

2020 No. 928

EXITING THE EUROPEAN UNION

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Border Facilities and
Infrastructure) (EU Exit) (England) Special Development Order
2020**

<i>Made</i> - - - -	<i>1st September 2020</i>
<i>Laid before Parliament</i>	<i>3rd September 2020</i>
<i>Coming into force</i> - -	<i>24th September 2020</i>

The Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by sections 59(1), (2)(a) and (3)(b) and 60(1), (1A) and (2A) of the Town and Country Planning Act 1990(a), makes the following Order.

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 and comes into force on 24th September 2020.

(2) This Order applies to land in England within the areas specified in Schedule 1.

Interpretation

2.—(1) In this Order—

“border department” means any of—

- (a) the Commissioners for Her Majesty’s Revenue and Customs;
- (b) the Secretary of State for Business, Energy and Industrial Strategy;
- (c) the Secretary of State for the Environment, Food and Rural Affairs; or
- (d) the Secretary of State for Transport;

“building” includes any structure or erection, including plant and machinery, and gates, fences, walls or other means of enclosure, and any part of a building as so defined;

(a) 1990 c. 8. Section 59 was amended by the Growth and Infrastructure Act 2013 (c. 27), Schedule 1, paragraph 4. Section 60 was amended by section 4(1) of that Act and section 152(1) of the Housing and Planning Act 2016 (c. 22). There are further amendments to section 59 which are not relevant to this Order.

“development” means development as defined in section 55(1) of the Town and Country Planning Act 1990(a) carried out, or proposed to be carried out, in a particular case, pursuant to the planning permission granted by article 3(1);

“engagement parties” means the persons and bodies specified in Schedule 3;

“European offshore marine site” has the meaning given in regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017(b);

“European site” has the meaning given in regulation 8 of the Habitats Regulations;

“goods” includes animals and plants;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“the Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017(c);

“hard surfacing” includes any artificial surfacing and may be permeable or porous;

“Highways England” means Highways England Company Limited, a company incorporated in England and Wales under company number 9346363;

“owner” means, in relation to any land, any person who—

- (a) is the estate owner in respect of the fee simple; or
- (b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired;

“reinstatement plan” means a plan detailing the reinstatement works and a method statement and timetable for carrying out the reinstatement works;

“reinstatement works” means the cessation of the use, and removal of all buildings, for which planning permission is granted by article 3(1)(a) and (b) on a site and the restoration of the site to its condition before such development commenced, except as specified in a reinstatement plan approved by the Secretary of State;

“relevant approval” has the meaning given in article 4(1)(a);

“relevant owners and occupiers” means, in respect of a development—

- (a) those owners of land adjacent to the site; and
- (b) those occupiers of land adjacent to the site, or to roads that will be used by vehicles travelling to and from the site,
that are likely to be affected by the development;

“safety hazard area” means an area notified to the relevant local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015(d) (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (f) of that Table;

“site” means the land on which a border department proposes to implement, or implements, in any particular case, the planning permission granted by article 3(1);

“site operator” means, in respect of a site, an official in a border department who is a member of the Senior Civil Service and whose name is notified in writing from time to time to the Secretary of State as responsible for site operations; and

(a) Section 55 was amended by the Planning and Compensation Act 1991 (c. 34), sections 13(1) and (2) and 14, Schedule 6, paragraph 9, and Schedule 19, Parts 1 and 2, and by the Planning and Compulsory Purchase Act 2004 (c. 5), Schedule 6, paragraphs 1 and 2 and Schedule 9. There are further amendments which are not relevant to this Order.

(b) S.I. 2017/1013, amended by S.I. 2019/579 and the European Union (Withdrawal Agreement) Act 2020, Schedule 5, paragraph 1(1); there are other amending instruments but none is relevant.

(c) S.I. 2017/1012, amended by S.I. 2019/579 and the European Union (Withdrawal Agreement) Act 2020, Schedule 5, paragraph 1(1); there are other amending instruments but none is relevant.

