

2019 No. 1231

EXITING THE EUROPEAN UNION

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Car Park D Ebbsfleet
International Station) (EU Exit) Special Development Order
2019**

Made - - - - at 1.00 p.m. on 5th September 2019

Laid before Parliament at 2.45 p.m. on 5th September 2019

Coming into force - - - - 9th September 2019

The Secretary of State, in exercise of the powers conferred by sections 59(1), (2)(a) and (3)(b) and 60(1), (1A) and (2A)(b) 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 (Car Park D Ebbsfleet International Station) (EU Exit) Special Development Order 2019 and comes into force on 9th September 2019.

(2) This Order applies to land comprising the land at Ebbsfleet International Station, Car Park D, International Way, Ebbsfleet, Kent, DA10 1EB, shown bounded externally by the outer edge of a bold red line on the Map, and referred to in this Order as “the land”.

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(b);

“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(c);

“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;

(a) 1990 c. 8. Section 59 was amended by the Growth and Infrastructure Act 2013 (c. 27), paragraph 4 of Schedule 1. 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 sections 59 and 333 which are not relevant to this Order.

(b) 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).

(c) S.I. 2003/403 as amended by S.I. 2016/795.

“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(5), 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;

“goods vehicle movement” means a goods vehicle entering or exiting the land;

“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 (Car Park D Ebbsfleet International Station) (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) Ebbsfleet Urban Development Corporation, The Observatory, Castle Hill Drive, Castle Hill, Ebbsfleet Valley, DA10 1EE;

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

“new access points” means the locations shown on the Map as proposed access point and proposed egress point;

“OMP” means an operational management plan for the land, approved by the Secretary of State under article 5(4), which is comprised of policies and procedures in relation to—

- (a) engagement with the local community and local businesses;
- (b) sites 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;

“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(a).

Temporary planning permission

3.—(1) Subject to articles 4 and 5, planning permission is granted for development on the land consisting of—

- (a) use of the land for the stationing of vehicles (in particular goods vehicles) and processing of vehicles;
- (b) use of the land for repairs to vehicles where a vehicle examiner—
 - (i) examines the vehicle on the land;
 - (ii) determines, pursuant to section 69(1) of the Road Traffic Act 1988, that owing to any defects in the vehicle it is, or is likely to become, unfit for service, and
 - (iii) prohibits the driving of the vehicle on a road;
- (c) provision of new access points to the land from International Way;
- (d) use of the new access points for vehicles to enter and exit the land;
- (e) provision on the land of new temporary structures, works, plant or machinery and lighting, including—
 - (i) for the use permitted by sub-paragraph (a), the provision of facilities for drivers, and
 - (ii) the provision of temporary structures (including portacabins) for administration and other facilities for persons processing vehicles;
- (f) resurfacing and repair of hard standing; and
- (g) repair of the foul water and surface water drainage systems.

(2) The planning permission granted by paragraph (1) ceases at the end of 31st December 2020 and immediately thereafter the land reverts to its previous lawful use.

(a) 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).

Limitations

4. Development is not permitted by article 3 for—
- (a) more than 393 goods vehicles to be stationed on the land at any time;
 - (b) more than 99 goods vehicle movements per hour between 11pm and 7am;
 - (c) the use of the land for the stationing of vehicles otherwise than as directed by a site official;
 - (d) the use of the land for the stationing of goods vehicles otherwise than on areas of hard standing;
 - (e) the use of the land for stationing of goods vehicles carrying live animals excluding—
 - (i) any animal which is 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;
 - (ii) any animal kept as a pet and carried with the driver of the vehicle;
 - (f) the use of the land for the refuelling or unloading of vehicles, other than any unloading of goods incidental to the development referred to in article 3(1) (excluding paragraphs (a) and (b)); and
 - (g) the use of the land for the stationing of goods vehicle carrying—
 - (i) Class 1 substances and articles (explosives) and Class 4.1 substances (polymerizing substances);
 - (ii) Category I/II nuclear material; and
 - (iii) High Consequence Dangerous Goods.

Conditions

- 5.—(1) Development permitted by article 3 is subject to the following conditions—
- (a) any hard standing on the land to be used for the stationing of goods vehicles (including the new access points) must be kept in good repair;
 - (b) the surface water and foul water drainage systems must be kept in good repair;
 - (c) when stationed each goods vehicle must not have its engine idling;
 - (d) during any development permitted by article 3(1)(c) and (e), which includes disturbance of any flora, an ecologist nominated by the Secretary of State must oversee the works;
 - (e) 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;
 - (f) any temporary structure must not exceed 4.5 metres in height;
 - (g) temporary structures collecting sewage that are not attached to mains sewers must be emptied regularly;
 - (h) a copy of the OMP must be kept on the land at all times and operations on the land must be managed in accordance with the OMP; and
 - (i) building works on the land must comply with the policies and procedures in the CMP.
- (2) Development permitted by article 3(1)(a) is subject to the condition that, in relation to each calendar month the land is in use, the site operator must send a monitoring report to the Secretary of State, the local highways authority and Highways England, no later than 7 working days after the end of that month, setting out the findings from the monitoring programme.
- (3) Where a monitoring report under paragraph (2) indicates an adverse impact on the immediate road network from goods vehicles using the land, the site operator must—
- (a) include in the report measures which the site operator considers would mitigate the effects of the impact and the period within which the measures could be implemented; and

- (b) where the Secretary of State notifies the site operator that the proposed measures are approved, implement the measures within that period.
- (4) Development permitted by article 3(1)(a) may not take place until the following conditions are satisfied—
- (a) the development permitted by article 3(1)(c) is completed;
 - (b) the OMP is approved in writing by the Secretary of State.
- (5) Development permitted by article 3(1)(c), (f) or (g) may not take place until the CMP is approved in writing by the Secretary of State.
- (6) Development permitted by article 3(1)(c) may not take place until the design and material specifications of the new access points are approved in writing by the Secretary of State.
- (7) As soon as reasonably practicable after the land is no longer needed for the stationing and processing of vehicles, and in any event no later than 31st March 2021, all temporary structures, plant or machinery brought on to the land on or after the commencement date pursuant to the planning permission granted under this Order must be removed, except for any structures, works, plant or machinery which the Secretary of State in writing agrees may remain.

