

CONDITIONS AS RECOMMENDED BY THE INSPECTOR

BATHSIDE BAY CONTAINER TERMINAL

PLANNING APPLICATION Conditions

1. The development shall be commenced before the expiration of 10 years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following plans, drawings and documents hereby approved:

H1001/01	Application Boundary
H1001/02 (Rev A)	Master Plan (RTG Operational Layout)
H1001/03 (Rev A)	RTG Layout Sections X-X
H1001/04	Existing & Proposed Flood Defences
H1001/05 Sheet 1	Existing Topographic Survey
H1001/05 Sheet 2	Existing Topographic Survey
H1001/05 Sheet 3	Existing Topographic Survey
H1001/05 Sheet 4	Existing Topographic Survey
H1001/05 Sheet 5	Existing Topographic Survey
H1001/05 Sheet 6	Existing Topographic Survey
H1001/05 Sheet 7	Existing Topographic Survey
H1001/06	Terminal Office GA Plans
H1001/07	Terminal Office Elevations & Sections -
H1001/08	Terminal Control Gate GA
H1001/09	Logistics Facility GA Plans
H1001/10	Logistics Facility Elevations
	Drivers Facilities Building GA Plan &
H1001/11	Elevations
H1001/12	Mess/Amenity Block GA Plan
H1001/13	Mess/Amenity Block Sections
H1001/14	Customs Control & BIP GA Plans
	Customs Control & BIP Elevations &
H1001/15	Sections
H1001/16	Workshop Facility GA Plans
H1001/17	Workshop Facility Elevations
H1001/18	Lighting Layout
	Structural Landscaping Works & Planting
1514LO/52	Proposals
1514LO/53	Illustrative Planting Insets & Sections
1514LO/54	Landscape Masterplan
1514LO/55	Terminal Office Landscape Proposals
	Planning and Design Statement dated April 2003.

3. No development permitted hereby shall commence until a scheme of phasing substantially in accordance with Application Drawing H1001/02/ A has been

submitted to and approved in writing by the local planning authority. The scheme shall provide (inter alia) for:

- (a) the construction of the quay wall comprised in the development to begin at the western end of the area marked Phase 1 on Plan H1001/02/A and proceed thereafter in an easterly direction;
- (b) the timing of implementation of the landscaping scheme in accordance with condition 5 below; and
- (c) the notification of commencement and completion of construction of each phase.

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

4. The development shall be carried out in accordance with the Planning and Design Statement dated April 2003 identified in condition 2 above save insofar as otherwise provided in any condition attached to this permission.
5. No part of the development hereby permitted shall be commenced until a landscaping scheme, including a programme for its implementation according with the indicative scheme shown in the application drawings, including details of screen mounding and tree planting, has been submitted to and approved in writing by the local planning authority. The landscaping scheme as approved shall be implemented during the first planting season following completion of topsoil dressing works at the development site. Any tree or shrub dying or becoming seriously diseased within five years of completion of the relevant phase of the development shall be replaced with a suitable specimen of the same or similar species in accordance with the approved scheme.
6. No phase of the development shall commence operation until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas of that phase of the development, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
7. No phase of the development shall commence until details of the design and external appearance of the buildings and hardstanding areas to be constructed within that phase of the development according with the Planning and Design Statement dated April 2003 have been submitted to and approved in writing by the local planning authority. The details shall include dark block paving for the container stacking area and quayside comprised in the development. The development shall be carried out in accordance with the details as approved.
8. Except with the prior written agreement of the local planning authority and local highway authority, top soiling of the buffer land surrounding the operational areas of the development is not to be undertaken using material from any source other than from the managed realignment site at Little Oakley approved under planning permission 03/01200/FUL, which material shall not be delivered

from the said site at Little Oakley to the site of the development other than by sea.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development shall commence until a scheme showing full details of fences, walls, gates or other means of enclosure has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
10. No part of the development hereby permitted shall be commenced until drawings showing both foul and surface water drainage (including the provision of all oil and diesel interceptors) incorporating a Sustainable Drainage System (SuDS) connected with the development have been submitted to and approved in writing by the local planning authority and thereafter any works in relation to the development shall be undertaken in accordance with the approved drawings.
11. No part of the development hereby permitted shall begin until a scheme for the design of the proposed 'wetland area' comprised in the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the scheme as approved.
12. No part of the development (including ground works) hereby permitted shall commence until a programme of archaeological work (including marine archaeology) for the site (including any works that might be necessary and practicable to preserve the remains in situ) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
13. No part of the development hereby permitted shall be commenced until a written Construction Management Plan (CMP) together with a certificate that the same has been submitted in that form to the Highways Agency has been submitted to the local planning authority and local highway authority and approved by each of them in writing. The CMP shall include details of management during the construction phase of the development of the matters contained in conditions 14 to 20 inclusive (construction noise and vibration), a construction traffic management plan in accordance with the Bathside Bay Construction Traffic Management Plan produced by ERM and dated 7th June 2004, conditions 25-27 (construction lighting) and conditions 29-33 (construction dust management) of this permission. The development hereby permitted shall be carried out in accordance with the approved CMP.
14. No part of the development hereby permitted shall be commenced until details relating to the control of noise and vibration from the construction of the development have been submitted to and approved in writing by the local planning authority. These details shall include the following:

- (a) definitions of roles and responsibilities;
- (b) the adoption of best practice for the specification and procurement of quiet plant and equipment;
- (c) consultation and reporting processes for noise and vibration;
- (d) noise and vibration monitoring procedures including recording measures and the location of measuring instruments for each phase of the development;
- (e) action to be taken in the event of non-compliance with (b) to (d) above;
- (f) a record of the occasions on which percussive piling operations take place;
- (g) complaint response procedures;
- (h) requirements to provide environmental noise awareness training to operatives; and
- (i) construction methods for percussive piling designed to minimise the noise generated by such operations through practical methods such as shrouding or other appropriate alternative methods.

