Department for Transport

# High Speed Rail (West Midlands - Crewe) Act 2021

## Class approval for matters ancillary to development under Schedule 17

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Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR



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# 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 and any other habitats where the translocation of soils is proposed;
- 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.

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.

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.

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.

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.

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.

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.

2.9 Soils will be handled when least susceptible to damage and in accordance with DEFRA's 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.

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.

# 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[1], 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.

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.

3.3 Stockpiles and mounds will be maintained to avoid material slippage.

3.4 Materials stockpiles likely to generate dust will be enclosed or securely sheeted, kept watered or stabilised, as appropriate.

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.

**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.

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[1] Construction Materials means minerals, aggregates or other construction materials required for the development

- The height of material stores will, where practicable, be limited to avoid affecting the amenity of adjoining residential properties, schools and places of worship.

# 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.

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;
- Temporary fences may be used in certain areas, such as for short-term occupation of sites or at more remote locations;
- 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;
- Different types of fencing will be used, including hoardings used for noise control;
- The side of hoardings facing away from the site will be painted, and kept free of graffiti or posters;
- 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;
- Notices on site boundaries will be displayed to warn of hazards on site such as deep excavations, construction access, etc.;
- Signage will be provided to indicate re-routed pedestrian/cycle paths;
- Information will be provided on routes to alternative community facilities;
- 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;

- Protective fencing and/or specialist fencing (e.g. reptile fencing) will be maintained to protect environmentally sensitive features during construction;
- Existing walls, fences, hedges and earth banks will be retained for the purpose of screening as far as reasonably practicable;
- Fencing and hoarding will, as far as is reasonably practicable, be located such that it does not damage sensitive habitats, trees or hedgerows; and
- Hoarding and fencing in areas at risk of flooding will be permeable to floodwater, unless otherwise agreed with the Environment Agency[2], to ensure that the fluvial floodplain and areas liable to other sources of flooding, continues to function effectively for storage and conveyance of floodwater.

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.

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.

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.

**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.

[2] 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. W here appropriate, lighting will be activated by motion sensors to prevent unnecessary usage.

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.

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.

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.

# 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[3]. This will include the following as appropriate:

- 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.

[3] 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'.

— 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.

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.

**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:

- 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:

- 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:

- 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:

- 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:

- 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:

- 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:

- 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:

- 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.