the draft class approval, conditions are proposed relating to storage sites for construction materials, spoil or topsoil; and works screening. We consider that the measures set out in the draft class approval, extracted from the CoCP, along with the proposed conditions, put in place the necessary controls.



# Previous engagement

- 20 The principle, scope and contents of the draft class approval has been subject to extensive discussion at the HS2 Phase 2a Route Wide Planning Forum (the Forum). The Forum acts as the focus for liaison with HS2 Phase 2a line of route authorities on town planning, environment and related matters of cross boundary and route-wide general interest<sup>3</sup>. At the Forum no planning authority has objected to the principle of a class approval. The only concern raised during the House of Commons Select Committee regarding a class approval was on a site specific matter, and HS2 Ltd has met with the petitioner on behalf of the Department for Transport to discuss this matter. No planning authority has suggested that a class approval should not apply in its area.
- 21 As the draft class approval has been prepared by extracting text from the draft CoCP, at the same time as drafts of the CoCP were prepared and shared with the Forum, drafts of the class approval were also prepared. These drafts contained the control measures extracted from the relevant sections of the draft CoCP. Drafts of the class approval have been provided to Forum members in September 2018 and January 2019.
- 22 Planning Forum members did not provide any comments on either the draft of the class approval or the CoCP from which the measures are drawn.

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<sup>3</sup> The Terms of Reference of the Planning Forum are available on <https://www.gov.uk/government/publications/terms-of-reference-for-the-hs2-phase-2a-planning-forum>

# How to respond

- 23 The consultation period began on 10th November 2020 and will run until 8th December 2020. Please ensure that your response reaches us before the closing date.
- 24 If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/dft#consultations> or you can contact [hs2classapproval.consultation@dft.gov.uk](mailto:hs2classapproval.consultation@dft.gov.uk) if you need alternative formats (Braille, audio CD, etc.).
- 25 Due to remote working for the foreseeable future, we cannot accept hard copies of responses but please let us know if you are unable to respond by using the survey or by email. Please send consultation responses to:  
Email: [hs2classapproval.consultation@dft.gov.uk](mailto:hs2classapproval.consultation@dft.gov.uk)
- 26 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. This information will be helpful in consultation analysis.
- 27 We may need to contact you if we have any follow up questions about your responses to the consultation. To help us do this it would be helpful if you could provide your preferred means of contact (email, telephone or postal address).

## Privacy Information Notice: Confidentiality and data protection

- 28 The Department for Transport (the “department”) is carrying out this consultation in order to implement the class approval for matters ancillary to development under Schedule 17 to the Bill.
- 29 This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, the department will, under data protection law be the Controller for this information.
- 30 As part of this consultation we are asking for your name and preferred means of contact. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.
- 31 If you are providing a response on behalf of the organisation or group, the name and details of the organisation or group may be subject to publication as part of the consultation analysis, unless you have requested confidentiality (see paragraphs 34-36).
- 32 Your information may be shared with our partner agencies, such as HS2 Ltd, when

doing so enables us to fully consider your response. Your contact details will be kept securely with the department's servers and will be destroyed within 18 months after the consultation has been completed.

- 33 The department's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. The information can be found at:  
<https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>

## Freedom of Information

- 34 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
- 35 If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 36 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.
- 37 The department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# What will happen next?

- 38 The Secretary of State will consider the responses to the consultation, decide whether a class approval should be made, and if made, whether the class approval should differ from the consultation draft. If a class approval is made, it is likely that this will take place soon after Royal Assent of the Bill.
- 39 A summary of responses, including the next steps, will be published within three months of the consultation.
- 40 If you have questions about this consultation please contact:  
[hs2classapproval.consultation@dft.gov.uk](mailto:hs2classapproval.consultation@dft.gov.uk)

# Full list of consultation questions

In responding to this consultation planning authorities are asked to respond to the questions below. In responding it is important for consultees to have regard to the wording of clause 17 and Schedule 17 to the Bill and the draft Schedule 17 Statutory Guidance<sup>4</sup>.

1. Do you agree that the Secretary of State should, as proposed, make a class approval under paragraph 5 of Schedule 17 to the High Speed Rail (West Midlands - Crewe) Bill?

If no, for what reasons?