The development hereby permitted shall be carried out in accordance with the approved details.

- 15. All plant, machinery and vehicles used on site in constructing the development shall be fitted with effective silencers at all times which shall be maintained in accordance with the manufacturers' recommendations and current British Standards applicable thereto. No such plant shall be left running when not being operated.
- 16. Where any vehicle or other plant is required to be fitted with a reverse warning system, such vehicles or plant shall not be installed or used prior to the approval in writing by the local planning authority of such a system. In operating such vehicles or plant the approved system shall be used.
- 17. No percussive piling operation for any phase of the development shall be carried out except in accordance with a programme for that phase which shall first have been approved in writing by the local planning authority. The said programme shall provide that:
 - (i) no percussive piling operations shall be undertaken in relation to the construction of the development during more than thirteen weekends in any six months; and
 - (ii) except with the prior written approval of the local planning authority no more than three hours of percussive piling of tubular piles for the main quay wall shall take place on any day.
- 18. Except with the prior written agreement of the local planning authority, no percussive piling operations shall be undertaken in relation to the construction of any part of the development outside the hours of:
 - (a) 08:00 to 18:00 Monday to Friday; and
 - (b) 09:00 to 13:00 on Saturday;

or at any time on Sundays or Bank or Public Holidays provided that percussive piling operations may be undertaken in relation to the construction of the development outside the permitted hours if:

- i) in the case of an emergency; or
- ii) where piling is required on the grounds of safety or environmental protection; and
- iii) in either case the situation would otherwise be dangerous to life or limb.

The local planning authority shall be promptly notified in writing of any event of this type and the reason why percussive piling took place outside the permitted hours.

19. The noise from construction activities in relation to any phase of the development shall not exceed the following daytime free-field equivalent sound pressure levels, as measured at a height of 1.5 m above ground level at the nearest residential property to the relevant phase of the development:
 - (a) 67 dB LAeq 12h and 85 dB LA1 5 mins (in relation to percussive piling operations) during the hours of 07:00 to 19:00 on Mondays to Fridays, excluding Bank Holidays;
 - (b) 55 dB LAeq 1hr during the hours of 19:00 to 23:00 on Mondays to Fridays, excluding Bank Holidays;
 - (c) 67 dB LAeq 6hr and 85dB LA1 5mins (in relation to percussive piling operations) during the hours of 07:00 to 13:00 on Saturdays; and
 - (d) 50 dB LAeq 1hr at all other times.
20. Vibration levels from piling or other construction activities in relation to any phase of the development, as measured immediately adjacent to the nearest residential property or vibration sensitive structure for that phase shall not exceed a peak particle velocity of 5 mm/s.
21. No part of the development hereby permitted shall be operated until an operational noise and vibration management and monitoring plan (NVP), relating to the control of noise and vibration from the operation of the development has been submitted to and approved in writing by the local planning authority. The NVP shall include the following:
 - (a) definitions of roles and responsibilities in relation to the obligations contained in the NVP;
 - (b) requirements for the adoption of best practice for the specification and procurement of quiet plant and equipment;
 - (c) consultation and reporting processes in relation to noise and vibration;
 - (d) noise and vibration monitoring and recording procedures;
 - (e) action to be taken in the event of non-compliance;
 - (f) complaint response procedures; and
 - (g) a requirement to provide environmental noise awareness training to operatives.

The development hereby permitted shall be carried out in accordance with the approved NVP.

22. Noise from the operation of the development and emanating from the site shall not exceed a free-field sound pressure level of 55 dB LAeq 1hr at any residential property existing at the date of this permission measured at a height of 4 m above local ground level between the hours of 23:00 to 07:00.
23. No stack or stacks of containers on any part of the development hereby permitted shall exceed five containers in height save that nothing in this condition shall preclude the lifting of containers above any stack of five containers.
24. There shall be no stacking of containers (other than containers on HGV trailers) more than one high on land south of the rail terminal comprised in the development.
25. No phase of the development hereby permitted shall be begun until a written scheme of construction lighting for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - (a) definitions of roles and responsibilities;
 - (b) design including locations of the construction lighting in accordance with conditions 26 and 27 to this permission;
 - (c) installation of the construction lighting;
 - (d) management of the construction lighting; and
 - (e) construction lighting monitoring procedures and action to be taken in the event of non-compliance.

The development hereby permitted shall be carried out in accordance with the approved scheme.

