

SCHEDULE 1

Article 2(1)

Documents submitted by the Home Secretary

<i>Number</i>	<i>Figure Title</i>	<i>Scale</i>	<i>Paper size</i>
Figure 2	The Map – Existing Site Plan	1:10,000	A3
Figure 3	Operational Area – Existing Use Plan Focused On The Proposed Operational Area	1:5,000	A3
Figure 4a	Proposed Site Plans – Access / Egress Points	1:10,000	A3
Figure 4e	Proposed Site Plans – Proposed Site Uses	1:5,000	A3

SCHEDULE 2

Article 4(1)(a) and (b)

Development for which planning permission is granted

1. The making of material changes in the use of any buildings in, on, under or over the Order land, or of any other part of the Order land, in connection with the carrying out, in relation to resident service users, of relevant functions, or functions incidental or ancillary to such functions, including the provision, by making such a change in use, of—

- (a) living accommodation;
- (b) catering or dining facilities;
- (c) toilet or washing facilities;
- (d) laundry facilities;
- (e) indoor or outdoor sport and recreation facilities;
- (f) education facilities;
- (g) worship and religious observance facilities;
- (h) retail facilities;
- (i) parking for vehicles;
- (j) warehousing or storage;
- (k) office or administrative facilities;
- (l) medical facilities, including accommodation for those being treated in isolation for infectious diseases;
- (m) facilities for providing legal and other advice to resident service users;
- (n) facilities for those carrying out police and security activities.

2. Building, engineering or other operations, in, on, under or over the Order land, in connection with the carrying out, in relation to resident service users, of relevant functions, or functions incidental or ancillary to such functions, comprising the construction of—

- (a) buildings or structures to be used in providing any accommodation or other facility of a kind referred to in paragraph 1, including any works of refurbishment to a building or structure, where planning permission is required for the refurbishment;
- (b) any artificial surfacing, including—
  - (i) surfacing that is permeable or porous;

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- (ii) surfacing in the form of paths or pavements;
- (iii) maintenance, repair or replacement of existing internal access roads, but excluding any other construction of roads;
- (c) hard landscaping, including seats, refuse bins and barriers to control the movement of people or vehicles;
- (d) lighting and signage;
- (e) gates, fences, walls or other means of enclosure, including where these are erected to provide protection for existing buildings or structures on the Order land, or screening between the Order land and adjacent land;
- (f) gatehouses;
- (g) mains, sewers, drains, pipes, conduits, cables, electrical substations or other apparatus, for the provision of water, gas, electricity, or other services, including breaking open any land to enable their construction;
- (h) foul water and surface water drainage, including any apparatus or machinery associated with their provision;
- (i) soft landscaping;
- (j) ancillary security measures;
- (k) closed-circuit television and development ancillary to closed-circuit television;
- (l) works required in connection with—
  - (i) the production or supply of any form of energy;
  - (ii) the storage of fuel or other substances,to be used for the benefit of resident service users or persons involved in the carrying out of relevant functions;
- (m) other plant or machinery.

### SCHEDULE 3

Article 4(2)(a)(i)

Conditions subject to which planning permission is granted

## Part 1 – General

### Site operator

1.—(1) The Home Secretary must ensure that, during the whole period beginning with 11th April 2024 and ending with the date on which reinstatement works are completed in accordance with this Order, a named member of the Senior Civil Service in the Home Secretary’s department is designated in writing as the principal point of contact for the Secretary of State in the Home Secretary’s department on all matters connected with this Order (the “site operator”).

(2) The Home Secretary may designate different persons as the site operator at different times within the period referred to in sub-paragraph (1).

(3) Whenever a person is designated as the site operator, the Home Secretary must promptly inform the Secretary of State, in writing, that that person has been so designated.

## **Approved documents**

2.—(1) The authorised development must be carried out in accordance with each of the approved documents, and in particular—

- (a) where an approved document provides for anything to be constructed, it must be constructed, remain, and be maintained, in the location specified, and as provided for, in any approved document that relates to its construction, maintenance or location;
  - (b) where an approved document—
    - (i) sets out, in relation to the construction or operation of the authorised development—
      - (aa) a policy, procedure or standard to be applied;
      - (bb) a step to be taken, arrangement to be made, or measure to be adopted,
    - (ii) refers to—
      - (aa) an activity to be undertaken;
      - (bb) a facility or service to be made available,
- in connection with the authorised development under or by virtue of a provision of this Schedule,
- the construction or operation of the authorised development must be carried out, the activity undertaken, or the facility or service made available, in a manner that is consistent with such policy, procedure, standard, step, arrangement or measure;
- (c) any requirements set out in an approved document for the validation, verification or approval of work carried out in accordance with that document must be complied with.

