

**M5 J10 Improvement Scheme - Register of Schedule 2 Requirements**

Requirement No	Requirement Description	Discharge Document to be produced	Statutory Duty Holder to be consulted	Date of issue to Statutory Duty holder	Statutory Duty Holder response	Date of issue to relevant planning authority	Relevant Planning Authority Approval	Comments
Reference from Development Consent Order	Direct quote from Schedule 2 of the Development Consent Order	All documents produced that are necessary to fulfil/discharge the requirement		Details of when these documents were returned by the Statutory Duty holder(s)	Do contain details of when these documents were returned by the Statutory Duty holder(s) (e.g. the Local Planning Authority, Lead Local Flood Authority, Natural England, etc)	Details of when these documents were approved by the relevant planning authority	Details of when these documents were approved by the relevant planning authority	Any comments related to the requirements
<b>SCHEDULE 2 PART 1 REQUIREMENTS</b>								
<b>1 Interpretation</b>								
1	In this schedule -  "the environmental masterplan" means the documents of that description listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the environmental masterplan (part 1) and the environmental masterplan (part 2) for the purposes of this Order.  "EMP (1st iteration)" means the environmental management plan (1st iteration) listed in Schedule 10 and certified by the Secretary of State for the purposes of this Order;  "EMP (2nd iteration)" means the construction stage environmental management plan to be submitted and approved under paragraph 3 of this Schedule;  "EMP (2nd iteration)" means the end of construction stage environmental management plan to be developed towards the end of the construction of the authorised development which is to contain: (a) the environmental information needed for the future maintenance and operation of the authorised development; (b) the long term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies;  "Manual of Contract Document for Highway Works" means the document of that name published electronically by or on behalf of the Strategic Highway Authority - NH for England, or any equivalent replacement published for that document;  "protected species" means species which are subject to protection under the laws of England or which are European protected species;  "the register of environmental actions and commitments" means the document listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the register of environmental actions and commitments for the purpose of this Order.	None	None					No approvals needed. Requirement contains definitions and does not require discharge
<b>2 Time Limits</b>								
2	The authorised development must not commence later than the expiration of 5 years beginning with the date on which this order comes into force.	None	None					Requirement sets the timescales for the validity of the Order and does not require formal discharge. Authorised development must commence before 25th June 2036.
<b>3 Environmental Management Plan</b>								
3(1)	No part of the authorised development is to commence until a EMP (2nd iteration) for that part has been prepared in consultation with the County Planning Authority - GCC and the Strategic Highway Authority - NH and submitted to and approved in writing by the Relevant planning authority	EMP (2nd iteration)  Management Plans as listed in Requirement 3(2)	County Planning Authority - GCC  Strategic Highway Authority - NH					Requirement ensures that a EMP (2nd iteration) is approved by the relevant planning authority prior to construction work commencing.