26. The height of fixed lighting installations used in the construction of the development shall not exceed twelve metres above ground level.
27. No phase of the development shall commence until details of the luminaires to be mounted on lighting columns on site in connection with the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include:
 - (a) use of luminaires with high quality optical systems of flat glass construction, where appropriate;
 - (b) limits upon the aiming angle of the peak intensity of the luminaire to maintain the light from the luminaire generally within 75 degrees from the downward vertical; and
 - (c) use of the most appropriate photometry reflectors available at the date of this permission.

The development shall be carried out in accordance with the approved details.

28. The development permitted by this planning permission shall not be commenced until a scheme for the provision and control of operational lighting (including high mast lighting and column lighting) on the site has been submitted to and approved by the local planning authority. The operational lighting scheme shall include the following:
- (a) use of luminaires with high quality optical systems of flat glass construction for high mast lighting;
 - (b) use of full cut-off luminaires which do not produce upward spread of light near to or above the horizontal;
 - (c) a restriction on the luminaire tilt angle to a maximum of 8 degrees above the maximum peak intensity angle of the luminaire;
 - (d) the direction of high mast lighting so as to minimise direct light into windows or properties in the proximity of the development site;
 - (e) a reduction of the heights of high mast lighting towers and columns towards the boundary of the site;
 - (f) automatic extinguishment of ship to shore gantry crane boom arm floodlighting and maintenance access walkway lighting on the raising of a crane boom arm 10 degrees from the horizontal operation position;
 - (g) access and safety luminaires on access walkways and ladders shall be fitted with diffusers;
 - (h) the working lighting of the ship to shore gantry cranes shall be switched off when not in use for any extended period of time, retaining only access, safety and security lighting;
 - (i) ship to shore gantry crane boom arm floodlighting luminaires located beyond the riverside edge of berthed vessels shall be manually turned off when not in use;
 - (j) working lighting of rubber tyre gantry cranes shall be switched off when not in use for an extended period of time, retaining only access, safety and security lighting; and
 - (k) operational lighting monitoring procedures and action to be taken in the event of non-compliance.

The lighting scheme hereby permitted shall be carried out and maintained in accordance with the approved scheme.

29. No part of the development hereby permitted shall be commenced until a construction dust management plan has been submitted to and approved in writing by the local planning authority. The construction dust management plan shall include details of the following:
- (a) definitions of roles and responsibilities;
 - (b) the adoption of best practice for the specification of plant and equipment;
 - (c) the consultation and reporting processes;
 - (d) dust monitoring procedures;
 - (e) action to be taken in the event of non-compliance; and
 - (f) complaint response procedures.

The development hereby permitted shall be carried out in accordance with the approved plan.

30. No part of the development hereby permitted shall be commenced until details of the cleaning and maintenance programme for the site roads to be used during construction have been submitted to and approved in writing by the local planning authority. The programme shall include details of:
- (a) the use of water bowsers and sprays for damping down of hard surface site roads;
 - (b) sweeping of hard surface site roads; and
 - (c) grading and maintenance of loose aggregate surface site roads.

The development shall be operated in accordance with the approved programme.

31. All vehicles used to transport materials to or from the site during construction shall be sheeted so as not to deposit materials on the highway.
32. No part of the development hereby permitted shall be commenced until written details of a wheel wash facility and its location have been submitted to and approved in writing by the local planning authority and local highway authority. The development hereby permitted during construction shall be carried out so as to ensure that vehicles leaving the development site first pass through the approved wheel wash facility.
33. No part of the development hereby permitted shall be commenced until a plan for the handling of materials and stockpiling of new construction materials on site (using physical containment, partial shielding where available and water misting/sprays where appropriate) has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved plan.
34. No part of the development hereby permitted shall be commenced until an ambient dust monitoring strategy has been submitted to and approved in writing, by the local planning authority. The ambient dust monitoring strategy shall include details of the following:
- (a) three months' 'baseline' data;
 - (b) the numbers and locations of deposit gauge units;
 - (c) monthly sampling requirements;
 - (d) wind direction monitoring requirements;
 - (e) assessment criteria;
 - (f) reporting processes; and
 - (g) action to be taken in the event of non-compliance with the approved assessment criteria.

The development hereby permitted shall be carried out in accordance with the approved ambient dust monitoring strategy.

35. No part of the development hereby permitted shall be commenced until details of measures to mitigate gas migration and accumulation, in accordance with

the recommendations contained in the Bathside Bay Development Project Landfill Gas Investigation Report Ref E6702/1991/OCT/L6 have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.

36. No part of the development hereby permitted shall be commenced until a flood evacuation plan has been submitted to and approved in writing by the local planning authority and the local highway authority. The development hereby permitted shall be carried out and operated in accordance with the approved plan.
37. All buildings constructed as part of the development shall have a minimum ground floor level of at least 4.6 m AODN with the provision of dry access at the same or higher levels to all such buildings.
38. No part of the development hereby permitted shall be commenced until a scheme for concrete pouring and filling works has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - (a) monitoring procedures; and
 - (b) remedial action works to be undertaken in the event of a spillage.

The development hereby permitted shall be carried out in accordance with the scheme as so approved.