(d) S.I. 2015/595, to which there are amendments not relevant to this Order.

“waste hierarchy” means the waste hierarchy set out in article 4(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste^(a).

(2) Except in the definition of “border department” in paragraph (1), and in paragraph 2 of Schedule 1, references to “the Secretary of State” in this Order are references to the Secretary of State for Housing, Communities and Local Government.

(3) Any reference in this Order to the height of a building is a reference to its height when measured from ground level; and in this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(4) Any reference in this Order to a measurement from a boundary is to a linear measurement to any point on the boundary in question.

(5) Any requirement of this Order—

- (a) on a border department to engage with engagement parties in respect of a development; or
- (b) on a site operator to publish a document,

includes such use of hard copy, electronic means (including social media), or other forms of communication as the site operator or border department considers appropriate to bring the document or development to the attention of those who are to be made aware of it.

Grant of temporary planning permission

3.—(1) Subject to the following provisions of this article and regulation 63 of the Habitats Regulations, planning permission is granted for—

- (a) the making of a material change in the use of land to use for the purpose of or in connection with—
 - (i) any activity that forms part of, or is incidental to, functions required to be carried out by or on behalf of a border department in connection with vehicles (in particular goods vehicles) and goods entering or exiting, or that are about to enter or exit, Great Britain, including—
 - (aa) recording vehicles entering or exiting the site;
 - (bb) providing, reviewing, checking, endorsing and approving customs declarations, permits and other documents relating to vehicles and goods;
 - (cc) examining, seizing and detaining goods;
 - (dd) inspecting vehicles and goods for any other lawful purpose;
 - (ee) storing or holding goods carried in vehicles; and
 - (ff) checking vehicles to ensure compliance with the conditions imposed by this Order,
 (“border processing”);
 - (ii) the associated stationing of vehicles; and
 - (iii) carrying out repairs to vehicles, where an examiner appointed pursuant to section 66A of the Road Traffic Act 1988^(b) has—
 - (aa) examined the vehicle on the site;

(a) OJ L No. 312, 22.11.2008, p.3, to which there are amendments not relevant to this Order.

(b) 1988 c. 52. Section 66A of the 1988 Act was inserted by the Road Traffic Act 1991 (c. 40), section 9(1) and was amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23), Schedule 7, paragraph 11. Section 69 of the 1988 Act was substituted by the Road Traffic Act 1991 (c. 40), section 12.

- (bb) determined, pursuant to section 69(1) of that Act (power to prohibit driving of unfit vehicles), that owing to any defects in the vehicle, it is, or is likely to become, unfit for service; and
 - (cc) prohibited the driving of the vehicle on a road;
- (b) the construction, installation, provision, operation, maintenance, improvement or alteration, decommissioning or removal of any buildings, and the carrying out of any works and earth modelling, required or provided in connection with the use of the site pursuant to sub-paragraph (a), including but not limited to the provision of—
- (i) facilities for drivers of vehicles;
 - (ii) facilities for persons engaged in border processing;
 - (iii) roads and other means of access;
 - (iv) any main, pipe, cable or other apparatus for the provision of water, gas, electricity or other services;
 - (v) any foul water and surface water drainage systems;
 - (vi) hard surfacing;
 - (vii) lighting;
 - (viii) landscaping; and
 - (ix) noise attenuation measures; and
- (c) reinstatement works.
- (2) The planning permission granted by paragraph (1) is subject to—
- (a) the conditions specified in Schedule 2; and
 - (b) such other conditions as the Secretary of State may specify in a relevant approval.
- (3) In granting a relevant approval, the Secretary of State may vary or waive any condition that is specified in paragraphs B.1 to B.12 of Part 1, or Parts 2 to 4, of Schedule 2, as the Secretary of State considers appropriate in relation to a particular site.
- (4) This Order does not permit Schedule 1 development, or Schedule 2 development, as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(a), unless, in respect of Schedule 2 development, the Secretary of State has—
- (a) concluded in determining a submission made under article 4(1)(a) that the development is not EIA development as defined in that regulation and has made a screening direction to that effect under regulation 5(3) of those Regulations; or
 - (b) directed under regulation 63(1) of those Regulations that the development is exempt from the requirements of those Regulations.
- (5) Subject to paragraph (6)—
- (a) a border department may carry out reinstatement works specified in a reinstatement plan approved by the Secretary of State until 31st December 2026; and
 - (b) in respect of all other development, the planning permission granted by paragraph (1) ceases on 31st December 2025.
- (6) A condition of a relevant approval may specify, in respect of a particular site—
- (a) a date for the completion of reinstatement works that is earlier than 31st December 2026; or
 - (b) a date for the cessation of all other development that is earlier than 31st December 2025.