3(2)	The EMP (2nd iteration) must - (a) be substantially in accordance with the EMP (1st iteration); (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development (c) incorporate the register of environmental actions and commitments; (d) require adherence to working hours of 07:00 - 19:00 on Mondays to Saturdays with no working on Sundays, except for: (i) night time closures for bridge demolition and installation or other works requiring the full or partial closure of, or otherwise adversely affecting the operation of, existing carriageways; (ii) oversized deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation; (iii) the provision of services at compounds, including security and vehicle recovery; (iv) works associated with the diversion or removal of existing utilities; (v) works associated with tie-ins to existing carriageways; (vi) works associated with traffic management and signal changes; (vii) any emergency works; (viii) any works for which different working hours have been notified at least seven days in advance to those parties who the undertaker reasonably considers will or may be affected by those works and recorded in the approved EMP (2nd iteration) in which case the EMP (2nd iteration) must require adherence to those working hours; and (ix) as otherwise agreed by the relevant planning authority in advance.  (e) include the following management plans - (i) materials management plan; (ii) soil management plan; (iii) noise and vibration management plan (iv) air quality management plan (v) landscape and ecology management plan; (vi) emergency preparedness and response plan including flood management plan and severe weather plan; (vii) pollution prevention and control management plan; (viii) archaeological management plan; (ix) invasive non native species management plan; (x) operational exploded ordnance emergency response plan; (xi) traffic management plan; (xii) site waste management plan; (xiii) public rights of way management plan; (xiv) emergency vehicle movement management plan; (xv) community engagement plan; (xvi) carbon management plan; (xvii) river realignment and channel diversion management plan; (xviii) statement of statutory nuisance	None	None					Requirement refers to the body of the EMP (2nd iteration) to be prepared under Requirement 3(1)
3(3)	The authorised development must be constructed in accordance with the approved EMP (2nd iteration)	None	None					Requirement covers construction phase of the scheme and ensures that construction work is undertaken in accordance with the approved EMP (2nd iteration) produced for Requirement 3(1)
3(4)	Upon completion of the construction of the authorised development the EMP (3rd iteration) must be prepared in consultation with the County Planning Authority - GCC and the Strategic Highway Authority - NH and submitted to the relevant planning authority for approval within 28 days of the opening of the authorised development for public use.	EMP (3rd iteration)	County Planning Authority - GCC  Strategic Highway Authority - NH					Requirement ensures that a EMP (3rd iteration) is approved by the relevant planning authority within 28 days of opening for public use.
3(5)	The authorised development must be operated and maintained in accordance with the EMP (3rd iteration) approved under paragraph (4).	None	None					Requirement covers operational phase of the scheme and ensures that future maintenance work is undertaken in accordance with the approved EMP (3rd iteration)
<b>4 Details of Consultation</b>								
4(1)	Where appropriate, with respect to any requirement which requires details to be submitted to the relevant planning authority for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted, the responses received to the consultation and the undertakers response to those responses.	None	None					
4(2)	At the time of submission to the relevant planning authority for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the relevant planning authority.	None	None					Requirements sets out the details of the summary consultation report that should be prepared in support of any application to discharge
4(3)	The undertaker must ensure that any consultation responses are reflected in the details submitted to the relevant planning authority for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.	None	None					Requirements under Schedule 2 of the DCO. It is a summary of consultation carried out rather than a document that requires consultation.
4(4)	Where the consultation responses are not reflected in the details submitted to the relevant planning authority for approval, the undertaker must state in the summary report referred to in sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.	None	None					
<b>5 Landscaping</b>								
5(1)	No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC and the Strategic Highway Authority - NH	Landscape and Ecology Management Plan  Landscape Masterplans  Series 3000 Landscape and Ecology Specification  Arboricultural Method Statement	County Planning Authority - GCC  Strategic Highway Authority - NH					Requirement ensures that a written landscape scheme is prepared for the authorised scheme prior to construction work commencing.
5(2)	No part of the authorised development is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard BS37:2012, have been undertaken to identify any significant constraints posed by trees.	None	None					Requirement ensures that an arboricultural walkover survey and tree survey are undertaken prior to any part of the authorised development commencing. Survey results will be incorporated into the Arboricultural Method Statement produced for Requirement 5(1).
5(3)	The landscaping scheme prepared under sub-paragraph (1) must be in accordance with the environmental masterplan and the results of the surveys undertaken under sub-paragraph (2).	None	None					Requirement ensures that the landscaping scheme is based on the approved environmental masterplan drawings and take account of the arboricultural walkover survey and tree survey.
5(4)	The authorised development must be landscaped in accordance with the approved landscaping scheme for that part.	None	None					Requirement covers the construction phase of the scheme and ensures that the landscaping work is undertaken in accordance with the documents produced for Requirement 5(1).
5(5)	The landscaping scheme referred to in sub-paragraph (1) must include details of hard and soft landscaping works, including: (a) location, number, species, size and planting density of any proposed planting; (b) cultivation, importing of materials and other operations to ensure plant establishment; (c) proposed finished ground levels; (d) hard surfacing materials; (e) details of existing trees to be retained, with measures for their protection during the construction period; and (f) implementation timetables for all landscaping works.	None	None					Requirement is informative and sets out the details that must be included in the landscaping scheme.