39. No part of the development hereby permitted shall be commenced until a scheme for pollution control has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out and operated in accordance with the scheme as so approved.
40. No site clearance for any phase of the development hereby permitted shall be commenced until a scheme for the translocation of reptiles, invertebrates and coastal vegetation within the part of the site relevant to the phase of the development has been submitted to and approved by the local planning authority. The scheme shall include the following:
 - (a) exclusion fencing to be erected around the site;
 - (b) tinning to be carried out over a minimum of 60, 70 or 90 suitable days for a low, medium or high population level respectively, between 1st March and 30th September;
 - (c) relocation of the reptiles and invertebrates found to areas of suitable habitat outside the exclusion fencing.

Site clearance of each phase shall be carried out in accordance with the approved scheme.

41. No part of the development hereby permitted shall be commenced until such time as details of works for the improvement of the A12(T)/A120(T)/A1232 Ardleigh Crown Interchange, in such form as the Highways Agency and local

highway authority may approve in writing, have been submitted to and approved in writing by the local planning authority. The details of the said works shall:

- (a) be to a standard at least capable of ensuring
 - (i) that conditions at the interchange are no worse during and at the expiration of a period of fifteen years from the anticipated date of commencement of operation of the development;
 - (ii) the safety of all road users including pedestrians and cyclists using the junction; and
- (b) include drawings to a scale of not less than 1:500

whether or not requiring the land of third parties.

42. No part of the development hereby permitted shall be commenced until such time as the details of a scheme for the improvement of the A 120(T)/Parkeston Road/Station Road/Europa Way roundabout, in such form as the Highways Agency and local highway authority may approve in writing, have been submitted to and approved in writing by the local planning authority. The details of the said works shall:

- (a) be to a standard at least capable of ensuring
 - (i) that all traffic related to the development is accommodated during and at the end of a period of fifteen years from the anticipated date of commencement of operation of the development;
 - (ii) the safety of all road users including pedestrians and cyclists using the junction; and
- (b) include drawings to a scale of not less than 1:500

whether or not requiring the land of third parties.

43. No part of the development hereby permitted shall be commenced until such time as a scheme for road safety improvements to the A 120(T) between Ramsey Bridge and Hare Green including ancillary measures required to other parts of the highway network between Ardleigh Crown Interchange and the proposed port access have been submitted to and approved in writing by the local planning authority and the relevant highway authorities.

44. No part of the development hereby permitted shall be operated until the works referred to in conditions 41, 42 and 43 have been implemented and/or opened to traffic as the case may be.

45. No part of the development hereby permitted shall be begun unless:

- (i) the Secretary of State for Transport has announced a preferred route for the improvement of the route of the A120(T) (including from Ramsey Bridge roundabout to Parkeston) together with consequential and ancillary improvements thereto and to the A 120 and any side roads and access between and in the vicinity of:

- (a) the A120(T)/A133 interchange at Hare Green and Horsley Cross

- roundabout to no less a standard than two-lane dual carriageway;
and
- (b) from Horsley Cross roundabout to Ramsey Bridge roundabout to no less a standard than wide single carriageway.

or in each case such other terminal points for such route improvements as the Secretary of State may announce;

- (ii) the local highway authority has announced proposals relating to the local highway network including the A120 from Parkeston roundabout to Safeway roundabout required as a result of the proposals referred to at (i) above;
 - (iii) An agreement or agreements have been concluded pursuant to Section 278 Highways Act 1980 to secure the funding of such route improvement works together with all such consequential and ancillary improvements to the A120 (T), A120 and any side roads in such form and upon such route as may thereafter be authorised pursuant to orders under the Highways Act 1980 and any associated instruments made therewith.
46. That part of the development hereby permitted as shown by magenta colouring on the drawing H1001/02 Rev A shall not be paved or equipped with ship to shore gantry cranes or used for any purpose which generates traffic until the improvements to the A120 (T) referred to in condition 45 above have been completed and opened to traffic so that for the avoidance of doubt no more than eight such cranes shall be provided at the development until such time as the said improvements have been completed.
47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting the Order with or without modification), unless and until the improvements referred to in condition 45 above have been completed, the areas referred to in condition 46 above shall not be used for any purpose unless the same relates to the construction of the development or would not result in the arrival or departure of traffic to or from the development by road.
48. No part of the development hereby permitted shall be operated unless and until a scheme for the monitoring of the arrival and departure of heavy goods vehicles ("HGV") of COBA Vehicle Categories OGV1 and OGV2 (as defined in the Design Manual for Roads and Bridges, Volume 13, Section 1 (May 2002) but excluding construction traffic at and from the development has been submitted together with a certificate that the same has been submitted in that form to the Highways Agency and approved in writing by the local planning authority and the local highway authority. The said scheme shall also:
- (a) specify measures to control and/or prevent the arrival and departure of such vehicles applicable at all times; and
 - (b) provide that no such vehicles shall be admitted to the development on Mondays to Fridays between:

- (i) 1700 hours and 1900 hours from 2007 to 2008;
 - (ii) 1600 hours and 1900 hours from 2009 to 2020; and
 - (iii) 1500 hours and 1900 hours from 2021 onwards; and
- (c) provide that no such vehicles shall be allowed to leave the development on Mondays to Fridays between:
 - (i) 0700 hours and 0800 hours from 2007 to 2016; and
 - (ii) 0700 hours and 0900 hours from 2017 onwards;
- (d) provide that not more than 1800 two way HGV movements into and out of the development shall take place on any day from Monday to Friday in any week (except for Bank and Public Holidays); [and
- (e) make provision for measures which will further constrain the access to and egress from the development in the event that any limit on HGV movements set out in this condition are breached which may include without prejudice to the generality of the foregoing the reduction of such limits for periods following such exceedances and/or the restriction of access to the development to those individuals or organisations which have breached the terms of the scheme imposed by this condition.]