(2) The accommodation and other facilities referred to in the document numbered Figure 4e in Schedule 1 must be in place and fully operational while any service users are accommodated on the Order land.

(3) The Home Secretary may submit for subsequent approval a replacement for any approved document other than the Map, provided that, in the case of a plan, report, scheme or programme provided for in this Schedule, the proposed replacement plan, report, scheme or programme complies with the relevant provisions of this Schedule.

## **Height of buildings and other structures**

3.—(1) Subject to sub-paragraphs (2) and (3), the height of any building or structure constructed as part of the authorised development must not exceed 4.5 metres.

(2) The height of any gate, fence, wall or other means of enclosure erected or constructed must not exceed 2.4 metres.

(3) Where plant or machinery (other than plant or machinery that is required for the purposes of constructing the authorised development) is erected or extended on the Order land, its height (when its erection or extension is completed) must not exceed—

- (a) if it replaces existing plant or machinery, the height of any plant or machinery that it replaces;
- (b) if it does not replace existing plant or machinery, 8.5 metres.

## **Modular facilities: floorspace**

4.—(1) The combined floorspace of all buildings or structures—

- (a) that are erected or installed as part of the authorised development, and
- (b) whose construction is development of a type specified in paragraph 2 of Schedule 2,

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must not exceed the baseline by more than 17,500 square metres.

(2) For the purposes of this paragraph, the baseline is the total amount of floorspace of all buildings or structures that were on the Order land on 14th April 2023.

### **Restriction on development outside the Operational Area**

5. Outside the area designated as the Operational Area on the document numbered Figure 3 in Schedule 1, no development may take place other than development that relates to—

- (a) securing the points of entrance to and exit from the site (including the construction of gatehouses, closed circuit television and lighting);
- (b) the repair, maintenance or replacement of existing internal roads;
- (c) utilities serving the authorised development.

### **Artificial lighting and its impacts**

6.—(1) Any exterior artificial lighting installed on or after 14th April 2023 must be arranged so that the main beam angle of each installation is directed—

- (a) downward and away from the closest boundary of the Order land so as to minimise light spill;
- (b) away from the windows of any sleeping accommodation on the Order land, so as to minimise any potential disturbance to those occupying it.

(2) The windows of any sleeping accommodation must be fitted with blackout blinds or blackout curtains.

### **Drainage**

7.—(1) There must be no net increase in the rate or volume of surface water discharge from the Order land as a result of the authorised development.

(2) No service users may be accommodated on the Order land unless—

- (a) the Home Secretary has submitted to the Secretary of State a foul and surface water drainage systems report in respect of the authorised development, identifying what measures, if any, it is necessary to adopt and maintain in relation to such systems before up to 2,000 service users are accommodated on the Order land;
- (b) the Secretary of State has approved the report;
- (c) any measures identified in the approved report as necessary to be adopted before up to 2,000 service users are accommodated have been implemented.

### **Storage of fuel and hazardous substances**

8. Any storage for fuel or other hazardous substances installed on or after 14th April 2023 must be so arranged as to ensure that—

- (a) it is located on an impervious base and graded to drain to a sump or collector, or surrounded by impervious walls to form a bunded compound;
- (b) all filling points, vents, gauges and sight glasses are located on an impervious base and the drainage system sealed, with no discharge to any watercourse, land or underground strata;
- (c) any associated pipe work is located above ground and protected from accidental damage;
- (d) all filling points and tank overflow pipe outlets are designed to discharge into a sump, collector or bunded compound.

### **Removal of trees, hedges and existing buildings**

**9.**—(1) Subject to sub-paragraph (2), no—

- (a) tree or hedge may be removed from the Order land;
- (b) existing building or structure on the Order land may be demolished,

as part of the authorised development unless the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, a plan for that removal or demolition.

