EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (ENTERTAINMENT RESORT COMPLEX, BEDFORD) SPECIAL DEVELOPMENT (NO. 2) ORDER 2025

2025 No. 1322

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government (MHCLG) and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Steve Reed OBE MP, Secretary of State for Housing Communities and Local Government (SSHCLG), confirms that this Explanatory Memorandum meets the required standard.

2.2 Joanna Averley, Chief Planner at MHCLG, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Michael Salmon, Head of Planning Response Unit at MHCLG, can be contacted by email at the following address with any queries regarding the instrument: PlanningResponseUnitSM@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument revokes and replaces the Town and Country Planning (Entertainment Resort Complex, Bedford) Special Development Order 2025 that provides that it will come into force on 2 January 2026. The instrument is otherwise materially the same as the one it revokes and replaces, but changes have been made to rectify typographical errors and other defects. The decision to revoke and replace the earlier instrument and make this new one, is for transparency, to assist users of the legislation, and to give Parliament the full 21 days to consider the instrument (with the exception of the provision revoking the earlier instrument).

4.2 The instrument grants planning permission (subject to conditions and limitations) for an Entertainment Resort Complex (ERC) and associated development at the former brickworks and neighbouring land at Kempston Hardwick, Bedford ('the site'). The site is around 268 hectares, and the proposal includes theme park(s), visitor accommodation, retail, dining, sports and conference facilities and associated landscaping and utility infrastructure. It also provides improvements to the travel network including new entrances and exits from the A421, a bigger train station on the Thameslink / Midland Main Line at Wixams, and upgrades to Manor Road and other local roads.

Where does the legislation extend to, and apply?

4.3 The extent of the instrument (that is, the jurisdiction(s) to which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of the instrument (that is, where the instrument produces a practical effect) is England. Specifically, it applies to land at the former brickworks site and adjoining land, Kempston Hardwick, Bedford specified by reference to a publicly available map.

5. Policy Context

What is being done and why?

5.1 The construction and operation of an ERC and associated development constitute 'development' under the definition in section 55 of the Town and Country Planning Act 1990 (the Act) and as such require planning permission. On 26 June 2025, Universal Destinations & Experiences (UDX) asked SSHCLG to grant planning permission for its proposed ERC and that this be done by making a Special Development Order (SDO) under section 59 of the Act.

What was the previous policy, how is this different?

5.2 There is no published policy in relation to the use of the SDO power. Each case is determined on its individual merits. The nature of the proposal raised issues of more than local significance such that determination by SSHCLG was appropriate. The SDO power is available to grant planning permission and was considered appropriate in this case.

5.3 The ERC would accommodate at least 8.5 million visitors a year and serve a domestic and international market. While there are several theme parks in the United Kingdom, there is nothing on the scale of the proposed development. The nearest similar development is Disneyland Paris.

5.4 The theme park market is a global one. It is dominated by the United States and Asia which together account for 9 of the top 10, and 21 of the top 25, most-attended theme parks in the world.[1]

5.5 UDX is a major global theme park operator. UDX identified a commercial opportunity to provide a significant tourism attraction to serve the UK and European markets. UDX has concluded that the site best meets its requirements for doing so. The development supports the government's economic objectives and represents a significant international direct investment.

5.6 In November 2024, the government announced its commitment to increase visitor numbers to the United Kingdom (UK) and improve overall visitor experience. Its ambition is for the UK to attract 50 million international visitors per year by 2030. Additionally, the government's Creative Industries Sector Plan (June 2025) recognised the contribution of the creative industries to growing the UK economy and attracting investment.[2] The ERC proposals would contribute to this.

5.7 The government's National Planning Policy Framework states that planning decisions should create the conditions in which businesses can invest, expand and adapt.

[1] 2023 'TEA/AECOM Theme Index and Museum Index: The Global Attractions Attendance Report'. AECOM-Theme-Index-2023.pdf

[2] UK Government 'The UK's Modern Industrial Strategy: Creative Industries Sector Plan,' 23 June 2025. The UK's Modern Industrial Strategy - CREATIVE INDUSTRIES Sector Plan

Additionally, significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

6. Legislative and Legal Context

How has the law changed?