[Note: Provisions in square brackets requested by Highways Agency and text agreed with HPUK. HPUK consider that this part of this condition is not necessary or appropriate.]

Except where the works referred to in condition 45 above have been opened to traffic, when this condition shall cease to have effect, the development shall not be operated except in accordance with the scheme so approved.

- 49. No part of the development hereby permitted shall be commenced until such time as details of the means of vehicular access to the site from the A120 have been submitted to and approved in writing by the local planning authority and the local highway authority. The development shall not be operated until the vehicular access has been constructed in accordance with the approved details and opened to traffic.
- 50. No phase of the development hereby permitted shall be begun until a detailed scheme and layout of hard standing for lorries and cars including a requirement that no charge be levied for HGVs delivering or collecting goods from the development and reasonable and proper provision for disabled people in accordance with the plans hereby approved has been submitted to and approved in writing by the local planning authority and local highway authority. The development shall be implemented in accordance with the approved scheme and layout which shall be retained thereafter.
- 51. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order amending or revoking and re-enacting that Order with or without modification) no linkspan (or other structure to permit the use of the development hereby permitted (or any

part thereof) by RoRo vehicles (here including vehicles referred to at paragraph (iii) below) shall be constructed pursuant to this planning permission or otherwise and no part of the development shall be used:

- (a) for the import or export of RoRo vehicles or goods carried by RoRo vehicles (at the time of import or export); or
- (b) for the storage or handling of RoRo vehicles; or
- (c) for the loading or unloading of RoRo vehicles from any vessel; or
- (d) for the collection or deposition of passengers arriving or departing as passengers by sea on vessels capable of carrying over 50 passengers.

In this condition;

“RoRo vehicle” means a wheeled vehicle capable of being used upon the public highway for the carriage of passengers or freight whether capable of moving under its own power or otherwise (e.g. a trailer) including motorcycles, cars, buses and HGVs as defined in condition 48 above (in each case including any trailer) but does not include:

- (i) vehicles in use for the conveyance of goods, persons or containers to, from or within the development where the vehicle so used is not imported or exported with the goods, persons or containers;
- (ii) vehicles contained within containers;
- (iii) specialist vehicles used for the conveyance of awkward unusually large or bulky or unusual loads including solid wheel, flat bed “MAFI” trailers (or similar); or
- (iv) vehicles delivered to the development for the use in its construction or operation.

52. No part of the development hereby permitted shall be operated until a written emergency and port closure scheme setting out:

- (i) procedures for the evacuation and/or closure of the development in the event of an emergency;
- (ii) procedures to be followed in the event of the closure of the development to sea traffic;
- (iii) the areas of HGV parking within the development to be used in the event of the closure of the development to sea traffic;
- (iv) procedures for notification and liaison with emergency services and highway authorities; and
- (v) procedures to be followed in the event of closure to or restrictions upon the use of the A120 and/or A120(T) by HGVs,

together with a certificate that the same has been submitted in that form to the Highways Agency has been submitted to and approved in writing by the local

planning authority and local highway authority. The scheme shall be implemented as so approved.

53. No part of the development hereby permitted shall be implemented until a written scheme providing for the operation of the development in accordance with measures designed to secure controls on activities likely to adversely affect air quality has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) a strategy for the procurement of plant, machinery and vehicles to be used in operating the development complying with Government air quality objectives from time to time for control of emissions including (where appropriate) the fitting and use of catalytic converters;
- (ii) a requirement that the development should be capable of being retrofitted with apparatus for the purpose of the supply of electricity from the land to vessels berthed alongside;
- (iii) procedures for liaison and review in relation to the prospects of securing improvements to emissions from the development and the adoption of reasonable measures identified as being necessary as a result of such liaison and review; and
- (iv) a requirement upon the terminal operator to request that the Harwich Haven Authority imposes reductions in vessel speeds in order to limit emissions.

The development shall be operated in accordance with the scheme so approved.

54. No part of the development hereby permitted shall be commenced until a scheme for the provision of noise attenuation measures designed to mitigate the impact of traffic noise arising from the operation of the development on residential and/or noise sensitive properties at or in the vicinity of Wix Road, Ramsey has been submitted to and approved in writing by the local planning authority. Subject to the provision of the site therefor the said scheme shall be carried out prior to the commencement of the operation of the development.