(2) The Home Secretary may, without a plan having been submitted to or approved by the Secretary of State under sub-paragraph (1)—

- (a) cut down, uproot, top or lop a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm;
- (b) demolish a building or structure that is at risk of imminent collapse or otherwise poses an immediate threat to safety.

### **Fencing**

**10.**—(1) No service users may be accommodated on the Order land as part of the authorised development until the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, a scheme for the installation or enhancement of fencing on and around the Order land, comprising—

- (a) a plan showing the locations where fencing has been or is to be installed or enhanced;
- (b) a description and illustration of the fencing or screening to be used in each location.

(2) The scheme submitted and approved under sub-paragraph (1) must include details of—

- (a) privacy mesh screening installed or to be installed between—
  - (i) the Order land and Pollyplatt Primary School;
  - (ii) the Order land and the playing field adjacent to Pollyplatt Primary School;
- (b) protective fencing installed or to be installed around the heritage assets.

(3) No works of construction may take place until the fencing referred to in sub-paragraph (2) (b) has been installed in accordance with the approved scheme.

### **Travel plan**

**11.** No service users may be accommodated on the Order land unless the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, a travel plan setting out how the use of private cars by those travelling to the Order land—

- (a) to work on, or visit, the authorised development; or
- (b) to provide services to, or in respect of, resident service users,

will be minimised.

### **Heritage management scheme**

**12.**—(1) Before 11th July 2024, the Home Secretary must submit to the Secretary of State for approval a heritage management scheme.

(2) The heritage management scheme must set out what steps the Home Secretary proposes to take, in addition to the installation of fencing around them provided for in any scheme approved under condition 10, as regards the protection, repair or maintenance of the heritage assets during the period covered by the planning permission granted by article 4(1).

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## Noise

13. Any building services or other plant installed on the Order land must be so located and installed as to ensure that—

- (a) between the hours of 11 p.m. and 7 a.m., internal ambient noise levels in sleeping accommodation do not exceed 30dB LAeq, 8 hours and 45dB LAFmax more than 15 times per night, assessed in accordance with British Standard BS 8233:2014(1);
- (b) plant noise levels, calculated by reference to any point where the following intersect—
  - (i) the boundary between the Order land and the nearest residential or educational premises that are noise sensitive receptors, and
  - (ii) a straight line drawn between the plant and the nearest façade of those premises,do not exceed 30dB LAr, Tr, assessed in accordance with British Standard BS 4142:2014+A1:2019(2).

## Fruit and vegetables

14. No fruit or vegetables may be grown on the Order land unless the Secretary of State gives prior written consent to their being grown.

# Part 2 – Construction and related matters

## Construction and environmental management plan

15.—(1) No works of construction for which planning permission is required, and is granted by article 4(1) (“construction work”), may—

- (a) commence, or
- (b) having commenced under planning permission granted by article 3(1) of the 2015 Order, continue,

until the Home Secretary has submitted a construction and environmental management plan for the authorised development to the Secretary of State and the Secretary of State has approved it.

(2) The plan submitted under sub-paragraph (1) must comprise details of policies, procedures or standards, to be complied with in connection with construction work, in relation to—

- (a) the hours within which construction work may take place, including the setting of times when particular activities may not be carried out in particular places;
- (b) engagement with adjoining owners or occupiers, including keeping them informed about construction work in so far as it may reasonably be expected to affect them, and explaining how and with whom they may raise concerns or complaints about it;
- (c) application of best practicable means to minimise—
  - (i) in so far as they arise from the carrying out of construction work and associated vehicle movements—
    - (aa) noise, including the setting of limits not to be exceeded generally or at certain times and in certain places;

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(1) Guidance on sound insulation and noise reduction for buildings (ISBN 978 0 580 74378 8), published by the British Standards Institution on 28th February 2014.

(2) Methods for rating and assessing industrial and commercial sound (ISBN 978 0 539 02069 4), published by the British Standards Institution on 30th June 2019.

