
STATUTORY INSTRUMENTS

2019 No. 1230

**The Town and Country Planning (Waterbrook
Ashford) (EU Exit) Special Development Order 2019**

Interpretation

2. For the purposes of this Order—

“ADR” means the edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road published in 2019(1);

“animal” means any vertebrate other than a human;

“Category I/II nuclear material” has the meaning given in regulation 3 of the Nuclear Industries Security Regulations 2003(2);

“Class 1 substances and articles” means substances and articles of Class 1 (explosive substances and articles) as set out in section 2.2.1 of Annex A to ADR;

“Class 4.1 substances” means substances of Class 4.1 (polymerizing substances) as set out in sections 2.2.41.1.20 and 2.2.41.1.21 of Annex A to ADR;

“CMP” means a construction management plan for the land, approved by the Secretary of State under article 5(7), which is comprised of policies and procedures in relation to—

- (a) maintaining air quality during construction works, including controlling dust;
- (b) minimising visual impact of construction works through design of structures and screening around them;
- (c) pollution control in respect of the construction works;
- (d) minimising impact of construction works on biodiversity of the land;
- (e) minimising noise and vibration of construction works and vehicles movements related to those works;
- (f) preventing surface water run-off from construction works to ground adjacent to or beneath the land;
- (g) the consideration of environmental performance when selecting vehicles, plant and machinery for the construction works;

“commencement date” means the date this Order comes into force;

“dangerous goods” means any goods classified in Class 1 to 9 in accordance with Chapter 2.2 of Annex A to ADR;

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

“hard standing” means pre-existing hard standing and new temporary hard standing, including any roads on the land;

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

(2) [S.I. 2003/403](#) as amended by [S.I. 2016/795](#).

“High Consequence Dangerous Goods” has the meaning given in section 1.10.3.1 of Annex A to ADR;

“the Map” means the map marked “Map referred to in the Town and Country Planning (Waterbrook Ashford) (EU Exit) Special Development Order 2019” a copy of which, signed by a member of the Senior Civil Service in the Ministry of Housing, Communities and Local Government, is available for inspection at—

- (a) Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF; and
- (b) Ashford Borough Council, Civic Centre, Tannery Lane, Kent, TN23 1PL;

“monitoring programme” means the policies and procedures for monitoring of goods vehicles approved by the Secretary of State as part of the OMP;

“new temporary hard standing” means the hard standing installed on the land after the commencement date;

“OMP” means an operational management plan for the land, approved by the Secretary of State under article 5(5), which is comprised of policies and procedures in relation to—

- (a) engagement with the local community and local businesses;
- (b) site rules for drivers;
- (c) dealing with adverse weather, incidents and emergency response;
- (d) managing goods vehicles carrying dangerous goods;
- (e) managing vehicles carrying a specimen of a species included in the Annex to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein;
- (f) signage for drivers of goods vehicles entering and exiting the land;
- (g) monitoring of impacts on the local road network of goods vehicles entering and exiting the land, including the methodology for the monitoring;
- (h) local employment strategy for staff and staff training;
- (i) staff travel;
- (j) managing protestors;
- (k) increasing biodiversity;
- (l) identification of the foul water sewers and surface water drainage system on the land, including the location of access to emergency stop valves, and management of those systems;
- (m) pollution prevention and control;
- (n) management of fire risks;

“parking area A” means the area shown on the Map as parking area A which is bounded externally by the outer edge of a black line;

“parking area B” means the area shown on the Map as parking area B which is bounded externally by the outer edge of a black line;

“pre-existing hard standing” means hard standing that existed on the land immediately before the commencement date;

“processing” means—

- (a) recording vehicles entering or exiting the land;
- (b) providing, reviewing and approving customs declarations in relation to vehicles;
- (c) checking and endorsing permits relating to items carried in vehicles;

- (d) examining, seizing and detaining items carried in vehicles;
- (e) inspecting vehicles for any other lawful purpose; and
- (f) checking vehicles to ensure compliance with the limitations and conditions imposed by this Order;

“site operator” means the person responsible for operations on the land;

“vehicle examiner” means an examiner appointed pursuant to section 66A of the Road Traffic Act 1988⁽³⁾.

(3) 1988 c. 53. Section 66A is inserted by section 9(1) of the Road Traffic Act 1991 (c. 40) and is amended by paragraph 11 of Schedule 7 to the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23).