**SMALL BOAT HARBOUR PLANNING APPLICATION
CONDITIONS**

1. The development shall be commenced before the expiration of 10 years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following plans, drawings and documents hereby approved:

H1002/01	Application Boundary
H1002/02 (Rev B)	Small Boat Harbour Master Plan
H1002/03	Existing Topographic Survey
H1002/07	Lighting Layout
H1002/08	Fisherman's Store Location Plan
H1002/09	Fisherman's Store GA
H1002/10	Fisherman's Store Sections & Elevations
H1002/11	Fisherman's Store East Elevation
H1002/12 (Rev A)	Division Wall Sections
H1002/13	Train Ferry Pier Termination Details
1514LO/50	Landscape Proposals
1514LO/51	Detail of Quayside (Landscape)
1514LO/52	Structural Landscaping Works
1514LO/53	Illustrative Planting Insets & Sections

Planning and Design Statement dated April 2003.
3. No part of the development hereby permitted shall be begun until a landscaping scheme including a programme in accordance with the indicative scheme shown in application drawings 1514LO/50, 1514LO/52 and 1514LO/53, including details of screen mounding and tree planting, has been submitted to and approved in writing by the local planning authority. The scheme as so approved shall be implemented during the first planting season following completion of topsoil dressing works at the development site. Any tree or shrub dying or becoming seriously diseased within five years of planting shall be replaced by a specimen of the same or similar species in accordance with the approved scheme.
4. The small boat harbour hereby permitted shall not be brought into use as such unless and until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as so approved.
5. The development shall be carried out in accordance with the Planning and Design Statement dated April 2003 identified in condition 2 above except insofar as otherwise provided for in any condition attached to this permission.

6. No Phase of the development shall begin until details of the design and external appearance including materials of the buildings, structures and areas of hardstanding to be constructed within the development according with the Planning and Design Statement dated April 2003 and identified in condition 2 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as so approved.
7. Except with the prior written agreement of the local planning authority and local highway authority, top soiling comprised in the development is not to be undertaken using material from any source other than from the managed realignment site at Little Oakley approved under planning permission 03/01200/FUL, which material shall not be delivered from the said site at Little Oakley other than by sea.
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development shall begin until a written scheme showing full details of fences, walls, gates or other means of enclosure has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the details as so approved.
9. Development pursuant to this planning permission shall not begin until drawings showing both foul and surface water drainage (including the provision of all oil and diesel interceptors) connected with the development have been submitted to and approved in writing by the local planning authority and thereafter any works in relation to the development shall be undertaken in accordance with the drawings as so approved except as otherwise first agreed in writing by the local planning authority.
10. No part of the development (including ground works) hereby permitted shall commence until a programme of archaeological work to the site (including marine archaeology and any works which might be necessary and practicable to preserve any archaeological remains in situ) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
11. No part of the development hereby permitted shall be commenced until a written Construction Management Plan (CMP) together with a certificate that the same has been submitted in that form to the Highways Agency has been submitted to and approved in writing by the local planning authority and local highway authority. The CMP shall include details of the management during the construction phase of the development of the matters contained in conditions 12 to 18 inclusive (construction noise and vibration), a construction traffic management plan in accordance with the Bathside Bay Construction Traffic Management Plan produced by ERM and dated 7th June 2004, condition 19 (construction lighting) and condition 21 (construction dust management) of this permission. The development hereby permitted shall be carried out in accordance with the CMP as so approved.

12. No part of the development hereby permitted shall be commenced until details relating to the control of noise and vibration from the construction of the development have been submitted to and approved in writing by the local planning authority. These details shall include the following:
- (a) definitions of roles and responsibilities;
 - (b) the adoption of best practice for the specification and procurement of quiet plant and equipment;
 - (c) consultation and reporting processes for noise and vibration;
 - (d) noise and vibration monitoring procedures including recording measures and the location of measuring instruments;
 - (e) action to be taken in the event of non-compliance with (b) to (d) above;
 - (f) a record of the occasions on which percussive piling operations take place;
 - (g) complaint response procedures;
 - (h) a requirement to provide environmental noise awareness training to operatives; and
 - (i) construction methods for percussive piling designed to minimise the noise generated by such operations through practical methods such as shrouding or other appropriate alternative methods;

The development hereby permitted shall be carried out in accordance with the approved details.

13. All plant, machinery and vehicles used on site in constructing the development shall be fitted with effective silencers at all times which shall be maintained in accordance with the manufacturers' recommendations and current British Standards applicable thereto. No such plant shall be left running when not being operated.
14. Where any vehicle or other plant is required to be fitted with a reverse warning system, such vehicles or plant shall not be installed or used prior to the approval of such a system in writing by the local planning authority. In operating such vehicles or plant the approved system shall be used.
15. No percussive piling operation for the development shall be carried out except in accordance with a programme which shall first have been approved in writing by the local planning authority. The said programme shall provide that:
- (i) no percussive piling operations shall be undertaken in relation to the construction of the development during more than thirteen weekends in any six months; and
 - (ii) except with the prior written approval of the local planning authority no more than three hours of percussive piling of tubular piles for the main quay wall shall take place on any day.