- (bb) vibration and emissions to air, including dust, and any other adverse impact on air quality on or around the Order land;
  - (ii) the adverse effects of lighting on the amenity of adjoining owners and occupiers, and ecological receptors;
  - (d) sourcing, placing, managing and storing of construction materials;
  - (e) ensuring the safety of—
    - (i) resident service users;
    - (ii) those visiting the authorised development;
    - (iii) those working on its construction or otherwise on the Order land, while construction work is being carried out;
  - (f) management of waste in accordance with the waste hierarchy;
  - (g) preventing or controlling any contamination or pollution that may arise from construction work;
  - (h) preventing damage to trees or hedges that are—
    - (i) to be retained on the Order land, or
    - (ii) immediately adjacent to any part of the Order land where construction work is to be carried out;
  - (i) management of construction traffic, including measures to prevent the deposit of mud and construction materials on the highway;
  - (j) assessing and managing risks associated with unexploded ordnance;
  - (k) management of invasive species;
  - (l) provision of awareness training to contractors in relation to contamination, unexploded ordnance and other risks that may be associated with construction work;
  - (m) arrangements for the appointment and retention of a suitably qualified archaeologist, arboriculturist, ecologist, ordnance specialist or contamination expert, to carry out, supervise or verify any work in relation to the construction of the authorised development to which their expertise is relevant.
- (3) A copy of the CEMP must be kept on the Order land at all times.
- (4) The CEMP must be kept up to date during any period in which construction takes place in relation to the authorised development.

#### **Land contamination: site control measures**

**16.** No service users may be accommodated on the Order land unless the following are in place, and the Home Secretary has provided the Secretary of State with evidence that they are in place—

- (a) measures to ensure that obstruction to the ventilation of the authorised development does not increase relevant contamination risks, in particular as a result of—
  - (i) space underneath structures being enclosed with materials that restrict airflow, or
  - (ii) non-decorative air-bricks being obstructed or not maintained,which may include the installation of metal mesh screens to enclose the void beneath any modular building;
- (b) signage and other materials (including materials for use in the induction of service users when they are first accommodated on the Order land) that are intelligible to users and those working on and visiting the Order land, encouraging good hygiene procedures such as hand washing or sanitation before eating.

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### **Land contamination: monitoring programme and intrusive investigation**

17.—(1) The Home Secretary must carry out a programme of intrusive ground investigations to assess relevant contamination risks in accordance with British Standard BS 10175:2011(3), comprising—

- (a) shallow soil sampling and analysis;
- (b) installation of gas monitoring wells;
- (c) groundwater sampling, analysis and monitoring

(the “investigations programme”).

(2) In the period before the investigations programme has been completed, the Home Secretary must, at least once in each period of two weeks, with the first such period beginning on 11th April 2024, monitor for indoor ground gas and vapours in each building or structure on the Order land that is used, or to be used, to provide any accommodation or other facility of a kind referred to in paragraph 1 of Schedule 2.

(3) The results of the investigations programme, and any remedial steps, must be set out in a report prepared for the Home Secretary by, or under the supervision of, or verified by, a contamination expert.

(4) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (3);
- (b) a notice setting out—
  - (i) the remedial steps that the Home Secretary has decided to take, or
  - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

(5) No service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (4)(b)(ii), or
- (b) a report, prepared by a contamination expert for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (4)(b)(i).

### **Radiological walkover survey**

18.—(1) No service users may be accommodated on the Order land until—

- (a) a radiological walkover survey of the Order land, carried out in accordance with British Standard BS 10175:2011, has been completed;
- (b) a report for the Home Secretary, setting out the findings of that survey and any remedial steps, has been prepared by, or under the supervision of, or verified by, a contamination expert.

(2) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (1)(b);
- (b) a notice setting out—
  - (i) the remedial steps that the Home Secretary has decided to take, or
  - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

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(3) Investigation of potentially contaminated sites – Code of practice (ISBN 978 0 580 98996 4), published by the British Standards Institution on 31st December 2017.



(3) No service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (2)(b)(ii), or
- (b) a report, prepared by a contamination expert for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (2)(b)(i).

### **Unexploded ordnance**

**19.**—(1) No service users may be accommodated on the Order land until—

- (a) a non-intrusive survey has been carried out to determine whether, and if so, where, unexploded ordnance is present on the Order land, including in any building or structure;
- (b) a report for the Home Secretary, setting out the findings of that survey and any remedial steps, has been prepared by, or under the supervision of, or verified by, an ordnance specialist.

