

Town and Country Planning Act 1990

The Midland Metro (Wednesday Brierley Hill and miscellaneous amendments) Order

Conditions to be attached to the direction as to deemed planning permission

In these conditions, unless the context otherwise requires:-

"the development" means the works authorised by the Order, including the ancillary development identified in Schedule 1 to the Request for Planning Permission;

"the Environmental Statement" means the environmental statement accompanying the application for the Order submitted on 16 April 2003;

"the local planning authority" means the Council of the Metropolitan Borough of Sandwell in relation to any part of the development within its area, and the Council of the Metropolitan Borough of Dudley in relation to any part of the development within its area;

"the Order" means The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2004

"the limits of deviation" has the same meaning as in the Order; and

"stage" means each separate section of the development set out in Schedule 1 to the request for deemed planning permission:

1. Time Limits

The development hereby permitted shall be begun before the expiration of 5 years from the date that the Order comes into force.

Reason: To ensure that the works are begun with a reasonable period of time.

2. Horizontal Alignment of Tramway

The tram tracks shall be aligned such that no running rail for the tramway falls within the areas hatched green within the limits of deviation on Plans P1 to P6, P7A and P8 to P15, unless any variation to this has been submitted to and approved in writing by the local planning authority. Any request for variation shall be accompanied by an appropriate environmental impact assessment.

Reason: To ensure that residual adverse environmental impacts are no greater than those assessed in the Environmental Statement and Supplementary Environmental Information.

3. Design and External Appearance

Works of construction shall not begin in respect of any:

- tram stop;
- permanent boundary treatment;
- poles and brackets required to support the overhead line system;
- electricity substation and ancillary electrical equipment; and
- bridge or viaduct

until details of the design and external appearance of that element have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that proper control is exercised over detailed design of the development

4. Materials

Details of materials to be used in any external surface of any:

- tram stop;
- permanent boundary treatment;
- poles and brackets used to support the overhead line system;
- electricity substation and ancillary electrical equipment; and
- bridge or viaduct

shall be submitted to and approved in writing by the local planning authority before that element of the development is commenced. The materials used shall be in accordance with the approved details.

Reason: To ensure satisfactory external appearance in the interests of visual amenity

5. Landscaping

Details of all proposed landscaping and the proposed times for the implementation of planting shall be submitted to and approved in writing by the local planning authority before the stage of the development to which the landscaping in question relates is commenced. All landscaping shall be carried out in accordance with those details and at those times. If, within a period of two years from the date of the planting, that planting, or any replacement planting, is removed, uprooted or dies, another plant of the same species and size as that originally planted shall be planted at the same place

in the next available planting season, unless the local planning authority gives its written consent to any variation.

Reason: To ensure appropriate landscaping of the development

6. Archaeology

Development shall not begin until a scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. All archaeological work shall be undertaken in accordance with the agreed scheme of investigation.

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

7. Code of Construction Practice

Development shall not begin until Part 1 of the Code of Construction Practice has been submitted to and approved in writing by the local planning authority. Before any stage of the works begins, Part 2 of the Code of Construction Practice with respect to that stage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with Part 1 of the Code of Construction Practice, together with the relevant provisions of Part 2 of that Code.

Reason: To ensure adequate environmental protection during construction.

8. Contaminated Land

No stage of the development shall begin until a scheme to deal with any contamination of the land on which that stage will take place has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to be taken to avoid risk to the public and the environment when the works are carried out. No stage of the development shall begin until the measures approved in the scheme with respect to that stage have been fully implemented.

Reason: To ensure that any necessary site investigation and remediation works are undertaken in relation to contaminated land.

9. Highway Access

Details of the siting, design and layout within the limits of deviation of any new permanent means of access to a highway to be used by vehicular traffic, or of any permanent alteration of an existing means of access to a highway used by vehicular traffic, shall be submitted to and approved in writing by the local planning authority before the relevant stage of the development begins. The development shall be carried out in accordance with the approved details.

Reason: To ensure highway safety

10. Airborne Noise

The development shall be designed and operated in accordance with the Midland Metro Extension Noise and Vibration Policy 2003. For the purposes of Section 5 of the policy, Noise Mitigation at Source, the pre-existing ambient noise levels shall be those in Table 6.16 of the Environmental Statement, or from any later survey which has been agreed in writing by the local planning authority.

Reason: To minimise impact from airborne noise caused by the running of trams.

11. Ground-Borne Noise

Where the dominant source of noise is ground-borne, the following noise standards shall be applied to the development for the application of Sections 6 and 7 of the Noise and Vibration Policy:

- Inside noise sensitive rooms in residential buildings - $L_{Amax,S}40dB$; and
- Inside noise sensitive rooms in offices - $L_{Amax,S}45dB$.

Reason: To minimise impact from ground-borne noise and vibration caused by the running of trams.

12. Ecology Surveys and Mitigation

Before each stage of the development begins, check surveys for species of interest, as set out in Section 3.4 of the Environmental Statement, shall be undertaken. These surveys and details of any necessary programme of mitigation measures for any protected species affected by the development, shall first be submitted to and approved in writing by the local planning authority. The programme of mitigation measures shall be implemented in full.

Reason: To ensure that any species of interest are properly protected and appropriate ecology mitigation undertaken.

13. Electro-Magnetic Compatibility

The development shall be designed and constructed in accordance with the electro-magnetic compatibility standards set out in 'EN 50121, Parts 1 to 6: Railway applications - Electromagnetic compatibility', or any successor standards.

Reason: To ensure that the tramway does not give rise to unacceptable electro-magnetic interference.