Relevant approvals

4.—(1) No development on any site may commence unless—

(a) S.I. 2017/571, amended by S.I. 2018/575, 2018/695; there are other amending instruments but none is relevant.

- (a) a border department has made a written submission to the Secretary of State for approval for the use of the land and the operations comprised in the development (“relevant approval”);
 - (b) the Secretary of State has ascertained that the development will not adversely affect the integrity of any European site or European offshore marine site, either alone or in combination with other plans or projects; and
 - (c) the border department has obtained the relevant approval.
- (2) A submission made under paragraph (1)(a) must include—
- (a) the name of the border department by or on whose behalf the submission is made (“the relevant border department”) and the name of the site operator;
 - (b) a plan, reproduced from or based on an Ordnance Survey map, drawn to an identified scale, which shows the location and boundary of the site to which the submission relates;
 - (c) a plan showing the maximum extent (in terms of height and area) and general layout of, and the means of access to, the development;
 - (d) details of any planning permission (including planning permission granted by another development order) that the relevant border department proposes to rely on;
 - (e) a document confirming that the owners of the site have been notified of the relevant border department’s intention to make a submission under paragraph (1)(a);
 - (f) a document identifying any other land in the vicinity of the site of which the relevant border department is the owner;
 - (g) if the relevant border department considers that it is likely to cease to need the planning permission granted by article 3(1)(a) and (b) on or by a date substantially earlier than 31st December 2025, that earlier date;
 - (h) an analysis of the likely environmental effects of the development;
 - (i) a Habitats Regulations screening report, and where that report identifies a likely significant effect on a European site or European offshore marine site, a Habitats Regulations assessment report, and for the purposes of this sub-paragraph—
 - (i) “Habitats Regulations assessment report” means a report which includes an assessment of whether, having regard to any mitigation measures proposed, any residual effects of the development would adversely affect the integrity of a European site or European offshore marine site, either alone or in combination with other plans or projects, in view of that site’s conservation objectives; and
 - (ii) “Habitats Regulations screening report” means a report which includes an appraisal of whether the development, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site or a European offshore marine site;
 - (j) a report which—
 - (i) summarises—
 - (aa) the methods used to engage with the engagement parties regarding the development;
 - (bb) the information provided to the engagement parties and when it was provided to them; and
 - (cc) the outcomes of engagement with each engagement party; and
 - (ii) includes—
 - (aa) a statement of the period given to each engagement party to make representations about the development, being not less than 14 calendar days and beginning with the date on which they were invited to make such representations; and
 - (bb) copies of the main representations received from engagement parties.
 - (k) an assessment of the traffic impacts of the development;

- (l) an assessment of the impacts of the development on any part of the site which is shown as safeguarded on a safeguarding map issued for the purposes of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002(a);
- (m) a statement from the Health and Safety Executive and the Office of Nuclear Regulation (as appropriate) in respect of the development where the site or any part of it is in, or includes, a safety hazard area;
- (n) a statement including—
 - (i) a description of the development;
 - (ii) a summary of the planning history of the site;
 - (iii) identification of the national and local planning policies relevant to the site and the development;
 - (iv) an assessment of any other material considerations which are relevant to the determination of the submission and which are, in the opinion of the border department, important to that determination;
 - (v) an assessment of how the carrying out of the development will comply with section 6 of the Human Rights Act 1998(b); and
 - (vi) a description of how the relevant border department has complied with its duties under section 149 of the Equality Act 2010(c) in respect of the development; and
- (o) such other information or documents as the Secretary of State may require the relevant border department to submit as being necessary for the purpose of determining the submission.