(2) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (1)(b);
- (b) a notice setting out—
  - (i) the remedial steps that the Home Secretary has decided to take, or
  - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

(3) No service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (2)(b)(ii), or
- (b) a report, prepared by an ordnance specialist for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (2)(b)(i).

### **Relevant risks identified unexpectedly**

**20.**—(1) If a relevant risk that has not been identified as a result of work undertaken in compliance with a policy, procedure or standard under sub-paragraph (2)(g) or (j) of condition 15, or another condition in this Part, is identified during the construction or operation of the authorised development—

- (a) any activity that may exacerbate the relevant risk, in particular by causing contamination or pollution to spread, or unexploded ordnance to explode, must be suspended;
- (b) an investigation and risk assessment in respect of the relevant risk and the relevant contamination risks or relevant ordnance risks associated with it must be carried out;
- (c) if the relevant risk is a relevant contamination risk, a report for the Home Secretary must be prepared by, or under the supervision of, or verified by, a contamination expert, setting out the results of the assessment and any remedial steps;
- (d) if the relevant risk is a relevant ordnance risk, a report for the Home Secretary must be prepared by, or under the supervision of, or verified by, an ordnance specialist, setting out the results of the assessment and any remedial steps;
- (e) the activity suspended under paragraph (a) must not be resumed until the Home Secretary has determined—
  - (i) what remedial steps, if any, to take in relation to the relevant risk, and has taken them, or
  - (ii) that there is no need to take remedial steps in relation to the relevant risk.

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(2) When the Home Secretary has decided what remedial steps, if any, to take, and taken them, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (1)(c) or (d);
- (b) a notice setting out—
  - (i) the remedial steps that the Home Secretary has taken, or
  - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

### Part 3 – Operation and related matters

#### **OMP: establishment and review**

21.—(1) No service users may be accommodated on the Order land until—

- (a) the Home Secretary submits for approval by the Secretary of State an operational management plan—
  - (i) whose contents comply with condition 22 (OMP: contents);
  - (ii) compliance with which will assist the Home Secretary to comply, in carrying out relevant functions in relation to resident service users, with relevant duties;
- (b) the Secretary of State approves that plan.

(2) If a document covers matters set out in condition 22 and other matters, only that part of the document that covers matters set out in condition 22 requires the Secretary of State’s approval under sub-paragraph (1)(b) or forms part of the OMP if such approval is given.

(3) For as long as service users are accommodated on the Order land under the planning permission granted by article 4(1) a copy of the OMP must be kept on the Order land.

(4) The Home Secretary must—

- (a) keep the operation of the authorised development under review throughout the period for which planning permission is granted by article 4(1)(a) and (b), carrying out at least one review of its operation in each period of 12 months beginning with 11th April 2024, 11th April 2025, or 11th April 2026, and having regard in carrying out such reviews to—
  - (i) relevant duties;
  - (ii) the requirement for the operation of the authorised development to comply with the OMP;
- (b) within one month of completing a review under paragraph (a)—
  - (i) submit to the Secretary of State a report on the review;
  - (ii) where the review identifies a need to—
    - (aa) amend the details of any matter set out in an approved document, or
    - (bb) replace an approved document under sub-paragraph 3 of condition 2, make the necessary application for variation approval or subsequent approval.

#### **OMP: contents**

22. The OMP must include policies, procedures or standards relating to—

- (a) identifying—
  - (i) among resident service users, or those whom it is proposed to accommodate on the Order land, persons who meet an unsuitability criterion;