2. Are there specific areas or specific descriptions of works for which the class approval should be made?

If so, what are these, and why would the control measures be different to those general measures in the draft class approval?

3. Are there any specific locations or works that should not be subject to the class approval?

If so, what in the nature of the work or location makes a class approval inappropriate and what control measures would be different?

4. Do you agree that the measures set out in the draft class approval, extracted from the draft Code of Construction Practice are appropriate?

If not, what specific amendments do you think are needed and why are they are needed?

5. Do you agree that no further conditions need to be applied to the class approval?

If not, what conditions do you think are needed and why are they needed?

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<sup>4</sup> Available on

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/840776/2a\\_Schedule\\_17\\_Statutory\\_Guidance\\_-\\_Draft\\_v3\\_July\\_18\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840776/2a_Schedule_17_Statutory_Guidance_-_Draft_v3_July_18_.pdf)

# 1. Class approval

- 1.1 The Secretary of State hereby makes a class approval of arrangements under paragraph 5 of Schedule 17 to the High Speed Rail (West Midlands - Crewe) Act (“the Act”) relating to the ancillary matters referred to in paragraph 4(2) (a), (b) and (d) to (g) of that Schedule. This class approval applies generally in relation to all work authorised by the Act which benefits from the deemed planning permission granted by section 17 of the Act.

## 2. Handling of re-usable spoil and topsoil

### **Matters to which the arrangements relate:**

“Handling during removal, storage and re-use of any spoil or topsoil removed during the course of carrying out the development.”

- 2.1 Reasonable precautions will be taken in relation to the handling and storage of agricultural and forestry soils, including the following, as appropriate:
  - The separate handling and storage of different soils, particularly topsoils and subsoils and those recovered from ancient woodlands;
  - Handling soils that are in a suitably dry condition and not during wet weather to avoid long-term damage to soil structure from compaction;
  - Seed or seal medium or long-term excavated material and soil stockpiles;
  - The prevention of soil contamination with chemicals or other materials; and
  - The control of weeds on soil stores either through treatment or removal. [CoCP 6.2.8]
- 2.2 The sourcing, testing, stripping, handling, storage and spreading of site-won and imported topsoil will comply with BS 6031: Code of practice for earthworks. [CoCP 12.3.6]
- 2.3 The requirements stated in Section 6, 7, and 15 of the Code of Construction Practice (CoCP) relating to the handling and storage of material, and Section 16 of the CoCP in relation to the control of run-off, insofar as they are applicable to protecting soils and managing contamination, will be met. [CoCP sections 6, 7, 15, and 16]
- 2.4 Additionally, the requirements stated in the CoCP in relation to control of dust, insofar as they are applicable to the protection of agricultural crops (including grass), will also be met.
- 2.5 Reusable excavated material will be handled in an appropriate manner to ensure it is of sufficient quality to be used for either structural embankments, environmental mitigation earthworks or agreed third-party use. Appropriate construction good practice in handling all material re-use will be followed, and controls set out in Sections 7.2 and 9 of the CoCP will apply. [CoCP 12.3.5]
- 2.6 The procedures set out in Section 6 of the CoCP relating to the handling of agricultural soils will be applied equally in relation to soils used in areas to be seeded or planted. The sourcing, testing, stripping, handling, storage and spreading of site-won and imported topsoil will comply with BS 6031: Code of practice for earthworks. Imported topsoil will comply with BS 3882: Specification for topsoil and requirements for use. [CoCP 12.3.6]

- 2.7 All soil materials will be handled under suitable weather and soil conditions using appropriate machinery. The stripping, storage and reinstatement of soils will be carried out with reference to the soil resource plans and will be accompanied by a soil audit report produced by the contractor. [CoCP 6.2.9]
- 2.8 The sources, locations, contents and approximate volumes of soil stockpiles will be available from soil survey records compiled prior to the stripping and storage of soils. These records will form part of the baseline information and will be made available. In defining target restored profiles, the volumes of available soils in storage will be related to the areas of each parcel of land to be restored. [CoCP 6.2.10]
- 2.9 Soils will be handled when least susceptible to damage and in accordance with Department for Environment Food and Rural Affairs's (DEFRA) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The MAFF Good Practice Guide (Sheets 1 to 4) describes the typical machinery that will be used in most cases to strip and transport soil materials into and out of store, and to reinstate topsoils and subsoils. For example, alternative specialised machinery will be used for landscape planting on areas with steeper slopes. Soil handling machinery will be restricted to marked haul routes and will not traverse undisturbed or replaced soils, except where such trafficking is essential for the permitted operations agreed with the nominated undertaker. [CoCP 6.2.11]
- 2.10 DEFRA's Construction Code of Practice describes methods for the construction of soil stockpiles and the Design Manual for Roads and Bridges provides guidance on the storage of topsoils for engineering purposes. These documents set out a range of heights for topsoil and subsoil storage. For the translocation of soils from sensitive donor sites the soils will generally be removed, transported and reinstated at the receptor site without a period of storage. [CoCP 6.2.12]



