

APPENDIX 2

The Town and Country Planning Act 1990

THE FELIXSTOWE BRANCH LINE AND IPSWICH YARD IMPROVEMENT ORDER 200[]

CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION DATED [] [Draft 1 December 2005]

In these conditions, unless the context otherwise requires:

“building” means any structure or erection, above the surface of the ground, but does not include any level crossing barrier, traffic light or sign or any plant or machinery;

“the development” means the works authorised by the Order:

“the Environmental Statement” means the Statement submitted with the application for the Order on [date];

“the local planning authority” means the Ipswich Borough Council or the Suffolk Coastal District Council, as appropriate;

“the Order” means The Felixstowe Branch Line and Ipswich Yard Improvement Order 200[];

“the Planning Direction drawings” and “the Works and Land Plans” means the drawings of that description accompanying the application for the Order submitted on [date];

“the draft Code of Construction Practice” means the Code attached as an Annex to the Environmental Statement accompanying the application for the Order;

“the relevant limits” means the limits within which, under the deemed planning permission to which these conditions relate, the development may be carried out; and

“stage” means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority,

and references to numbered works are references to the works set out in Schedule 1 to the Order.

1. **Time limits**

The development shall be commenced no later than the expiration of five years beginning with the date that the Order comes into force.

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

2. **Phasing of Development**

Before the development is commenced, a scheme setting out the stages (or sections) of the development shall be submitted to and approved by the local planning authority.

Reason: to provide certainty for the discharge of planning conditions.

3. **Design, external appearance and materials**

No stage of the development shall be commenced until details of the design, external appearance and facing materials of the following elements of the development within that stage have been submitted to and approved by the local planning authority:

- a) The noise screen to be provided at the rear of 11 to 79, Ranelagh Road, Ipswich;
- b) Any other building comprised in Work Nos. 1 and 3 (railways);
- c) The footbridge to be built at Westerfield, comprised in Work No. 2; and
- d) The realigned highway at Grimston Lane comprised in Work No.6

Reason: to enable proper control to be exercised over the design of the development.

4. **Fencing and Means of Enclosure**

Before the development of each stage commences, details of all permanent boundary fencing or other means of enclosure shall be submitted and approved by the local planning authority. Details of fencing only need be submitted where this fencing will abut a highway, residential or commercial premises.

Reason: to protect the amenity of residents, occupiers and highway users.

5. **Landscaping**

Before the development of each stage commences, a landscaping scheme shall be submitted to and approved by the local planning authority. That scheme shall include the details of:

- a) any new permanent vehicular or pedestrian access, parking or circulation area;
- b) any other hard surfacing or permanent fencing details;
- c) Any other structures, such as street furniture and lighting, save those which may be provided by the highway authority or a local authority, and
- d) Any trees or shrubs to be planted, including the location, number, species, size and planting density.

Reason: to ensure appropriate landscaping of the development.

6. **Details of Permanent or Temporary Highway Accesses**

Before the development of each stage commences, details of the siting, design and layout of any new or altered vehicular access to the highway (which will serve the works within that stage) and any highway junction improvements, as set out in Schedule 6 to the Order, shall be submitted to and approved by the local planning authority. All such works necessary to ensure highway safety shall be completed before substantive construction actively, served by such works or accesses, is commenced in that stage.

Reason: to ensure highway safety.

7. **Implementation and Maintenance of Fencing**

The railway shall remain securely fenced at all times during construction and any temporary fencing shall be removed on completion. Permanent fencing of the railway shall be completed before the additional railway track is brought into use. Such fencing shall be maintained in a secure condition for a period of 5 years from completion, or until the land and works are transferred to Network Rail.

Reason: to ensure public safety

8. **Implementation and Maintenance of Landscaping**

All landscaping works shall be undertaken in accordance with the appropriate landscaping scheme, approved under Condition 5. Unless otherwise agreed by the local planning authority, planting shall take place in the first available planting season after the completion of the principal works.

Any tree or shrub planted as part of an approved landscaping scheme that, within five years of the date of planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted unless otherwise agreed by the local planning authority.

Reason: to ensure satisfactory implementation of the landscaping.

9. **Protection of Trees**

Before development of the relevant stage commences, measures to protect existing trees and woodland at Gun Lane, Trimley St Martin shall be implemented. These measures shall, where appropriate, conform to BS 5837: 1991 'Guide to trees in relation to construction'. The measures shall be maintained throughout the construction period.

Reason: to ensure appropriate protection of these woodlands during construction.

10. **Archaeology**

Before development is commenced, a written scheme for the investigation of areas of archaeological potential (as defined in the Environmental Statement) shall be submitted to and approved by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced, in any location where this is necessary; a watching brief during construction, where this is necessary and the recording, preservation and publication of the results of the investigation.

Reason: to ensure adequate protection and recording of archaeological remains.

11. **Protection of Levington Park Trial Grounds**

Throughout the period of occupation of the adjoining land within the relevant limits for the purposes of construction, the boundary of the Levington Park Trial Grounds (marked pale blue on the Planning Direction Drawings) shall be securely fenced or otherwise protected to prevent damage by construction vehicles and plant, the deposit of construction materials or waste or pollution by fuel or other substances.

Reason: to protect agricultural and crop research.