(3) Where a condition in Schedule 2 requires the approval of the Secretary of State to be obtained in respect of any document or other matter, such approval may only be granted in relation to a site in respect of which a relevant approval has been obtained.

(4) Approval of any document or other matter pursuant to a condition of a relevant approval may be given subject to such further conditions as the Secretary of State considers appropriate in relation to the subject matter of the approval.

(5) Before approving any document or other matter pursuant to a condition of a relevant approval, the Secretary of State may engage with such engagement parties as the Secretary of State considers appropriate.

Signed by the Secretary of State for Housing, Communities and Local Government

Robert Jenrick
Secretary of State

1st September 2020

Ministry of Housing, Communities and Local Government

(a) The Direction is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF; see also <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas>.

(b) 1998 c. 42. There are amendments that are not relevant to this Order.

(c) 2010 c. 15.

SCHEDULE 1

Article 1(2)

Article 1(2) land

1. Subject to paragraph 2, the whole of the areas of the following are specified for the purposes of article 1(2)—

- (a) Bournemouth, Christchurch and Poole Council
- (b) Cheshire East Council
- (c) Cheshire West and Chester Council
- (d) Devon County Council
- (e) Dorset Council
- (f) East Riding of Yorkshire Council
- (g) East Sussex County Council
- (h) Essex County Council
- (i) Halton Borough Council
- (j) Hampshire County Council
- (k) Hull City Council
- (l) Kent County Council
- (m) Lancashire County Council
- (n) Leicestershire County Council
- (o) Liverpool City Council
- (p) Medway Council
- (q) North East Lincolnshire Council
- (r) North Lincolnshire Council
- (s) Plymouth City Council
- (t) Portsmouth City Council
- (u) Salford City Council
- (v) Solihull Metropolitan Borough Council
- (w) Somerset County Council
- (x) Southampton City Council
- (y) Suffolk County Council
- (z) Thurrock Council
- (aa) Trafford Council
- (bb) Warrington Borough Council
- (cc) Warwickshire County Council

2. This Order does not apply to any land within an area specified in paragraph 1 if, at the date on which this Order is made, such land is, forms part of, or contains—

- (a) a national park designated under section 5(3) of the National Parks and Access to the Countryside Act 1949 (National Parks)(a);

(a) 1949 c. 97. Section 5 was amended by the Environment Act 1995 (c. 25), section 61 and the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, paragraph. 10(a). There are further amendments that are not relevant to this Order.

- (b) any battlefield, garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 (register of gardens)(a);
- (c) a World Heritage Site appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972(b);
- (d) a scheduled monument, as defined in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(c);
- (e) land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest, notification of additional land and enlargement of SSSI)(d), applies;
- (f) an area designated under the Ramsar Convention (as defined in section 37A of that Act)(e);
- (g) an area specified by the Secretary of State for the purposes of section 41(3) of that Act (enhancement and protection of the natural beauty and amenity of the countryside)(f);
- (h) the Broads;
- (i) the curtilage of a listed building, as defined in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)(g);
- (j) an area designated as a conservation area under section 69 (conservation areas) of that Act;
- (k) an area designated under section 83 of the Environment Act 1995 (designation of air quality management areas)(h);
- (l) an area of outstanding natural beauty designated as such by an order made by Natural England under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas)(i) as confirmed by the Secretary of State;
- (m) a European site;
- (n) any site which forms part of compensatory measures—
 - (i) secured—
 - (aa) under regulation 68 of the Habitats Regulations, in relation to an agreement, decision, consent, permission or authorisation issued in accordance with regulation 64 of those Regulations; or
 - (bb) under regulation 109 of those Regulations in relation to a land use plan (as defined in regulation 111 of those Regulations) given effect in accordance with regulation 107 of those Regulations; or
 - (ii) notified under regulation 37 of the Conservation of Offshore Marine Habitats and Species Regulations 2017;