# 3. Storage sites for construction materials, spoil or topsoil

## Matters to which the arrangements relate:

“Storage sites (sites on land within the Act limits at which materials are to be stored until used or re-used in carrying out the development or disposed of as waste) for construction materials<sup>5</sup>, spoil or topsoil.”

- 3.1 To reduce the likelihood of either an environmental incident or nuisance occurring, the location of storage, machinery and equipment will be located, where relevant, to minimise environmental effects and where practicable, to be outside flood risk areas. [CoCP 5.3.1]
- 3.2 Stockpiles and mounds will be kept away from sensitive receptors (including natural and historic features), watercourses and surface drains where reasonably practicable and sited to take into account the predominant wind direction relative to sensitive receptors. [CoCP 7.2.6]
- 3.3 Stockpiles and mounds will be maintained to avoid material slippage. [CoCP 7.2.6]
- 3.4 Materials stockpiles likely to generate dust will be enclosed or securely sheeted, kept watered or stabilised, as appropriate. [CoCP 7.2.6]
- 3.5 Fine dry material will be stored inside buildings or enclosures with measures in place to ensure no escape of material and of overfilling during delivery. [CoCP 7.2.6]

## Conditions

- Prior to the creation of stockpiles or mounds for the storage of spoil and topsoil that are planned to be in situ for longer than 12 months, the nominated undertaker will engage with the relevant planning authority on the location of the stockpiles or mounds and have reasonable regard to its comments.
- Storage areas will be located, where practicable, to avoid affecting the amenity of adjoining residential properties, schools and places of worship.
- The height of material stores will, where practicable, be limited to avoid affecting the amenity of adjoining residential properties, schools and places of worship.

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<sup>5</sup> Construction Materials means minerals, aggregates or other construction materials required for the development

## 4. Works screening

### **Matters to which the arrangements relate:**

“The provision where necessary on lands within the Act limits of any screening for working sites on such land required for the purpose of carrying out the development.”

- 4.1 The lead contractor has a statutory duty to prevent unauthorised access to construction sites. Lead contractors will risk assess each site and use appropriate measures where necessary with site hoardings and works screening being used when necessary in the interests of site security, noise attenuation, works screening and public safety. [CoCP 5.5.1 & 5.5.2]
- 4.2 Although measures may vary from location to location, the following principles will be adopted for site hoarding and fencing as appropriate:
  - Where hoarding is required, it will be 2.4m in height and will be raised to 3.6m and possibly altered in form to enhance acoustic performance for specific locations; [CoCP 5.6.3]
  - Temporary fences may be used in certain areas, such as for short-term occupation of sites or at more remote locations; [CoCP 5.6.4]
  - Adequate fencing and hoardings will be maintained to an acceptable condition to prevent unwanted access to the construction site, to provide noise attenuation, screening, and site security where required. This will include the need to provide viewing points at relevant locations, if appropriate; [CoCP 5.6.1]
  - Different types of fencing will be used, including hoardings used for noise control; [CoCP 5.6.1]
  - The side of hoardings facing away from the site will be painted, and kept free of graffiti or posters; [CoCP 5.6.1]
  - Site information boards will be provided with out of hours contact details, a 24 hour telephone number (for comments/complaints), community information and information on the works programme, at key locations; [CoCP 5.6.1]
  - Notices on site boundaries will be displayed to warn of hazards on site such as deep excavations, construction access, etc.; [CoCP 5.6.1]
  - Signage will be provided to indicate re-routed pedestrian/cycle paths; [CoCP 5.6.1]
  - Information will be provided on routes to alternative community facilities; [CoCP 5.6.1]

