APPENDIX 2

The Town and Country Planning Act 1990

THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER

DRAFT CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION DATED [ ]

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 traffic light or sign or any plant or machinery;

"the development" means the development authorised by the Order;

"the Environmental Statement" means the Environmental Statement submitted with the application for the Order on 30 May 2008;

"the local planning authority" means Halton Borough Council;

"the Order" means the River Mersey (Mersey Gateway Bridge) Order 200[ ];

"the Planning Direction Drawings" means the drawings of that description accompanying the application for the Order submitted on 30 May 2008;

"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

"phase" means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 4.

MERSEY GATEWAY PROJECT

Proposed Conditions

Time Limits

1. 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 commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be sent to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

3. The development shall be carried out in accordance with the Planning Direction Drawings. Where it is proposed to construct the development otherwise than in accordance with the Planning Direction Drawings such development shall not commence, unless the prior approval in writing of the local planning authority to the detailed plans of such development is first obtained.

Reason: To ensure that the design and external appearance of any works comprised in the development does not injure the amenity of the Borough of Halton and/or that reasonable modifications can be secured to avoid such injury.

Phasing of Development

4. Before the development is commenced, a Phasing Strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. Once the Phasing Strategy is approved, all development shall be carried out in accordance with this, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Design, External Appearance and Materials

5. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building within that phase have been submitted to and approved in writing by the local planning authority.

Reason: To enable proper control to be exercised over the design of the development.
Construction Environmental Management Plan

6. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. As a minimum the CEMP will comprise the following elements:

(a) Site Waste management plan;
(b) Pollution and contingency control, including monitoring regimes;
(c) Landscape and Visual management plan;
(d) Noise and Vibration management plan;
(e) Contamination and remediation management;
(f) Archaeology and cultural heritage management;
(g) Air quality management;
(h) Biodiversity management;
(i) Water and Hydrodynamics management;
(j) Construction health and safety plan; and
(k) Hours of working.

The development shall thereafter be implemented and operated in accordance with the approved CEMP, unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

7. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. As a minimum this will include the following:

(a) Traffic management at key nodes;
(b) Emergency vehicle routes;
(c) Bus routes and stops;
(d) Emergency vehicle recovery;
(e) Emergency plans;
(f) HGV routes and bans;
(g) Worker parking areas and routes;
(h) Times of operation;
(i) Vehicle washing; and
(j) Workforce travel plan

The development shall thereafter be implemented and operated in accordance with the approved CTMP, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

8. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

9. Prior to the commencement of each phase of development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall reflect the overall approach set out within the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:

a) Vegetation to be retained and its means of protection during construction;
b) Existing, proposed and finished levels and contours;

c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;

d) All materials and finishes; and

e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density.

The development shall thereafter be implemented in accordance with the approved scheme.

*Reason: To ensure the appropriate landscaping of the development.*

10. If, within a period of five years from the date of planting any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

*Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.*

**Street furniture and lighting**

11. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of development.

*Reason: To ensure that the detail is appropriate.*

12. Before any lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall include proposed levels of light, and levels of light spillage outside the relevant limits. Thereafter, no lighting shall be provided at the site other than in accordance with an approved scheme or an amended scheme approved in writing by the local planning authority.

*Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.*
Permanent and temporary highway and footpath access

13. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Planning Direction Drawings, shall be submitted to and approved in writing by the local planning authority. Any works necessary to ensure highway safety shall be completed before substantive construction activity served by such works or accesses is commenced during that phase.

Reason: To ensure highway safety.

14. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. The temporary and permanent closures of any street 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 in writing by the local planning authority.

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

15. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the provisions of the statement unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.
Hydrodynamics

16. All temporary construction works undertaken as part of this development and sited within the Upper Mersey Estuary shall be removed within three months of the end of the construction of any relevant phase.

*Reason: To ensure the appropriate restoration of the Upper Mersey Estuary.*

17. Morphological monitoring of the Upper Mersey Estuary shall be undertaken during the construction period and for the first five years following completion of the development. Details of a suitable Monitoring Programme shall be submitted to and approved in writing by the local planning authority prior to development commencing. Monitoring shall then be undertaken in accordance with the Programme unless otherwise agreed in writing by the local planning authority.

*Reason: To monitor the hydrodynamic impacts of the development and to enable an appropriate assessment of the effects of the proposal to be identified.*

Surface Water Quality

18. Prior to the commencement of any phase of the development affecting existing watercourses, the details of the physical techniques to be utilised to prevent pollution of water bodies caused by the accidental spillage of materials and surface run-off shall be submitted to and approved in writing by the local planning authority.

*Reason: To enable reasonable and proper control to be exercised over those aspects of the development which could potentially harm existing surface water.*

Drainage

19. Prior to the commencement of each phase of the development details of the drainage works to be carried out in accordance with an approved drainage strategy are to be submitted to and approved in writing by the local planning authority.

*Reason: To ensure adequate drainage provision is provided and subsequently implemented.*

Terrestrial and Avian Ecology

20. Prior to the commencement of each phase of development, details of construction methods and techniques to minimise the physical impacts of development upon avian ecology, species
and habitats at the following locations shall be submitted to and approved in writing by the local planning authority:

a) Upper Mersey Estuary Local Wildlife Site;

b) Middle Mersey Estuary;

c) St. Helens Canal Local Wildlife Site;

d) Manchester Ship Canal Local Wildlife Site; and

e) Wigg Island Local Wildlife Site and Local Nature Reserve.