(a) 1953 c. 49. Section 8C was inserted by the National Heritage Act 1983 (c.47), Schedule 4, paragraph 10.

(b) See <http://whc.unesco.org/en/list>.

(c) 1979 c. 46. Section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25(2) and (as regards Scotland) by the Historic Environment Scotland Act 2014 asp 19, Schedule 2, Part 1, paragraphs 1 and 2(a)).

(d) 1981 c. 69. Section 28 was substituted by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 9, and was amended by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11 and the Marine and Coastal Access Act 2009 (c. 23), Schedule 13, paragraph 2.

(e) Section 37A was inserted by the Countryside and Rights of Way Act 2000 (c. 37), section 77. There are amendments that are not relevant to this Order.

(f) Section 41 of the 1981 Act was amended by the Agriculture Act 1986 (c. 49), section 20(4) and the Environment Act 1995 (c. 25), Schedule 10, paragraph 22(2). There are further amendments that are not relevant to this Order.

(g) 1990 c. 9. There are amendments that are not relevant to this Order.

(h) 1995 c. 25.

(i) 2000 c. 37. Section 82 was amended by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11. There are further amendments that are not relevant to this Order.

- (o) any ancient woodland (that is, any area that has been wooded continuously since at least 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites); or
- (p) any coast defined as a heritage coast by agreement between a local authority and the Countryside Commission or Natural England.

SCHEDULE 2

Article 3(2)

Conditions

Part 1 – General

A. Operator and exclusions

1. Development may only be carried out by or on behalf of a border department, and must cease by the dates specified in article 3(5) or pursuant to article 3(6).
2. A building on the site may only be removed if the Secretary of State has agreed to its removal in writing.
3. The site must not be used for the storage of fuel or for refuelling, other than as ancillary to the use of the site pursuant to article 3(1).
4. The site must not be used for the stationing of vehicles carrying—
 - (a) Category I/II nuclear material as defined in regulation 3 of the Nuclear Industries Security Regulations 2003(a); or
 - (b) High Consequence Dangerous Goods as defined in section 1.10.3.1 of Annex A to the edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road published in 2019(b).

B. Development (construction, operation and reinstatement phases)

1. Any artificial lighting must be arranged so the main beam angle of each installation is directed downward and away from the closest boundary so as to minimise light spill.
2. Any fire hydrants and emergency water supplies must be kept in good repair and any defects must be repaired as soon as practicable.
3. Any surface water and foul water drainage system must be kept in good repair.
4. Temporary structures collecting sewage that are not attached to mains sewers must be emptied regularly.
5. Development must not adversely affect any ancient or veteran trees.
6. There must be no net increase in the rate or volume of surface water discharge from the site.
7. Surface water discharged from the site must not adversely affect the quality of receiving water bodies.
8. Subject to condition B.9, the height of any building (other than an existing building) must not exceed 15 metres.

(a) S.I. 2003/403, amended by S.I. 2016/795.

(b) Copies can be obtained at <http://www.unece.org/trans/danger/publi/adr/adr2019/19contentse.html>, purchased from the Stationery Office shop (tel: 0333 200 2435), or made available for inspection at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

9. The height of any gate, fence, wall or other means of enclosure erected or constructed, other than noise attenuation measures, must not exceed 4.5 metres.

10. No building other than plant, machinery, gates, fences, walls or other means of enclosure, or noise attenuation measures, may be erected or extended within 25 metres of the boundary of the curtilage of any residential dwelling.