<b>6 Implementation and Maintenance of Landscaping</b>								

6 (1)	All landscaping works must be carried out in accordance with the landscaping scheme approved under paragraph 5 of this schedule	None	None						Requirement covers the construction phase of the scheme and ensures that the landscaping work is undertaken in accordance with the approved drawings and Written Landscape Scheme.
6 (2)	All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice and in accordance with the landscape and ecology management plan approved as part of the EMP (2nd iteration) and the EMP (3rd iteration) under paragraph 3 of this Schedule.	None	None						Requirement ensures that the landscaping works are undertaken to recognised standards and in accordance with the LEMP produced for requirement 6(1).
6 (3)	Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.	None	None						Requirement refers to ongoing maintenance of the planting once the scheme has been constructed and will be fulfilled during the 5-year planting maintenance period.
7	<b>Fencing</b>								
7	Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the relevant planning authority following consultation with the County Planning Authority - GCC and Strategic Highway Authority - NH on matters related to their functions in connection with the authorised development	None	None						Requirement refers to the design of the permanent and temporary fencing and any other means of enclosure for the Authorised Development complies with National Highway's Manual of Contract Documents for Highway Works, Volume 1 - Specification for Highway Works.  The register will be updated to reflect any approvals sought in relation to this requirement if it becomes applicable to the authorised development.
8	<b>Land and groundwater contamination</b>								
8 (1)	No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced for that part which is to include details of: (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works, and the assessment has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency.	Pollution Prevention Control Management Plan	Environment Agency						Requirement ensures that a contamination risk assessment is undertaken prior to the commencement of the authorised development and sets out the detail of what should be included in the contamination risk assessment.
8 (2)	The steps and measures that are identified as necessary for the purpose of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.	None	None						Requirement covers the construction phase of the scheme and ensures that the landscaping work is undertaken in accordance with the approved drawings and Written Landscape Scheme.
8 (3)	In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Environment Agency and the relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.	Report finding, Produce a Contamination risk assessment	Environment Agency Relevant Planning Authority						Requirement is reactive and can only be discharged once construction has begun and then only if additional contaminated land or groundwater is found. If this occurs, the register will be updated accordingly.
8 (4)	Where the risk assessment determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the relevant planning authority following consultation with the Environment Agency and the County Planning Authority - GCC.	Written Scheme and Programme	County Planning Authority - GCC Environment Agency						Requirement is reactive. However, in the event of this being necessary a discharge of requirement application would be submitted providing the necessary written scheme of remediation and programme for the works. If this occurs, the register will be updated accordingly.
8 (5)	Remedial measures must be carried out in accordance with the scheme approved under sub-paragraph 8 (4) and following completion of the remedial measures a validation report confirming the completion and effectiveness of those measures must be submitted to the Environment Agency and relevant planning authority.	Validation report	Environment Agency Relevant Planning Authority						Requirement ensures that remediation is undertaken if identified as necessary in accordance with a remediation plan approved by the Environment Agency. If this occurs, the register will be updated accordingly.
9	<b>Archaeology</b>								
9 (1)	In order to be included in the EMP (2nd iteration) pursuant to paragraph 3(2) e (ii) of this schedule, the archaeological management plan, must accord with the investigation and mitigation measures included in chapter 11 (cultural heritage) of the environmental statement, the EMP (1st iteration), and must include provision for site-specific archaeological project designs for each area and each phase where necessary, and have been prepared in consultation with the County Planning Authority - GCC, the Strategic Highway Authority - NH, the County Archaeologist and Historic England and have been submitted to and approved in writing by the relevant planning authority	Archaeological Management Plan	County Planning Authority - GCC Strategic Highway Authority - NH County Archaeologist Historic England						Requirement ensures that an Archaeological Management Plan supported by site specific written schemes of investigation is submitted for approval to the relevant planning authority following consultation.
