
WELSH STATUTORY INSTRUMENTS

2023 No. 256

The Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023

Title, coming into force and application

1.—(1) The title of this Order is the Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023 and it comes into force on 28 March 2023.

(2) This Order applies to “the land” as defined in article 2.

Interpretation

2.—(1) In this Order—

“border department” (“*adran y ffin*”) means any of—

- (a) the Welsh Ministers;
- (b) the port health authority for the Port of Holyhead;
- (c) the Commissioners for His Majesty’s Revenue and Customs;
- (d) the Secretary of State for Business, Energy and Industrial Strategy;
- (e) the Secretary of State for Environment, Food and Rural Affairs;
- (f) the Secretary of State for Transport.

“building” (“*adeilad*”) includes any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building;

“the developable area” (“*yr ardal ddatblygadwy*”) means the area shown on the map as “Developable area” and bounded externally by the outer edge of the black dashed border;

“developer” (“*datblygwr*”) means the local authority or a border department or a person carrying out the development on behalf of a local authority or border department at the relevant time;

“development” (“*datblygu*”) has the same meaning as in section 55(1) of the Town and Country Planning Act 1990, carried out pursuant to the planning permission granted by article 3;

“emergency access road” (“*ffordd fynediad argyfwng*”) means any road from the emergency access point on the highway marked by the blue arrows on the map, to the nearest hardstanding;

“existing landscaping” (“*tirlunio presennol*”) means the existing trees and vegetation running from the south west of the boundary edge of the land to the south east of the boundary edge of the land including behind the existing pond and identified on the map—

- (a) as “Existing Landscaping to be retained”, and
- (b) shaded orange with a repeating right angle pattern;

“goods” (“*nwyddau*”) includes plants and animals;

“hard surfacing” (“*arwyneb caled*”) includes any artificial surfacing and may be permeable or impermeable as specified;

“hazardous waste” (“*gwastraff peryglus*”) has the meaning given in regulation 6 of the Hazardous Waste (Wales) Regulations 2005(1);

“the land” (“*y tir*”) means the land comprising Plot 9, Parc Cybi, Holyhead, LL65 2YQ shown bounded externally by the outer edge of a bold red line on the map;

“landscaping” (“*tirlunio*”) means—

- (a) the planting and maintenance of trees, hedges, shrubs or grass;
- (b) the formation of banks or other changes to ground levels;

“local authority” (“*awdurdod lleol*”) has the meaning given in section 336 of the Town and Country Planning Act 1990(2);

“local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given in Part 1 of the Town and Country Planning Act 1990(3);

“the map” (“*y map*”) means the map marked “Map referred to in the Town and Country Planning (North Wales Border Control Post) (EU Exit) Special Development Order 2023, drawing number: BCP22-006-05-01 revision P01.11” a copy of which, signed by a member of the Senior Civil Service in the Welsh Government Planning Directorate, is available for inspection at—

- (a) The Welsh Government, Cathays Park, Cardiff, CF10 3NQ,
- (b) www.gov.wales(4), and
- (c) Isle of Anglesey County Council, Planning and Building Control Department, Council Offices, Llangefni, Anglesey, LL77 7TW;

“new landscaping area” (“*ardal dirlunio newydd*”) means the area marked on the map as “Indicative Landscape Buffer Screening” and shaded in green with cross-hatching;

“residential receptors” (“*derbynyddion preswyl*”) means the residential dwellings at the following street addresses in Holyhead—

- (a) Kingsland Road;
- (b) Penrhyn Geiriol;
- (c) Lôn Trefignath;

“rocky outcrop” (“*brigiad creigiog*”) means the area shown on the map as “Rocky Outcrop” and shaded dark green with a repeating triangle pattern;

“site entrance” (“*mynedfa'r safle*”) means the location shown on the map as “Permissible site entrance” and by the two red arrows;

“Zone A” (“*Parth A*”) means the area shown on the map as “Zone A – 23m” and shaded purple with a repeating wave pattern;

“Zone B” (“*Parth B*”) means the area shown on the map as “Zone B – 33m” and shaded light green with a repeating diagonal line pattern.

(2) Any reference in this Order to the height of a building is a reference to its height when measured from ordnance datum.

(3) Any reference in this Order to a measurement from a boundary is a reference to a linear measurement that is perpendicular to any point on the boundary in question.