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

Esther McVey
Minister of State

At 1.00 p.m. on 5th September 2019 Ministry for Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

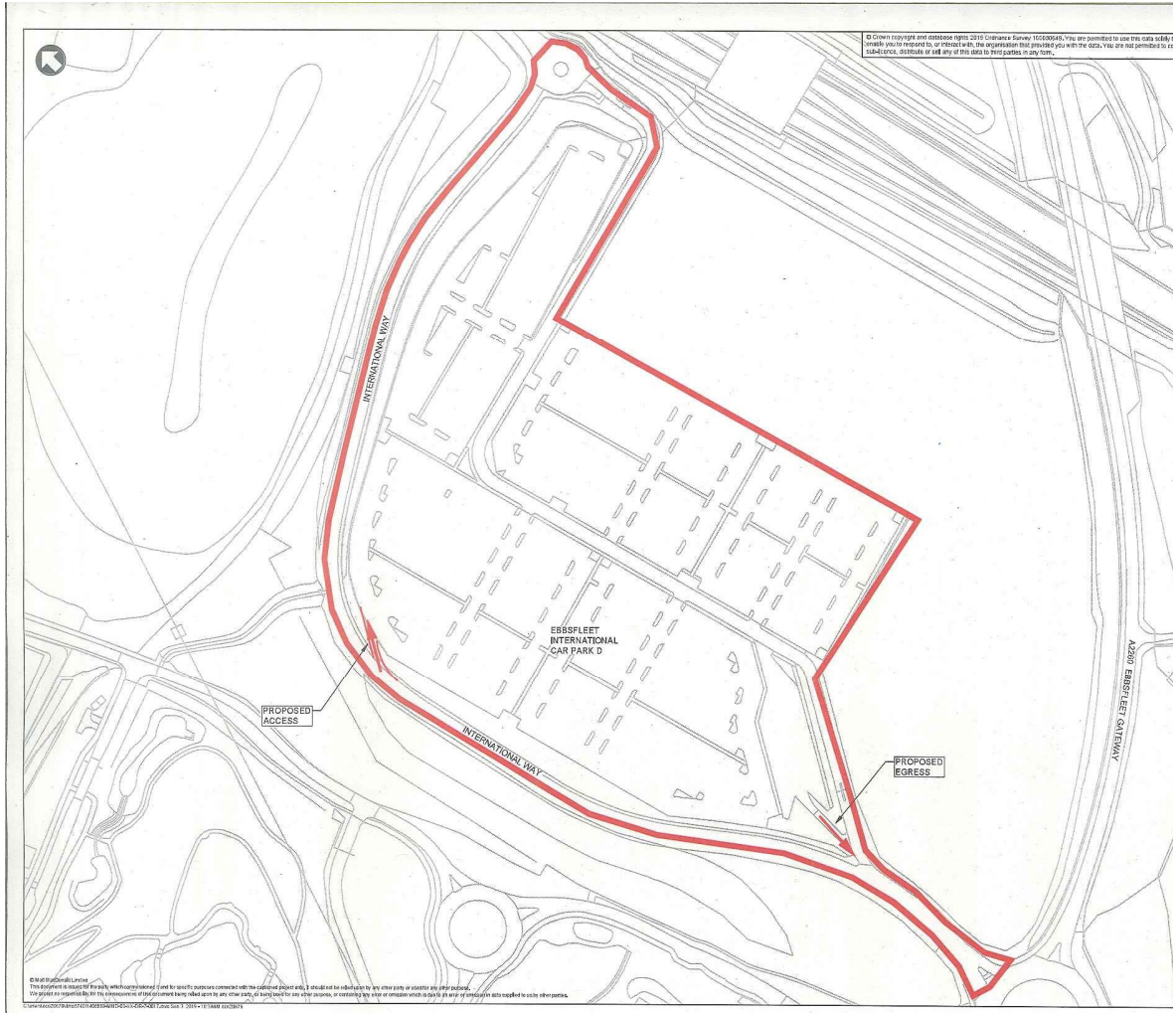
This Order grants temporary planning permission until 31st December 2020, subject to limitations and conditions, for development consisting of use of certain land on the Ebbsfleet International, Car Park D site for the stationing and processing of vehicles and the provision of temporary structures (article 3).

Article 4 sets out limitations on the development. Article 5 sets out conditions on development.

The land to which this Order applies is shown on a map, a copy of which is available for inspection at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF and Ebbsfleet Urban Development Corporation, The Observatory, Castle Hill Drive, Castle Hill, Ebbsfleet Valley, DA10 1EE.

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

For illustrative purposes only a plan of the land to which this Order applies is appended below.



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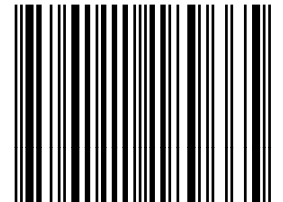
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