9 (2)	The authorised development must be carried out in accordance with the archaeological management plan and where relevant the site specific archaeological project designs referred to in sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority.	None	None						Requirement covers construction phase of the scheme and ensures that construction work is undertaken in accordance with the Archaeological Management Plan.
9 (3)	A programme of archaeological reporting, post excavation and publication required as part of the archaeological management plan and where relevant the site specific archaeological project designs referred to in sub-paragraph (1) must be prepared in consultation with the County Archaeologist and implemented within a reasonable timescale and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.	None	None						This Requirement sets out actions that must be undertaken in respect of archaeological reporting.
9 (4)	(a) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be: (i) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and (b) subject to appropriate mitigation as set out in the Archaeological Management Plan referred to in sub-paragraph (1).	None	None						Requirement sets out what should happen if archaeological remains are found that have not previously been identified.
9 (5)	No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the relevant planning authority.	None	None						Requirement sets out what should happen if archaeological remains are found that have not previously been identified.
9 (6)	In this paragraph "County Archaeologist" means the individual nominated or appointed as such by the relevant planning authority.	None	None						No approvals needed. Requirement contains a definition and does not require discharge.
10	<b>Protected Species</b>								
10 (1)	In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works	None	None						Requirement sets out the approach should protected species be encountered during construction work.  Construction work near the location should cease and the Ecological Clerk of Works contacted immediately.
10 (2)	The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10metres of the nest until birds have fledged and the nest is no longer in use.	None	None						This requirement refers to a document that would only need to be prepared and submitted in the event that protected species that had not been previously identified in the Environmental Statement were found when carrying out the authorised development.
10 (3)	The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.	None	None						Requirement confirms that the contractor must undertake construction work in accordance with the approved Written Scheme of Investigation if required under Requirement 10(2)
10 (4)	In this paragraph "Ecological Clerk of Works" means the individual appointed as such by the undertaker.	None	None						No approvals needed. Requirement contains a definition and does not require discharge.
11	<b>Detailed Design</b>								
11 (1)	The authorised development must be designed in detail and carried out so that it is in accordance with: (a) the preliminary scheme design shown on the works plans, the general arrangement plans, the environmental masterplan and the engineering drawings and sections; and (b) the design principles set out in the design principles report, unless otherwise agreed in writing by the relevant planning authority following consultation with the County Planning Authority - GCC and Strategic Highway Authority - NH on matter related to their functions and provided that the relevant planning authority is satisfied that any amendments to the work plans, the general arrangement plans, the environmental masterplan and the engineering drawings and sections showing departures from the preliminary design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement	None	County Planning Authority - GCC Strategic Highway Authority - NH						No approvals needed as long as design is compatible with the authorised scheme.  Separate applications for discharge of this requirement would be necessary should the design change sufficiently during detailed design.
11 (2)	Where amended details are approved by the relevant planning authority under sub-paragraph (1) those details are deemed to be substituted for the corresponding works plans, general arrangement plans, environmental masterplan or engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public	None	None						This requirement confirms that where amendments are made to the authorised scheme the work must be constructed in accordance with the amended drawings.
11 (3)	In this paragraph: (a) "the general arrangements plans" means the documents of that description listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the general arrangements plans (part 2) for the purposes of this Order; and (b) "design principles report" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the design principles report for the purposes of this Order.	None	None						No approvals needed. Requirement contains a definition and does not require discharge.
12	<b>Surface water drainage</b>								
12 (1)	No part of the authorised development is to commence until written details of the surface water drainage system for that part, in accordance with the mitigation measures in chapter 8 (road drainage and the water environment) of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC, the Strategic Highway Authority - NH and the Environment Agency.	Drainage design drawings	County Planning Authority - GCC Strategic Highway Authority - NH Environment Agency						Requirement confirms that a written scheme of the surface water drainage must be approved by the relevant planning authority prior to construction works commencing.