- (ii) resident service users who may require to be removed from the Order land under sub-paragraph (3) of condition 24 (accommodation on the Order land);
- (b) explaining to resident service users that they must not leave the Order land on foot otherwise than by the main gate, which is indicated as such in the document numbered Figure 4a in Schedule 1;
- (c) preventing and mitigating the outbreak and spread of infectious diseases on the Order land, including by a programme of immunisation against such diseases;
- (d) compliance with—
  - (i) sub-paragraphs (1) and (3) of condition 24;
  - (ii) condition 26 (core facilities and services to be provided);
- (e) ensuring the safety and security of those accommodated or working on, or visiting, the Order land, including measures for—
  - (i) managing the impact of disturbances, protests or demonstrations taking place on or in the vicinity of the Order land;
  - (ii) responding to emergencies on the Order land;
  - (iii) managing, reporting and monitoring crimes or incidents of anti-social or violent behaviour involving resident service users that occur on the Order land;
  - (iv) recording and monitoring crimes or incidents of anti-social or violent behaviour involving resident service users that occur elsewhere, and of which the Home Secretary becomes aware;
- (f) providing cultural orientation to resident service users;
- (g) explaining to resident service users, in a format and language that they can understand—
  - (i) the services that resident service users can expect to receive;
  - (ii) the location of amenities in the vicinity of the Order land;
  - (iii) details of recreational, educational or voluntary sector activities on or near the Order land in which resident service users can participate;
  - (iv) details of the standards of behaviour expected of resident service users in relation to—
    - (aa) harassment or threat of harassment, or displays of prejudice or hostility towards any person, on the grounds of race, religion or belief, sex, sexual orientation, gender reassignment, age or disability;
    - (bb) acts that result in physical or other harm to any person;
    - (cc) the rights of other persons to respect for their private and family life;
    - (dd) noise and disruption or other behaviour likely to result in a nuisance to, or justified annoyance on the part of, adjoining owners or occupiers;
    - (ee) littering;
    - (ff) areas where children are present;
- (h) providing information about the operation of the authorised development to persons affected, or likely to be affected, by it, and handling complaints about it from them.

### **Phasing scheme**

**23.**—(1) No service users may be accommodated on the Order land until a phasing scheme has been submitted by the Home Secretary and approved by the Secretary of State, that sets out—

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- (a) the phases in which the facilities and services that are to be made available to service users under this Schedule will be delivered;
- (b) how any arrangements that are required to be made in relation to such facilities or services under any approved document will be adjusted,

so as to ensure that the provision made for the needs of resident service users at any given time is such that relevant duties are complied with in carrying out relevant functions, taking account in particular of any material actual or anticipated changes in the number or proportion of resident service users that meet an unsuitability criterion.

(2) Where a scheme approved under sub-paragraph (1) indicates that particular steps are to be taken before the number or proportion of resident service users that meet an unsuitability criterion increases to or by a certain amount, the Home Secretary must, before that increase occurs, provide to the Secretary of State written confirmation that those steps have been taken.

### **Accommodation on the Order land**

**24.**—(1) A service user must not be accommodated on the Order land unless—

- (a) the service user is a relevant person, and
- (b) the service user—
  - (i) does not meet any of the unsuitability criteria, or
  - (ii) meets an unsuitability criterion, but the Home Secretary determines that that service user is nevertheless suitable to be accommodated on the Order land.

(2) This sub-paragraph applies where the Home Secretary concludes that—

- (a) a service user—
  - (i) is not a relevant person;
  - (ii) meets an unsuitability criterion and is unsuitable to be accommodated on the Order land;
- (b) accommodating a service user on the Order land is inappropriate for another reason.

(3) Where sub-paragraph (2) applies, a service user in respect of whom the Home Secretary reaches a conclusion under sub-paragraph (2)(a) or (b)—

- (a) must not be accommodated on the Order land for longer than 48 hours after the Home Secretary reaches such a conclusion, except as a means to avoid or mitigate a risk that may otherwise be expected to arise to any person's welfare;
- (b) must, while the service user remains accommodated on the Order land—
  - (i) be accommodated separately from other resident service users;
  - (ii) be treated in a way that takes due account of any matter that makes accommodation on the Order land unsuitable for that service user.

(4) Where the Home Secretary makes a determination of the kind referred to in sub-paragraph (1)(b)(ii), the Home Secretary must keep a written record of that determination.

(5) The Home Secretary must send the Secretary of State a report—

- (a) no more than seven days before each 10th April and 10th October that falls between 11th April 2024 and 11th April 2027;
- (b) covering the period—
  - (i) in the case of the first such report, beginning with 11th April 2024 and ending on a date in October 2024, earlier than 10th October 2024, that is specified in the report;
  - (ii) in any other case, since the end of the period covered by the previous such report;

- (c) setting out the average and maximum numbers of resident service users meeting each unsuitability criterion in each month of the period covered by the report.

### **General limit on number of resident service users**

- 25.**—(1) The Home Secretary must—
- (a) keep an accurate and up to date record of the number of resident service users;
  - (b) make that record available whenever requested to do so by the Secretary of State.
- (2) No more than 2,000 service users may be accommodated on the Order land at any time.

