

## 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(1); 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(2).

### 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.
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.

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

(2) 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.

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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<sup>(3)</sup>) 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<sup>(4)</sup>), 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.

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(3) 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.

(4) [S.I. 2015/376](#).

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## 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.