The development shall be carried out in accordance with the approved details agreed in writing by the local planning authority.

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

21. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the programme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that mitigation is effective.

22. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken within the relevant limits for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority. The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.
23. Before the commencement of any relevant phase of development a Method Statement shall be prepared in respect of the impact of the development on the water vole population for approval in writing by the local planning authority. The Statement shall have regard to colonisation, creation of habitats and appropriate mitigation. The development shall be carried out in accordance with the techniques identified in the approved statement.

*Reason: To ensure that the species are sufficiently protected.*

24. Any clearance of vegetation undertaken as part of any phase of the development which potentially affects bird breeding habitat shall be undertaken outside of the bird breeding season of March to September in accordance with the provisions as set out within the Terrestrial and Avian Ecology chapter 10 of the Environmental Statement.

*Reason: To ensure that the bird population is sufficiently protected.*

25. A scheme and programme for the mitigation of Wigg Island Local Nature Reserve within the relevant limits shall be submitted to and approved in writing by the local planning authority. The proposals shall have regard to the creation of new and managed habitats and, opportunities for translocation as set out within chapter 10 of the Environmental Statement. The scheme shall be carried out in accordance with the approved programme.

*Reason: To deliver an appropriate degree of mitigation within the Local Nature Reserve.*

26. Before any phase of development is commenced which has any physical impact on the saltmarsh land at Asmoor and Widnes Warth, a Saltmarsh Method Statement shall be prepared which shall set out the details of the following:

a) the proposed translocation of the saltmarsh;

b) storage methodology;

c) restoration of the saltmarsh post construction;

d) mitigation and management post restoration; and

e) protection of retained saltmarsh areas (fencing, monitoring methodology etc).

The development shall thereafter be implemented in accordance with the approved methodology unless otherwise agreed in writing by the local planning authority.
Reason: To ensure appropriate protection of the identified saltmarsh areas.

27. A proposal for the improvement of bird breeding habitat within the relevant limits, including the creation of pools, and the conversion of ungrazed to grazed saltmarsh within the relevant limits shall be submitted to and approved in writing by the local planning authority before development commences.

Reason: To secure the wider benefit to the saltmarsh areas.

Aquatic Ecology

28. Prior to the commencement of any phase of development likely to affect the River Mersey, aquatic ecology sampling shall be conducted within the Upper Mersey Estuary to establish whether significant change in baseline conditions has occurred since the initial monitoring programme was completed in 2007. Details of these investigations together with an aquatic ecology management scheme, which shall include details of monitoring to be carried out during construction of the development and remedial measures to be deployed where necessary during construction. If the aquatic ecology sampling carried out pursuant to the management scheme shows significant changes (the thresholds for which shall be specified in the management scheme) in the Upper Mersey Estuary then remedial measures (so far as appropriate) approved by the local planning authority as part of the management scheme shall be implemented and where necessary maintained thereafter.

Reason: To ensure that existing ecological habitats are protected.

29. Prior to the commencement of the development, a survey shall be carried out to establish whether any Great Crested Newts are present within the relevant limits. If any Great Crested Newts are found to be present, a Method Statement shall be prepared, which sets out, in accordance with Chapter 11 of the Environmental Statement, detailed measures for mitigating the impact of the development on them. The Method Statement shall be submitted to, and approved in writing by, the local planning authority. Any mitigation measures contained in the approved Method Statement shall be implemented in accordance with a programme to be agreed in writing with the local planning authority, and maintained for the duration of the construction of the development.

Reason: To ensure that the species is sufficiently protected.
Archeology

30. Before development is commenced, a written scheme for the investigation of areas of archaeological potential (as defined in chapter 13 of the Environmental Statement) shall be submitted to and approved in writing 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; and a watching brief during construction and recording works where this is necessary, to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority.

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

Navigation

31. Prior to the commencement of any phase of development which would have a potential effect on navigation, signage shall be installed to notify masters of vessels to the presence of cafferdams, piled jetties and air cushioned plant within the Estuary.

Reason: To minimise the risk to vessels and site workers.

32. Prior to the commencement of development, the Civil Aviation Authority shall be informed of all temporary obstacles to be erected which will exceed 300 feet (91.4 metres) above ground level for the purpose of communication to all pilots via Notices to Airmen (NOTAM) as 'Temporary Navigation Warnings'.

Reason: To ensure aircraft safety.

33. Fiddlers Ferry Sailing Club and West Bank Boat Club shall be given notice in writing not less than 28 days prior to commencement of any maintenance works to the New Bridge that may reduce navigational air clearance or result in obstructions to navigation and that will affect the Upper Mersey Estuary.

Reason: To ensure user safety.

Construction Compounds

34. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a full
methodology setting out the proposed working arrangements and the proposals for restoration. The development shall thereafter be undertaken in accordance with the approved details.

*Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.*

35. Any temporary site compound shall be reinstated to its former condition, or such condition as the local planning authority may in writing approve, within one year of the development being opened to traffic unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure effective reinstatement of land not permanently required by the development.*

**Wheel Cleaning Facilities**

36. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be confirmed in writing to the local planning authority. The facilities shall be maintained for the whole period of construction of the relevant phase for the cleaning of wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried on to the highway.

*Reason: To prevent stones and mud being carried on to the public highway to the detriment of road safety.*

**Signage Strategy**

37. Before development is commenced, a construction and handover signage strategy shall be submitted to and approved in writing by the local planning authority. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

*Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements of the Mersey Gateway Project and good highway design principles.*
Implementation

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

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