- Notices will be displayed confirming that businesses, whose access or view may be affected by construction works, remain open with directions for how to access them; [CoCP 5.6.1]
  - Protective fencing and/or specialist fencing (e.g. reptile fencing) will be maintained to protect environmentally sensitive features during construction; [CoCP 5.6.1]
  - Existing walls, fences, hedges and earth banks will be retained for the purpose of screening as far as reasonably practicable; [CoCP 5.6.1]
  - Fencing and hoarding will, as far as is reasonably practicable, be located such that it does not damage sensitive habitats, trees or hedgerows; [CoCP 5.6.7] and
  - Hoarding and fencing in areas at risk of flooding will be permeable to floodwater, unless otherwise agreed with the Environment Agency<sup>6</sup>, to ensure that the fluvial floodplain and areas liable to other sources of flooding, continues to function effectively for storage and conveyance of floodwater. [CoCP 5.6.6]
- 4.3 The design of hoardings around construction activities shall ensure they are fit for purpose and include a consideration of the character of the surrounding landscape (e.g. use of open mesh fencing where possible and appropriate in rural areas, solid hoarding in urban areas, and use of artwork where appropriate, or use of vegetation on hoardings). Fencing and hoarding shall be kept well maintained throughout construction. [CoCP 5.6.2]
- 4.4 Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public. In particular, precautions will be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas. [CoCP 5.4.1]
- 4.5 Clear sight lines will be maintained around hoardings and fencing with no hidden corners in order to avoid, where reasonably practicable, opportunities for anti-social behaviour and crime and to ensure safety of road users. Footways of adequate width to facilitate pedestrian flows will be provided with signs provided to facilitate safe access around the site boundary. [CoCP 5.6.5]

### **Conditions**

- Prior to the installation of hoardings taller than 2.4 metres for purposes other than noise mitigation, the nominated undertaker will engage with the relevant planning authority on the location of the higher hoardings and have reasonable regard to the authority's comments.
- Where a cycle path is maintained alongside a worksite, site screening will, where reasonably practicable, be located to provide adequate width for the cycle path.
- Prior to the installation of hoardings on the highway, the nominated undertaker will engage with the relevant highway authority on the location of the hoarding and have reasonable regard to its comments.

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<sup>6</sup> The Agency established to protect and improve the environment and contribute to sustainable development. Responsibilities include: water quality and resources, flooding and coastal risk management and contaminated land.

# 5. Artificial lighting

## **Matters to which the arrangements relate:**

“The use of artificial lighting on land within the Act limits for the purpose of carrying out the development.”

- 5.1 Site lighting will change frequently throughout the construction programme of the works authorised by the Act. This will largely depend on the requirements of health and safety, the construction programme and site security. Therefore, the following measures set out how site lighting will be managed on site taking both the nominated undertaker’s needs and the requirements of adjacent receptors into account.
- 5.2 Site lighting will be provided to enable the safety and security of the construction sites. It will be at the minimum luminosity necessary and use low energy consumption fittings. Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public. In particular, precautions will be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas. Where appropriate, lighting will be activated by motion sensors to prevent unnecessary usage. [CoCP 5.4.1]
- 5.3 Lighting will comply with the Institution of Lighting Professionals’ guidance notes for the reduction of obtrusive light and the provisions of BS 5489: Code of Practice for the Design of Road Lighting, where applicable. [CoCP 5.4.1]
- 5.4 Lighting will also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance, interference with local residents, railway operations, passing motorists, or the navigation lights for air or water traffic. This provision will apply particularly to sites where night working will be required. [CoCP 5.4.2]
- 5.5 At construction sites where potentially significant lighting impacts are identified, the lead contractor will develop and implement lighting controls as part of their Environmental Management System. [CoCP 5.4.2]

# 6. Dust suppression

## **Matters to which the arrangements relate:**

“The suppression of dust caused by construction operations carried out on land within the Act limits for the purpose of carrying out the development.”

- 6.1 Dust management will be focussed primarily on controlling the specific activities which produce dust, as well as some general measures which will be applicable at all times.

