

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)(1);

(1) 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.

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- (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)(2);
- (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(3);
- (d) a scheduled monument, as defined in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(4);
- (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)(5), applies;
- (f) an area designated under the Ramsar Convention (as defined in section 37A of that Act)(6);
- (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)(7);
- (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)(8);
- (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)(9);
- (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)(10) 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;

(2) 1953 c. 49. Section 8C was inserted by the National Heritage Act 1983 (c.47), Schedule 4, paragraph 10.

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

(4) 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).

(5) 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.

(6) 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.

(7) 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.

(8) 1990 c. 9. There are amendments that are not relevant to this Order.

(9) 1995 c. 25.

(10) 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⁽¹¹⁾; 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⁽¹²⁾.

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.

⁽¹¹⁾ S.I. 2003/403, amended by S.I. 2016/795.

⁽¹²⁾ 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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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.

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.

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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(13)) 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(14)), 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.

(13) 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.

(14) S.I. 2015/376.

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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.

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⁽¹⁵⁾);
 - (b) a lead local flood authority (as defined in section 6(7) of the Flood and Water Management Act 2010⁽¹⁶⁾);
 - (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⁽¹⁷⁾ (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.

⁽¹⁵⁾ 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).

⁽¹⁶⁾ 2010 c. 29.

⁽¹⁷⁾ S.I. 2015/627, to which there are amendments not relevant to this Order.

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⁽¹⁸⁾ 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.
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.

⁽¹⁸⁾ 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.