(1) S.I. 2005/1806 (W. 138), amended by S.I. 2015/1417 (W. 141) and S.I. 2020/1339 (W. 296).

(2) Section 336 was amended by section 78 of, and paragraph 32(13) of Schedule 10 to, the Environment Act 1995 (c. 25), section 117(1) of, and paragraph 9 of Schedule 13 to, the Local Government Finance Act 1992 (c. 14) and section 53(1) of, and paragraph 72 of Schedule 1 to, the Fire and Rescue Services Act 2004 (c. 21). There are other amendments but none are relevant.

(3) Section 1(1B) was inserted by section 18 of the Local Government (Wales) Act 1994 (c. 19). Section 4A was inserted by section 67(1) of the Environment Act 1995 (c. 25).

(4) <https://www.gov.wales/special-development-order-holyhead-border-control-post>.

(4) Any reference in this Order to noise limits not exceeding specified decibels (dB) is a reference to the time averaged A-weighted sound pressure level for a one-hour time interval (LAeq, 1hr).

Grant of planning permission

3.—(1) Subject to articles 4 and 5, planning permission is granted for—

- (a) the making of a material change of use of the land for the purpose of, or in connection with—
 - (i) any activity that forms part of, or is incidental to, functions required to be carried out by or on behalf of a border department in connection with vehicles and goods entering or exiting, or that are about to enter or exit, Great Britain via the Port of Holyhead including—
 - (aa) recording vehicles entering or exiting the developable area;
 - (bb) providing, renewing, checking, endorsing and approving customs declarations, permits and other documents relating to vehicles and goods;
 - (cc) examining, seizing and detaining goods;
 - (dd) inspecting vehicles and goods for any other lawful purpose;
 - (ee) storing or holding goods carried in vehicles;
 - (ff) checking vehicles,
 - (ii) the associated stationing of vehicles and any matter ancillary to it, including emergency repairs to vehicles, and
 - (iii) parking operated by or on behalf of the Welsh Ministers or the local authority, for up to 60 heavy goods vehicles;
- (b) in the developable area, the construction, installation, provision, operation, maintenance, improvement or alteration, decommissioning or removal of any buildings and hard surfacing, and the carrying out of any works and changes to ground levels, required or provided in connection with the use of the land pursuant to sub-paragraph (a), including but not limited to the provision of—
 - (i) facilities for drivers of vehicles;
 - (ii) facilities for persons engaged in any activity permitted by sub-paragraph (a);
 - (iii) security and reception facilities;
 - (iv) roads and other means of access;
 - (v) any main, pipe, cable or other apparatus for the provision of water, gas, electricity or other services;
 - (vi) any foul water and surface water drainage systems including culverts, ditches, swales and ponds;
 - (vii) hard surfacing;
 - (viii) lighting;
 - (ix) fencing;
 - (x) signs;
 - (xi) landscaping;
 - (xii) noise mitigation measures;
 - (xiii) charging points and renewable energy generating equipment;
 - (xiv) parking operated by or on behalf of the Welsh Ministers or the local authority, for up to 60 heavy goods vehicles;

- (c) in the area between the boundary of the developable area and the boundary of the land—
 - (i) landscaping;
 - (ii) fencing, except noise attenuation fencing;
 - (iii) waste management and drainage;which is ancillary to the activities in sub-paragraphs (a) and (b).

(2) The Town and Country Planning (General Permitted Development) Order 1995⁽⁵⁾ applies to the land—

- (a) except the rocky outcrop, but
- (b) if there is a conflict between this Order and any development permitted by that Order, the provisions of this Order apply.

Limitation

- 4. Development is not permitted within the rocky outcrop.

Conditions

5.—(1) Development authorised by article 3 is subject to the conditions in the Schedule.

(2) The conditions in Part 2 of the Schedule must be complied with before any use permitted by article 3(1)(a)(i) begins.

Relevant approval

6.—(1) Where a condition provides for a “relevant approval” this means an approval given by the local planning authority in writing.

(2) Where the local planning authority is in receipt of a request for a relevant approval and it considers it has not been provided with sufficient information to determine whether to give the relevant approval, it must notify the applicant of the further information or documents that it requires.

(3) The local planning authority may grant the relevant approval unconditionally or subject to conditions and the development must be carried out in accordance with any conditions specified.

2 March 2023

Julie James
The Minister for Climate Change, one of the
Welsh Ministers