## **General Provisions**

- 6.2 The nominated undertaker will require its contractors to control and limit dust during the construction works as far as reasonably practicable and in accordance with Best Practicable Means<sup>7</sup>. This will include the following as appropriate: [CoCP 7.1.1]

- Having regard to the general site management and good housekeeping procedures (relevant to limiting dust and air pollution);
- Controls and measures to control or mitigate the effect of potential nuisance caused by the construction works, as determined by an up-to-date and site-specific assessment of the risks;
- Dust and air pollution monitoring measures to be employed during construction of the project;
- Measures relevant to control risks associated with asbestos dust; and
- Reference to current publications on ‘best practice’ which at the time of implementation include:
  - Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance: Institute of Air Quality Management (IAQM), January 2014.
  - Air Quality Monitoring in the Vicinity of Demolition and Construction Sites: IAQM, November 2012.
  - The Control of Dust and Emissions during Demolition and Construction: GLA Supplementary Planning Guidance Document, July 2014.

## **Site management**

- 6.3 The site layout will be planned to locate machinery and dust-causing activities away from sensitive receptors, where reasonably practicable. [CoCP 7.2.1]

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<sup>7</sup> Defined in the Control of Pollution Act 1974 and Environmental Protection Act 1990 as measures which are ‘reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications’.

6.4 Methods, such as the erection of hoardings or other barriers along the site boundary, will be used, where appropriate, to mitigate the spread of dust. [CoCP 7.2.1]

#### **Construction plant, vehicles and equipment**

6.5 Measures will be implemented to limit dust emissions from construction plant and vehicles, which will include the following, as appropriate: [CoCP 7.2.2]

- The operation of construction plant in accordance with the manufacturer's written recommendations;
- The enclosure, shielding or provision of filters on plant likely to generate excessive quantities of dust beyond the site boundaries;
- Using devices such as dust extractors, filters and collectors on drilling rigs and silos;
- The movement of construction traffic around the site will be kept to the minimum reasonable for the effective and efficient operation of the site and construction of the project;
- Construction plant will be located away from site boundaries which are close to sensitive receptors where reasonable and practicable;
- Cutting and grinding operations will be conducted using equipment and techniques which incorporate appropriate dust suppression measures; and
- Damping down of dust generating equipment and vehicles within the site and the provision of dust suppression in all areas of the site that are likely to generate dust.

#### **Transportation, storage and handling of materials**

6.6 Dust management measures will be implemented to limit pollution arising from the transportation and storage of materials, including the following, as appropriate: [CoCP 7.2.6]

- Covering materials, deliveries or loads entering and leaving the construction site for the purposes of preventing materials and dust spillage. This will apply to the transport of materials by road, rail or waterway;
- Stockpiles and mounds will be kept away from sensitive receptors (including natural and historic features), watercourses and surface drains where reasonably practicable and sited to take into account the predominant wind direction relative to sensitive receptors;
- Stockpiles and mounds will be maintained to avoid material slippage;
- Materials stockpiles likely to generate dust will be enclosed or securely sheeted, kept watered or stabilised as appropriate;
- Fine dry material will be stored inside buildings or enclosures with measures in place to ensure no escape of material and of overfilling during delivery;
- Mixing of large quantities of concrete or bentonite slurries will be undertaken in enclosed or shielded areas;

- The number of handling operations for materials will be kept to the minimum reasonably practicable;
- Materials handling areas will be maintained to constrain dust emissions through the use of measures such as watering facilities to reduce or prevent escape of dust from the site boundaries; and
- Mixing of grout or cement-based materials will be undertaken using appropriate techniques/mitigation suitable for the prevention of dust emissions.

### **Haul routes**

6.7 Haul routes will be provided through the works for use by construction vehicles to access the works. The construction and maintenance of haul routes, will include the following measures, as appropriate: [CoCP 7.2.7]

- The surfacing and maintenance of haul routes will be designed to control dust emissions as far as reasonably practicable, taking into account the contractors intended level of traffic movements;
- The inspection of haul routes regularly and their prompt repair if required;
- Methods to clean and suppress dust on haul routes (including watering) and in designated vehicle waiting areas. The frequency of cleaning will be suitable for the purposes of suppressing dust emissions from the site boundaries; and
- The enforcement of speed limits on haul roads for safety reasons and for the purposes of suppressing dust emissions.

