

2.5 ENVIRONMENTAL

1 INTRODUCTION

- 1.1 This Schedule 2.5 (Environmental) sets out the environmental obligations with which NBPco shall comply in accordance with Clause 23 (Health, Safety, Security and the Environment) throughout the Contract Period. This Schedule does not limit or affect any other provision of this Agreement.

2 SERVICE REQUIREMENTS

- 2.1 NBPco is required throughout the Contract Period to satisfy and comply with all the requirements and descriptions set out in, and all other aspects of, this Schedule 2.5 (Environmental).

3 RELEVANT GUIDELINES

- 3.1 In carrying out its obligations under this Schedule 2.5 (Environmental), NBPco shall, and shall procure that NBPco Personnel shall, in accordance with Best Industry Practice, have regard to Guidance relevant to the environment in connection with the provision of the Wholesale Products, Network and Services (including deployment, maintenance and operation of the Network) and performance of its other obligations under this Agreement including but not limited to the following:
- 3.1.1 Control of Water Pollution from Linear Construction Projects – Technical Guidance (CIRIA Report No C648, 2006);
 - 3.1.2 *Control of Water Pollution from Linear Construction Projects – Site Guide (CIRIA Report No C649, 2006);*
 - 3.1.3 *Control of Dust from Construction and Demolition Activities (Building Research Establishment, 2003);*
 - 3.1.4 *Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (Department of Environment, Community and Local Government, 2006).*
 - 3.1.5 Transport Infrastructure Ireland (formerly the National Roads Authority) construction and planning guidelines including:
 - (A) *Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes;*
 - (B) *Guidelines on the Management of Noxious Weeds and Non Native Invasive Plant Species on National Roads;*
 - (C) *Guidelines for the Protection and Preservation of Trees, Hedgerows and Scrub Prior to, During and Post Construction of National Road Schemes;*
 - (D) *Guidelines for the Treatment of Bats During the Construction of National Road Schemes;*

- (E) *Guidelines for the Creation, Implementation and Maintenance of an Environmental Operating Plan (section 7.3.7).*
- 3.1.6 *BS 5228-1: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Part 1: Noise (Annex E);*
- 3.1.7 *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites – Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2001); and*
- 3.1.8 *Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (Inland Fisheries Ireland, 2016).*

4 STATUTORY OBLIGATIONS

- 4.1 NBPco shall, and shall procure that NBPco Personnel shall, at all times comply with all environmental obligations under Law and any Consents.
- 4.2 NBPco shall provide details of all Consents received from the relevant authority(s) in relation to any Construction Activities and Works, including those arising out of all relevant obligations under:
 - 4.2.1 Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the Wildlife Act 1976 (as amended);
 - 4.2.2 Directive 2000/60/EC establishing a framework for Community action in the field of water policy, the European Communities Environmental Objectives (Groundwater) Regulations 2010 (SI No. 9 of 2010), and the European Communities Environmental Objectives (Surface Water) Regulations 2009 (SI No. 272 of 2009);
 - 4.2.3 the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001 (SI No. 600 of 2001), as amended; and

as part of the Network Build Progress Report in accordance with the provisions of Schedule 6.5 (Reports and Records).

5 ENVIRONMENTAL MANAGEMENT SYSTEM

- 5.1 Within a reasonable period prior to the commencement of any Construction Activities and Works, NBPco shall have developed and implemented an Environmental Management System to manage NBPco's environmental responsibilities throughout the Contract Period and which shall form part of the overall management system for the Project.
- 5.2 NBPco shall ensure that the EMS addresses environmental issues relating to construction and maintenance of infrastructure, including the control of potential impacts.

6 ENVIRONMENTAL CONSULTATION

6.1 NBPco shall ensure that:

- 6.1.1 all local authorities are promptly and effectively notified of NBPco's plans and timelines for any Construction Activities and Works within the relevant local authority area, prior to the commencement of those Construction Activities and Works; and
- 6.1.2 NBPco engages with the Department of Culture, Heritage and the Gaeltacht in relation to any potential impacts on archaeological and/or historic structures or sites included in the Record of Monuments and Places or Register of Historic Monuments arising from Construction Activities and Works; and
- 6.1.3 other Competent Authorities and entities are promptly and effectively notified of Construction Activities and Works as appropriate.

6.2 The obligation in Paragraph 6.1 (Environmental Consultation) does not limit or affect any other provision of this Agreement.

7 GENERAL APPROACH TO ENVIRONMENTAL OBLIGATIONS

7.1 Without limiting or affecting any other provision in this Schedule 2.5 (Environmental), NBPco shall, and shall procure that NBPco Personnel shall, as required by Law:

- 7.1.1 ensure that the delivery of the Wholesale Products, Services and Network (including deployment, operation and maintenance of the Network) and performance of its other obligations under this Agreement is carried out in a manner which prevents the deterioration of natural habitats and/or the disturbance of species/features of biodiversity value;
- 7.1.2 ensure that the water quality within all Watercourses hydrologically/hydrogeologically connected to a location of Construction Activities and Works is not negatively impacted and does not deteriorate as a result of the Constructions Activities and Works;
- 7.1.3 use recycled materials (including where appropriate, secondary aggregate) in place of virgin engineering materials in association with the Network Deployment;
- 7.1.4 ensure that any secondary aggregate or recycled material used in association with Network Deployment meets all the engineering parameters of the specified material and is compliant with the relevant European Committee for Standardization standard;
- 7.1.5 minimise delay, disruption and other negative impacts from Construction Activities and Works on road users and maximise road safety in association with Network Deployment; and

- 7.1.6 ensure that waste is reduced and recovered during the Construction Activities and Works.