16. Except with the prior written agreement of the local planning authority, no percussive piling operations shall be undertaken in relation to the construction of any part of the development outside the hours of:

- (a) 08:00 to 18:00 Monday to Friday; and
- (b) 09:00 to 13:00 on Saturday;

or at any time on Sundays or Bank or Public Holidays provided that percussive piling operations may be undertaken in relation to the construction of the development outside the permitted hours:

- (i) in the case of an emergency; or
- (ii) where piling is required on the grounds of safety or environmental protection; and
- (iii) in either case the situation would otherwise be dangerous to life or limb.

The local planning authority shall be promptly notified in writing of any event of this type and the reason why percussive piling took place outside the permitted hours.

17. The noise from construction activities in relation to the development shall not exceed the following daytime free-field equivalent sound pressure levels, as measured at a height of 1.5 m above ground level at the nearest residential property to the development:

- (a) 67 dB LAeq 12h, and 85 dB LA1 5 mins (in relation to percussive piling operations) during the hours of 07:00 to 19:00 on Mondays to Fridays, excluding bank holidays;
- (b) 55 dB LAeq 1hr during the hours of 19:00 to 23 :00 on Mondays to Fridays, excluding bank holidays;
- (c) 67 dB LAeq 6hr and 85 dB LA1 5 mins (in relation to percussive piling operations) during the hours of 07:00 to 13:00 on Saturdays; and
- (d) 50 dB LAeq 1hr at all other times.

18. Vibration levels from piling or other construction activities in relation to the development, as measured immediately adjacent to the nearest residential property or vibration sensitive structure shall not exceed a peak particle velocity of 5 mm/s.

19. No part of the development hereby permitted shall be begun until a written scheme of construction lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- (a) definitions of roles and responsibilities;
- (b) design including locations of the construction lighting;
- (c) installation of the construction lighting;
- (d) management of the construction lighting; and
- (e) construction lighting monitoring procedures and action to be taken in the event of non-compliance.

The development hereby permitted shall be carried out in accordance with the approved scheme.

20. No part of the development hereby permitted shall be implemented until a scheme relating to the provision and control of operational lighting on the site has been submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the scheme so approved.
21. No part of the development hereby permitted shall begin until a construction dust management plan has been submitted to and approved in writing by the local planning authority. The construction dust management plan shall include details of the following:
 - (a) definitions of roles and responsibilities;
 - (b) the adoption of best practice for the specification of plant and equipment;
 - (c) the consultation and reporting processes;
 - (d) dust monitoring procedures;
 - (e) action to be taken in the event of non-compliance; and
 - (f) complaint response procedures.

The development hereby permitted shall be carried out in accordance with the approved plan.

22. All vehicles used to transport materials to or from the site during construction shall be sheeted so as not to deposit materials on the highway.
23. No part of the development hereby permitted shall be commenced until written details of a wheel wash facility and its location have been submitted to and approved in writing by the local planning authority and local highway authority. The development hereby permitted shall be carried out so as to ensure that vehicles leaving the development site during construction first pass through the approved wheel wash facility.
24. No part of the development hereby permitted shall be operated until a plan for the handling of materials and stockpiling of new construction materials on site (using physical containment, partial shielding where available and water misting/sprays where appropriate) has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved plan.
25. No part of the development hereby permitted shall be commenced until details of measures to mitigate gas migration and accumulation, in accordance with the recommendations contained in the Bathside Bay Development Project Landfill Gas Investigation Report Ref E6702/1991/OCT/L6, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.

26. No part of the development hereby permitted shall be commenced until a scheme for concrete pouring and filling works has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- (a) monitoring procedures; and
- (b) remedial action works to be undertaken in the event of a spillage.

The development hereby permitted shall be carried out in accordance with the scheme as so approved.

27. No part of the development hereby permitted shall begin until a scheme for pollution control has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out and operated in accordance with the scheme.

28. No site clearance for the development hereby permitted shall be commenced until a scheme for the translocation of reptiles, invertebrates and coastal vegetation within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- (a) exclusion fencing to be erected around the site;
- (b) tinning to be carried out over a minimum of 60, 70 or 90 suitable days for a low, medium or high population level respectively, between the months of March and September;
- (c) relocation of the reptiles found to areas of suitable habitat outside the exclusion fencing.

The development hereby permitted shall be carried out and operated in accordance with the scheme as so approved.

29. Development shall not begin until details of the means of vehicular access to the site from the A120 have been submitted to and approved in writing by the local planning authority and the local highway authority. The development shall not be operated until the vehicular access has been constructed in accordance with the approved details and opened to traffic.

30. Development pursuant to this planning permission shall not begin until a scheme of provision to be made for disabled people to gain access to public areas forming part of the development shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

31. Except with the agreement of the local planning authority, no dredging operations shall be undertaken in relation to the construction of the development outside the hours of:

- (a) 07:00 hours to 19:00 hours Monday to Fridays;
- (b) 07:00 hours to 13:00 hours Saturdays;

or at any time on Sundays or on bank or public holidays

32. Before the development is begun written details of the layout, construction and surfacing of the internal roadways and hardstanding for cars comprised in the development shall be submitted to and approved in writing by the local planning authority and local highway authority. The development shall be implemented in accordance with the details so approved and retained hereafter.