11. Where there is a risk of groundwater contamination, hard surfacing must not be made of porous materials.

12. Where a condition in Parts 2 to 4 requires the site operator to publish any document, the site operator must take reasonable steps to make that document available to persons likely to have an interest in the matters to which the document relates.

C. Stationing of vehicles

1. The stationing of vehicles is only permitted on hard surfacing.

2. When stationed, a goods vehicle must not have its engine idling without the express authority of the site operator.

Part 2 – Construction

1. No works of construction may commence until a construction management plan for the development has been submitted to and approved by the Secretary of State. The plan must comprise details of policies and procedures to be complied with in connection with the construction of the development in relation to—

- (a) engagement with relevant owners and occupiers, including complaints handling;
- (b) application of best practicable means to minimise noise, vibration and emissions to air;
- (c) application of best practicable means to minimise the adverse effects of lighting on the amenity of relevant owners and occupiers, ecological receptors and road users;
- (d) sourcing, placing, managing and storing of construction materials, including, where appropriate, the stripping, storage and re-spreading of soil;
- (e) management of waste in accordance with the waste hierarchy;
- (f) pollution prevention and control;
- (g) preventing damage to trees to be retained on the site, or trees immediately adjacent to any works on the site;
- (h) management of construction traffic, including measures to prevent the deposit of mud and construction materials on the highway;
- (i) the management of invasive species; and
- (j) where appropriate, the appointment and retention of a suitably qualified archaeologist, arboriculturist, ecologist or ordnance specialist to oversee works,

and references to “the CMP” in the following paragraphs of this Part are to that plan as approved by the Secretary of State from time to time.

2. A copy of the CMP must be kept on the site at all times.

3. The site operator must publish a non-technical summary of the CMP.

4. Construction works must be undertaken in compliance with the CMP.

5. The CMP and the published non-technical summary of the CMP must be kept under review and updated as necessary throughout all construction works. Material changes to the CMP are not effective unless approved by the Secretary of State.

6. Prior notification of the intended commencement of development must be given to the Secretary of State and the relevant local planning authority, and such notification must include—

- (a) the address and location of the development (including a site plan in the form prescribed by article 4(2)(b));
- (b) the name and address of the owner of the site;
- (c) a description of the development; and
- (d) the date on which it is intended that any material operation (as defined in section 56 of the Town and Country Planning Act 1990(a)) will first be carried out.

Part 3 – Operation

1. No use other than works of construction and tests of the operation of the development may commence until an operational management plan for the development has been submitted to and approved by the Secretary of State. The plan must comprise details of policies and procedures to be complied with in connection with the use and operation of the development in relation to—

- (a) engagement with relevant owners and occupiers, including complaints handling;
- (b) dealing with adverse weather, incidents and protestors;
- (c) emergency response;
- (d) inspection, maintenance and repair of hard surfacing, surface and foul water drainage systems, fire hydrants and emergency water supplies;
- (e) managing traffic associated with the operation of the development, including—
 - (i) the management of vehicles moving between the site and the strategic road network (being the highways for which Highways England is the highway authority, by virtue of article 2 of the Appointment of a Strategic Highways Company Order 2015(b)), and the provision of signage for their drivers; and
 - (ii) preventing vehicles carrying goods specified in paragraph A.4 of Part 1 from having access to, or being stationed on, the site;
- (f) pollution prevention and control;
- (g) prescribing limits on levels of noise and emissions to air that will be adhered to during the operation of the development, and monitoring and management measures to secure adherence to those levels;
- (h) managing waste and waste disposal in accordance with the waste hierarchy;
- (i) a local employment strategy for staff; and
- (j) managing and enhancing biodiversity,

and references to “the OMP” in the following paragraphs of this Part are to that plan as approved by the Secretary of State from time to time.