### **Core facilities and services to be provided**

- 26.**—(1) No service users may be accommodated on the Order land unless—
- (a) the Home Secretary has made arrangements for the facilities specified in sub-paragraphs (2) and (3) and the services specified in sub-paragraphs (4) to (6) to be available, free of charge at the point of use, to or in respect of resident service users;
  - (b) those arrangements remain in place.
- (2) The facility is a medical isolation facility for resident service users, with at least 40 isolation beds and access to sufficient nursing staff to provide care to those who may be accommodated in it.
- (3) The facility is a medical centre for resident service users on the Order land—
- (a) staffed by an on-site medical team comprising at least—
    - (i) a health care assistant;
    - (ii) a mental health nurse;
    - (iii) a general nurse;
    - (iv) an advanced nurse practitioner;
    - (v) a general practitioner (that is, a person whose name is contained in the General Practitioner Register as defined in section 34C (general practitioner register) of the Medical Act 1983<sup>(4)</sup> or a fully registered person, as defined in section 55 of that Act (interpretation)<sup>(5)</sup>);
  - (b) where resident service users may—
    - (i) register with a general practitioner;
    - (ii) book and attend appointments with on-site medical staff;
    - (iii) book appointments to receive other services specified in sub-paragraph (4);
    - (iv) be treated for minor injuries and illnesses.
- (4) The services are the following—
- (a) medical health screening of service users when they first arrive at the authorised development;
  - (b) immunisation against diseases;
  - (c) a system that enables them to collect medicine that has been lawfully prescribed for them;
  - (d) a low-level trauma-informed mental health support service;
  - (e) confidential health advice;

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<sup>(4)</sup> 1983 c. 54. Section 34C was inserted by S.I. 2010/234.

<sup>(5)</sup> Section 55 was amended by S.I. 2000/3041, 2006/1914, 2007/3101, 2008/1774, 2019/593; there are other amendments but none is relevant.

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- (f) emergency dental care provided by a person registered in the register kept under section 14 (dentists register and registrar) of the Dentists Act 1984<sup>(6)</sup>;
  - (g) eye tests, to be provided by a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 (registers of opticians)<sup>(7)</sup>.
- (5) The service is that suitably trained security personnel are stationed on the Order land at all times.
- (6) The service is the provision of—
- (a) a regular free shuttle bus service for resident service users from the Order land to Lincoln, Gainsborough and Newark-on-Trent, with—
    - (i) buses departing for and arriving from each of these destinations at least three times a day;
    - (ii) each bus having the capacity to seat at least 16 service users;
  - (b) such other transport services as are necessary to enable resident service users to access the services specified in sub-paragraph (4), or hospital appointments.

### Multi-Agency Forum

- 27.—(1) The Home Secretary must establish a group of persons (the “Multi-Agency Forum”)—
- (a) nominated by the persons and bodies specified in sub-paragraph (2) to represent them, in response to an invitation to each of them from the Home Secretary;
  - (b) to meet—
    - (i) for the purpose specified in sub-paragraph (3);
    - (ii) regularly, and in any event not less than once in every two calendar months, throughout the period in which the Order land is used to accommodate service users.
- (2) The persons and bodies to be represented on the Multi-Agency Forum are—
- (a) each of the following that have functions in respect of the Order land or part of it—
    - (i) a fire and rescue authority (as defined in section 1 of the Fire and Rescue Services Act 2004) (fire and rescue authorities)<sup>(8)</sup>;
    - (ii) a local planning authority;
    - (iii) in so far as they are not within sub-paragraphs (i) or (ii), a county council, district council, or parish council;
    - (iv) an integrated care board established under section 14Z25 of the National Health Service Act 2006 (duty to establish integrated care boards)<sup>(9)</sup>;
    - (v) a chief officer of police;
  - (b) the UK Health Security Agency;
  - (c) the Office for Health Improvement and Disparities;
  - (d) East Midlands Strategic Migration Partnership;

<sup>(6)</sup> 1984 c. 24. Section 14 was amended by S.I. 2005/2011, 2007/3101, 2019/593.

<sup>(7)</sup> 1989 c. 44. Section 7 was amended by S.I. 2005/848.