12 (2)	The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority following consultation with the County Planning Authority - GCC, the Strategic Highway Authority - NH and the Environment Agency.	None	None						Requirement confirms that the scheme must be constructed in accordance with

15 (1)	No part of the authorised development is to commence until written details of proposed noise mitigation in respect of use and operation of that part of the authorised development, including noise barriers and any very low noise surfacing, have been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC and the Strategic Highway Authority - NH on matters related to their functions.	Noise and Vibration Management Plan	County Planning Authority - GCC Strategic Planning Authority					Requirement confirms that a written details for noise mitigation must be approved by the relevant planning authority following consultation
15 (2)	The written details referred to in sub-paragraph (1) must either; (a) reflect the mitigation measures included in chapter 6 (noise and vibration) of the environmental statement and the noise and vibration management plan approved as part of the EWP (2nd iteration) pursuant to paragraph 3 of this Schedule; or (b) where the mitigation proposed materially differs from the mitigation identified in the environmental statement and the noise and vibration management plan, the undertaker must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially different environmental effects in comparison with those reported in the environmental statement taking into account the mitigation identified in it.	None	None					Requirement refers to the content of the document prepared under Requirement 15(1)
15 (3)	The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1) and must be retained thereafter.	None	None					Requirement confirms that the scheme must be constructed in accordance with the approved document prepared under Requirement 15(1)
<b>16 Highway Lighting</b>								
16 (1)	No part of the authorised development is to be brought into use until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC and the Strategic Highway Authority - NH on matters related to their functions.	Written scheme of the proposed highway lighting	County Planning Authority - GCC Strategic Highway Authority - NH					This Requirement covers commissioning phase and confirms that a written scheme of the proposed highway lighting must be approved by the relevant planning authority prior to being brought into use.
16 (2)	The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either be in accordance with the standard of the highway lighting included in chapter 5 (landscape and visual) of the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposal would not give rise to and materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the lighting identified in it. The highway lighting scheme must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.	None	None					Requirement is informative and re-states that any proposed lighting must be in accordance with the Environmental Statement or not give rise to any materially new or materially different environmental effects.
16 (3)	The highway lighting must be provided in accordance with the scheme approved under sub-paragraph (1)	None	None					Requirement states that the scheme must be undertaken as agreed.
16 (4)	Nothing in this requirement restricts the lighting of the authorised development during its construction or where temporarily required for maintenance.	None	None					This requirement confirms that Requirement 16 does not need to be discharged for construction lighting or for lighting required for maintenance
<b>17 Building and Construction Materials - Highways</b>								
17 (1)	No part of the authorised development is to commence until written details of the materials to be used for the surfacing of the new highway and the adjacent cycleway and footway have been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC	Highways design	County Planning Authority - GCC					Requirement confirms that a written details of materials for use in highways must be approved by the relevant planning authority following consultation
17 (2)	The details submitted under sub-paragraph (1) must include provision for the use of low noise road surfacing materials on the highway.	None	None					Requirement refers to detail to be included in Requirement 15(1)
17 (3)	The authorised development must be carried out using the materials approved under sub-paragraph (1)	None	None					Requirement confirms that the scheme must be constructed in accordance with the approved materials approved under Requirement 17(1)
<b>18 Building and Construction Materials - Structures</b>								
18 (1)	No part of the authorised development is to commence until written details of the building materials to be used for the external facings of all structures, including bridges, retaining walls and culvert sides and headwalls, have been submitted to and approved in writing by the relevant planning authority following consultation with the County Planning Authority - GCC.	Structures design	County Planning Authority - GCC					Requirement confirms that a written details of materials for use in structures must be approved by the relevant planning authority following consultation
18 (2)	The authorised development must be carried out using the materials approved under sub-paragraph (1)	None	None					Requirement confirms that the scheme must be constructed in accordance with the approved materials approved under Requirement 18(1)
<b>19 Approvals and amendments to approved details</b>								
	With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the relevant planning authority.	None	None					Requirement is a statement setting out that amended details approved as a result of discharging the other requirements are deemed to be part of the approved scheme. The Requirement does not require formal discharge.