2. A copy of the OMP must be kept on the site at all times and the use and operation of the development must be carried out in compliance with the OMP.

3. The site operator must publish a non-technical summary of the OMP.

4. The site operator must ensure that the development is operated in compliance with the OMP.

5. The OMP and the published non-technical summary of the OMP must be kept under review and updated as necessary during the use and operation of the development. Material changes to the OMP are not effective unless approved by the Secretary of State.

(a) Section 56 was amended by the Planning and Compensation Act 1991, Schedule 6, paragraph 10 and Schedule 7, paragraph 10. There are further amendments which are not relevant to this Order.
(b) S.I. 2015/376.

Part 4 – Reinstatement

1. The site operator must submit a reinstatement plan to the Secretary of State on or before 30th June 2025, or such earlier date as the Secretary of State may specify in a relevant approval pursuant to article 3(6). The reinstatement plan may set an earlier date for the cessation of development than is specified in article 3(5) or pursuant to article 3(6).

2. Reinstatement works must not be commenced until the Secretary of State has approved the reinstatement plan.

3. The reinstatement works must be carried out and completed in accordance with the approved reinstatement plan.

4. The site operator must publish a non-technical summary of the approved reinstatement plan.

SCHEDULE 3

Article 2(1)

Engagement Parties

1. Each of the following authorities that have functions in respect of the site or any part of it—

- (a) a fire and rescue authority (as defined in section 1 of the Fire and Rescue Services Act 2004)(**a**);
- (b) a lead local flood authority (as defined in section 6(7) of the Flood and Water Management Act 2010)(**b**);
- (c) a local authority;
- (d) a local highway authority;
- (e) a local planning authority; and
- (f) a parish council.

2. The chief officer of police for the police area in which the site, or any part of it, is located.

3. The COMAH competent authority as defined in regulation 2(1) of the Planning (Hazardous Substances) Regulations 2015(**c**) (if the site or any part of it is in, or includes, a safety hazard area).

4. The Crown Premises Fire Safety Inspectorate.

5. The Environment Agency.

6. The Health and Safety Executive.

7. Highways England.

8. Historic England.

9. Natural England.

10. Any neighbourhood forum designated under section 61F(3) of the Town and Country Planning Act 1990(**d**) in respect of any part of the site which is a neighbourhood area within the meaning of section 61G(1) of that Act.

11. Relevant owners and occupiers.

(a) 2004 c. 21. Section 1 was amended by the Policing and Crime Act 2017, Schedule 1, Part 1, and Schedule 2, paragraphs 110 and 111, and by the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraphs 10(1) and (2).

(b) 2010 c. 29.

(c) S.I. 2015/627, to which there are amendments not relevant to this Order.

(d) 1990 c. 8. Sections 61F and 61G were inserted by the Localism Act 2011 (c. 20), Schedule 9, paragraphs 1 and 2. There are amendments that are not relevant to this Order.

12. The Office of Nuclear Regulation where any part of the site is shown as safeguarded on a safeguarding map issued for the purposes of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.

13. The owners of the site.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants temporary planning permission for development consisting of the use of land for the stationing and processing of vehicles (particularly goods vehicles) entering or leaving Great Britain, and the provision of associated temporary facilities and infrastructure. Development permitted by this Order can only be carried out by, or on behalf of, a border department named in the Order. The development must end by 31 December 2025, and all reinstatement works must have been completed by 31 December 2026.

Article 1(2) and Schedule 1 specify the areas to which the Order applies. Article 3 grants the temporary planning permission, describes the development permitted and provides that permission is granted subject to conditions, including those set out in Schedule 2.

Article 4 provides that before the development of a particular site can start, a border department must obtain the approval of the Secretary of State for Housing, Communities and Local Government. It also sets out the information that must be included in submissions for such approval.

Schedule 3 sets out the parties that must be given an opportunity to comment on proposed developments. A report on engagement with these parties, and their views, must be included in submissions for approval under article 4.

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.

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