**LISTED BUILDING CONSENT APPLICATION
CONDITIONS**

1. The works hereby authorised shall be commenced before the expiration of 10 years from the date of this consent.
2. The works hereby authorised shall be implemented only in accordance with the following plans and drawings hereby approved:-

H1002/04 Existing Train Ferry Pier Plans, Sections & Details
H1002/05 Existing Train Ferry Pier Gantry & Adjustable Bridge Details
H1002/06 Train Ferry Pier Extents Of Demolition
3. No part of the works hereby permitted shall commence until a scheme for the method and execution of the proposed demolition works has been submitted to and approved in writing by the local planning authority. The works hereby permitted shall be carried out in accordance with the approved scheme.
4. None of the works hereby permitted shall begin until details of any navigation marks or lights to be affixed to the new terminus of the Grade II Listed train ferry gantry long berthing arm have been submitted to and approved in writing by the local planning authority. The works hereby permitted shall be carried out in accordance with the details as so approved.
5. None of the works hereby permitted shall begin until a programme of repairs, painting works, lighting works and maintenance of the Grade II Listed train ferry gantry structure has been submitted to and approved in writing by the local planning authority. The works hereby permitted shall be carried out in accordance with the programme as so approved.

**PLANNING APPLICATION FOR THE CREATION OF COMPENSATORY
INTERTIDAL HABITATS ON LAND TO THE SOUTH EAST OF FOULTON HALL
CONDITIONS**

1. The development shall be commenced before the expiration of 10 years from the date of this permission.

2. The development hereby permitted shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the local planning authority:

FP1	Red Line Site Plan
FP2	Context Plan
54/3630	
Sheet 1	Hamford Water Topographical Survey
54/3630	
Sheet 2	Hamford Water Topographical Survey
54/3630	
Sheet 3	Hamford Water Topographical Survey
54/3630	
Sheet 4	Hamford Water Topographical Survey
FP3	Scheme Drawing
FP4	Site Section Drawing
H1001/49	Viewing Platforms, Locations and General Arrangement

3. Except where footpath 19 is diverted hereafter to an alignment on top of the flood defences forming part of the development hereby permitted, the viewing areas shown on drawing H1001/49 shall be provided as part of the development and thereafter retained and maintained as such.

4. The breach of the sea wall hereby permitted shall not take place unless and until footpath 19 shown on plan H1001/49 has been diverted to the alignment shown (a) running along the top of the flood defence; (b) running in the lea of the flood defence constructed; or (c) to such other alignment as may be specified in the instrument authorising such diversion and the new alignment has been laid out as such.

5. Where any bridleway is dedicated or found to exist which may be interfered with by the breach of the sea wall hereby permitted, the breach shall not take place until the bridleway has been diverted to an alignment in the lea of the new flood defence shown on plan H1001/49 or to such other alignment as may be specified in the instrument authorising such diversion.

6. No part of the development hereby permitted shall be commenced until a scheme of pre-construction surveys to establish the level of usage of the site by the following species has been submitted to and approved in writing by the local planning authority:

- (a) reptiles;
- (b) water voles,
- (c) badgers,
- (d) great crested newts;
- (e) bats (protected); and
- (f) brown hare (Biodiversity Action Plan).

The development shall be carried out in accordance with the scheme so approved.

7. No part of the development hereby permitted shall be commenced until a scheme for the translocation of species of nature conservation interest (where reasonably practicable) has been submitted to and approved in writing by the local planning authority, in consultation with English Nature. The development hereby permitted shall be carried out and operated in accordance with the approved scheme, if any.
8. The breach of the sea wall hereby permitted shall not take place until water has been fully circulated between the ditches existing before the breach and the ditches constructed pursuant to this planning permission.
9. No part of the development hereby permitted shall be commenced until a scheme for pollution control (including provisions to prevent spillages during vehicle maintenance) has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out and operated in accordance with the scheme as so approved.
10. No part of the development (including ground works) hereby permitted shall commence until a programme of archaeological work to the site (including any works that might be necessary and practicable to preserve the remains in situ) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
11. No topsoil shall be removed from the site otherwise than by sea.
12. No topsoil shall be removed from the site pursuant to this permission until details of the temporary facility for the loading of topsoil onto vessels and a scheme for the treatment and reinstatement of the location of such a facility following its removal have been submitted in writing to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as so approved.
13. The temporary facility shall be removed and the land and mudflats outside the sea wall forming the site of the temporary facility shall be fully reinstated in accordance with the approved scheme.
14. No part of the development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority and the local highway authority. The CMP

shall include construction details designed to ensure that such works as are required for the construction of the proposed creek shown in the application plans take place within the footprint thereof so far as reasonably practicable. The development hereby permitted shall be carried out in accordance with the CMP as so approved.

15. No part of the development hereby permitted shall be commenced until drawings and/or a written scheme for the drainage of the site as varied by the development has been submitted to and approved in writing by the local planning authority.
16. All proper steps reasonably necessary shall be taken to ensure that all culverted watercourses on and under the site (if any) remain free from siltation at all times.
17. No part of the development hereby permitted shall be commenced until written details of a wheel wash facility and its location have been submitted to and approved in writing by the local planning authority and the local highway authority. The development hereby permitted shall be carried out so as to ensure that vehicles leaving the site first pass through the approved wheel wash facility.