12. **Protection of Residential Amenity at Morston Hall Cottages**

The areas of land at Morston Hall Cottages (marked in purple on the Planning Direction drawings) shall be securely fenced throughout the construction period and shall not be used by vehicles, plant, storage of materials or any other construction purpose.

Reason: to protect residential amenity

13. **Implementation of Temporary and Permanent Footpath Closures**

The temporary and permanent footpath and byway closures permitted by the Order shall not be implemented until the designated alternative or diversion routes are available. Temporary closures shall be for no longer than is necessary to enable the works to be undertaken, unless otherwise agreed by the local planning authority.

Reason: to ensure that the integrity of the footpath network is maintained

14. **Contaminated Land**

Development shall not be commenced until a scheme to deal with contamination on any land within the limits at Ipswich Goods Yard, likely to cause significant harm to persons, pollution of controlled waters or the environment has been submitted to and approved by the local planning authority.

The above scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the local planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for the intended purpose, together with a management plan which sets out long term measures with respect to any contaminants remaining on the site.

Any remedial measures shall be undertaken before development is commenced, unless otherwise agreed by the local planning authority.

Reason: to ensure that any necessary remediation is undertaken

15. **Water Pollution Control**

In carrying out the development , all reasonable steps shall be taken to prevent the pollution of watercourses and groundwater, including by the following methods:

(a) no contaminated material, or polluting construction or demolition material or refuse, shall be deposited within the limits;

(b) no water from the construction areas shall be permitted to discharge to any watercourse, well, spring or soakaway, if it is contaminated with foul sewage, suspended soil or other pollutant;

(c) the prior written approval of the manner of construction of any storage facilities for oils, fuels or chemicals shall be obtained from the local planning authority before that element of the development is commenced.

Reason: to ensure that pollution of watercourses and groundwater is prevented

16. **Bat Surveys**

Before development is commenced, further survey of the trees specified in the Environmental Statement shall be undertaken to confirm whether bats are present in trees to be removed during the works. The survey and any protection and mitigation measures proposed shall be submitted to and approved by the local planning authority, and undertaken in accordance with the guidance prepared by English Nature and Defra.

Reason: to ensure that any bat found is suitably protected.

17. **Protection for Nationally Scarce Plants**

Before the development is commenced, a scheme for the protection or translocation of any nationally scarce plant species (as identified in the Environmental Statement) shall be submitted to and approved by the local planning authority. Such protection measures or translocations shall take place before any substantive construction activity commences in the vicinity of those plants.

Reason: to ensure that impacts on nationally scarce plants are properly mitigated.

18. **Protection of Reptiles**

Before the development is commenced, a strategy for the protection or translocation of any reptiles likely to be adversely affected by the works (as identified in the Environmental Statement) shall be submitted to and approved by the local planning authority.

Reason: to ensure that reptiles are properly protected.

19. **Restoration of Land Used Temporarily for Construction**

Any land within the limits which is used temporarily for construction shall be reinstated to its former condition, or such condition as the local planning authority may approve, within one year of completion of the principal works.

Reason: to protect amenity and restore habitats

20. **Code of Construction Practice**

Before development is commenced, a Final Code of Construction Practice, which shall cover all matters specified on the draft included as an Annex to the Environmental Statement shall be submitted to and approved by the local planning

authority. All works shall be undertaken in accordance with that Code, unless otherwise agreed by the local planning authority.

Reason: to protect residents and amenity during construction

21. **Noise Monitoring and Mitigation During Construction**

Before development is commenced, a scheme for noise monitoring and attenuation during construction shall be prepared and submitted to and approved by the local planning authority. This shall contain predictions of likely noise levels and durations during construction at sensitive receptors as identified in the Environmental Statement. It shall set out proposals for the temporary attenuation of significant adverse noise impacts at locations where these are likely to occur.

Reason: to ensure that construction noise is adequately mitigated.

22. **Noise Monitoring and Mitigation During Operation**

22.1 Before the works at Ipswich Yard are brought into use, a noise attenuation barrier shall be installed at the rear of nos. 11 to 79 Ranelagh Road.

22.1 Before the new works on the Felixstowe Branch Line are brought into use, improvements to the existing track shall be completed by making good or replacing fish plate joints at Trimley Station, Morston Hall and Levington Level Crossings.

22.3 Noise insulation shall be installed and operational noise monitoring shall be undertaken, in accordance with the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996.

Reason: to ensure that operational noise is adequately mitigated.

23. **Environmental Mitigation Measures**

Where the siting of any works is to deviate materially, horizontally or vertically from the centre line shown on the Works and Land Plans, an appropriate scheme of environmental mitigation measures shall be submitted to and approved by the local planning authority. This approval shall not be withheld unless the local planning authority considers that the scheme is inadequate to mitigate any environmental impact arising from the proposed deviation that was not taken into account in the Environmental Statement.

Reason: to ensure that mitigation of any additional environmental impacts arising from any deviation from the centre line is properly assessed and provided.

24. **Approvals**

Where under any of these conditions, the approval of the local planning authority is required, the provision of Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 shall apply. All such approvals shall be given in writing.

Reason: to ensure that approvals are given in a timely manner.

25. **Implementation**

All works or measures which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise agreed by the local planning authority.

Reason: to ensure that these works or measures are implemented as approved.