<sup>(8)</sup> 2004 c. 21. Section 1 was amended by the Policing and Crime Act 2017 (c. 3), Schedule 1, Part 1, and Schedule 2, paragraphs 110 and 111; the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraphs 10(1) and (2); the Levelling-up and Regeneration Act 2023 (c. 55), Schedule 4, paragraph 157.

<sup>(9)</sup> 2006 c. 43. Section 14Z25 was inserted by the Health and Care Act 2022 (c. 31), section 19. NHS England has made the Integrated Care Boards (Establishment) Order 2022, which is published at <https://www.england.nhs.uk/wp-content/uploads/2022/05/B1770-integrated-care-boards-establishment-order-2022.pdf>, under section 14Z25.

- (e) a voluntary or charitable organisation providing information and assistance to service users;
- (f) any other person or body that the Home Secretary considers it appropriate to invite to be represented on the Multi-Agency Forum.

(3) The purpose of the Multi-Agency Forum is to facilitate the exchange of information and views between the Home Secretary and the persons and bodies represented on the Multi-Agency Forum about interactions between the performance of their functions and the Home Secretary's performance of relevant functions in relation to resident service users.

### **Local services programme**

**28.**—(1) In this paragraph—

“local service impact” means any material adverse impact that the accommodation of service users on the Order land may be expected to have on relevant local services;

“local services programme” means a programme that sets out arrangements made by the Home Secretary—

- (a) in connection with relevant local services;
  - (b) that are designed to avoid or mitigate local service impacts,
- and stating the period of time that those arrangements cover;

“local service provider” means a person or body that is—

- (a) represented on the Multi-Agency Forum, and
- (b) responsible for the provision of a relevant local service;

“relevant local service” means any service that is provided locally, on a statutory basis and at public expense, to persons living in the vicinity of the Order land, and on which the accommodation of service users on the Order land may reasonably be expected to have a material adverse effect, including—

- (a) health care, including acute care, other in-patient hospital care, physiotherapy, diagnostics, and ambulance transport;
- (b) policing, including policing on and in the immediate vicinity of the Order land;
- (c) social care for children;
- (d) public health services and control of the spread of infectious diseases.

(2) A local services programme must take account of, and describe arrangements that are consistent with, the phasing scheme approved under condition 23 (phasing scheme).

(3) No service users may be accommodated on the Order land during a period that is not covered by arrangements set out in an approved local services programme that the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved.

(4) When submitting a local services programme for approval, the Home Secretary must also send to the Secretary of State a report that summarises—

- (a) the views of local service providers regarding—
  - (i) local service impacts;
  - (ii) the effectiveness of any arrangements already made by the Home Secretary to avoid or mitigate local service impacts;
- (b) the steps taken by the Home Secretary to engage with local service providers, including—
  - (i) the information provided by the Home Secretary to local service providers about the authorised development and when it was provided to them;

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- (ii) the period in which they were able to make representations about local service impacts to the Home Secretary, being not less than 14 calendar days and beginning with the date on which they were invited to make such representations;
- (iii) the outcomes of such engagement.

(5) When approving a local services programme, the Secretary of State may, having regard to the report provided under sub-paragraph (4) and any other relevant considerations, give written notice to the Home Secretary of the maximum number of service users (being no more than 2,000) that may be accommodated on the Order land during the whole or a specified part of the period covered by the arrangements set out in that programme.

## Part 4 – Reinstatement

### Reinstatement plan

**29.**—(1) In this condition, “reinstatement plan” means a plan detailing reinstatement works, including a method statement and timetable for carrying them out.

(2) A reinstatement plan may detail any aspect of the reinstatement works by referring to, annexing, or otherwise incorporating, material from the CEMP.

(3) Reinstatement works must not be commenced until the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, the reinstatement plan.

(4) The site operator must submit a reinstatement plan to the Secretary of State for the Secretary of State’s approval on or before—

- (a) 11th February 2027, or
- (b) such later date proposed by the Home Secretary as the Secretary of State may agree in writing before 11th February 2027.

(5) A reinstatement plan need not contain details of any reinstatement works in respect of authorised development, to the extent that planning permission has been granted for it to be retained otherwise than under or by virtue of this Order.

(6) The site operator must notify the Secretary of State when reinstatement works have been completed.