### **Demolition activities**

6.8 Dust pollution from demolition activities will be limited through the use of the following measures, as appropriate: [CoCP 7.2.8]

- Stripping of interiors of buildings before demolition;
- Blasting works will be kept to the reasonably practicable minimum in the context of the design and programme requirements of the project;
- Buildings or structures to be demolished will be sprayed with water or screened as necessary, prior to and during demolition;
- Rubble chutes will be shielded or enclosed or use water to suppress dust emissions from such equipment;
- Skips will be covered and secured; and
- The burning of any material will not be permitted on site.

### **Excavations and earthworks activities**

6.9 Dust pollution from excavations and earthworks activities will be limited through the use of the following measures, as appropriate: [CoCP 7.2.9]

- Topsoil will be stripped as close as reasonably practicable to the period of excavation or other earthworks activities to avoid risks associated with run-off or dust generation;

- Drop heights from excavators to vehicles involved in the transport of excavated material will be kept to the reasonably practicable minimum;
- Materials will be compacted after deposition, with the exception of topsoil and subsoil on land to be restored for agriculture, forestry, landscaping and wildlife habitats; and
- Soil spreading, seeding, planting or sealing of completed earthworks will be undertaken as soon as reasonably practicable following completion of the earthworks.

### **Grouting activities**

6.10 Dust pollution associated with grouting activities will be limited through the use of the following measures, as appropriate: [CoCP 7.2.10]

- Dust extractors, filters and collectors on silos for example; and
- The mixing of grout or cement based materials will be undertaken using a process suitable for the prevention, as far as reasonably practicable, of dust emissions.

### **Conveying, processing, crushing, cutting and grinding activities**

6.11 Dust pollution associated with processing and crushing rock, for use as aggregate or other materials within the works, and for conveying material, processing, crushing, cutting and grinding and liming will be limited through the use of the following measures, as appropriate: [CoCP 7.2.11]

- Drop heights from conveyors, excavators, and crushing plant to stockpiles will be kept to the reasonably practicable minimum;
- The enclosure of conveyer transfer points, and damping of conveyor loads;
- Using enclosed conveyers where crossing roads, other public areas and property not owned by the nominated undertaker;
- The use of suitable temporary enclosures for cutting and grinding activities; and
- The application of water sprays to damp down in dry weather.



# 7. Road mud control measures

## **Matters to which the arrangements relate:**

“Measures to be taken on land within the Act limits to prevent or reduce the carrying of mud on to any public highway as a result of carrying out the development.”

- 7.1 All reasonably practicable measures will be put in place to avoid/limit and mitigate the deposition of mud and other debris on the highway. These measures will have regard to the nature and use of the site(s) in question, and will include: [CoCP 14.2.9]
- Hardstanding at the access and egress points will be cleaned at appropriate intervals;
  - Vehicle wash down points to clean vehicle wheels at each exit point onto the highway;
  - The correct loading of vehicles and sheeting of loads where necessary to avoid spillage during their journeys;
  - Appropriate wheel cleaning measures will be employed to prevent the transfer and accumulation of mud and other granular deposits on the public highway;
  - The use of mechanical road sweepers combined with water sprays for the suppression of dust to clean hardstandings, roads and footpaths in the vicinity of the site;
  - Measures to avoid water runoff onto the adjacent highway (footways or carriageways), including avoiding ponding adjacent to hoardings on the carriageway;
  - Ensure no material is deposited onto the public highway which will affect drainage interceptors, etc. and
  - The flushing of gullies in the vicinity of the site.
- 7.2 For works which are being undertaken on the public highway which are not protected by secure temporary-type fencing or hoarding, then at the completion of each day's works, the site is to be left in a tidy condition. All surplus materials arising from the works will be cleared from the highway, leaving it in a clean and tidy condition in accordance with the reasonable requirements of the highway authority. [CoCP 14.2.10]

# What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on [www.gov.uk](http://www.gov.uk) .

If you have questions about his consultation please contact:

Email: [hs2classapproval.consultation@dft.gov.uk](mailto:hs2classapproval.consultation@dft.gov.uk)

# Annex A: Consultation principles

The consultation is being conducted in line with the government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator  
Department for Transport  
Zone 1/29 Great Minster House  
London SW1P 4DR  
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