6.1 There is no change in the law as it applies generally. The instrument grants planning permission through secondary legislation that applies only to the site. As the ERC will evolve over time, the permission granted is for classes of development, rather than on a one-off basis for particular development described by reference to specified plans and drawings. The classes of development for which permission is granted cover the range of facilities that comprise the ERC and associated infrastructure. The instrument, however, requires the SSHCLG's validation, or approval, of various documents before certain development can be carried out. For example, no construction can take place, except for some preliminary works, until a Construction and Environmental Management Plan (CEMP) for the relevant activity has been approved. In addition, the SSHCLG's approval of masterplans or detailed designs relating to the development that is covered by the SDO is required in many cases, with certain exceptions. The most significant exception to this is the design of an inner core zone where the instrument provides for greater freedom to create and refresh the immersive environments characteristic of theme parks. Development in this zone is controlled by design and height parameters and other controls set out in the conditions attached to the grant of planning permission.

6.2 Finally, the instrument states how the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) are to be applied to the site. The GPDO is a national grant of planning permission in the form of permitted development rights for specified classes of development. The DMPO, amongst other things, sets out the steps local planning authorities must take with regard to the processing and administration of planning applications. The GPDO will continue to apply to the site in respect of development begun before the instrument was made and other development that is not functionally associated with the ERC. The DMPO will continue to apply to development on the site that is not authorised by the instrument.

Why was this approach taken to change the law?

6.3 There are several ways of granting planning permission. Some involve legislation, others an administrative application under the Act. SDOs are an established part of the planning system and allow His Majesty's Principal Secretaries of State to grant planning permission by secondary legislation.

6.4 The use of an SDO in this case allows planning permission to be granted directly by SSHCLG for this particular location on an enduring basis for classes of development that are of more than local importance. At the same time, conditions in the SDO enable SSHCLG to ensure the development is appropriate in the local context.

7. Consultation

Summary of consultation outcome and methodology

7.1 Public consultation took place from 3 July 2025 for 8 weeks. The plans, drawings, Environmental Statement (ES) and other documents that accompanied the request for

planning permission were published on Gov.uk and made available at local and national offices for in-person viewing and consideration. Representations were invited from the public as well as specific individuals and organisations notified directly by MHCLG. Those notified included statutory bodies, landowners and occupiers of property on, and next to, the site, railway operators, and interested or affected parties.

7.2 Just over 500 representations were received by the close of the consultation period; late representations were received and also considered. Most of the representations (circa 80%) were submitted via an online Citizen Space survey. Of the circa 400 Citizen Space survey responses, around 75% supported the development, around 16% objected, the rest were neutral. Two-thirds of online respondents said they lived locally.

7.3 The key points made in support of the development related to the potential economic benefits for the local area, local job creation, and the environmental initiatives proposed by UDX. The latter include the provision of over 49 hectares of new or enhanced habitats.

7.4 Of the concerns raised about the development, several related to additional traffic on the road network during construction and operation of the ERC. The development would include infrastructure improvements such as direct access to the A421, and National Highways, which is responsible for the Strategic Highway Network, were satisfied that increased traffic could be accommodated. Nevertheless, conditions attached to the planning permission require certain infrastructure to be in place before the ERC opens and for traffic levels to be monitored at certain points on the road network.

7.5 Conditions are also attached to the planning permission to manage construction traffic. These require, for example, deliveries to be managed to avoid peak traffic on the local road network, routes taken by construction traffic to be agreed in advance and compliance monitored. Improvements are required to be made to certain roads and junctions before they are used by construction traffic.

7.6 Consultation responses raised the potential impact of noise, vibration, and light pollution on residents in the surrounding area, as well as the impact that the height of the proposed buildings and structures could have on privacy. Adverse effects for some living closest to the development are likely, but not enough to disturb sleep, harm health, affect privacy or unreasonably block light to homes. Conditions have been attached to the planning permission that seek to reduce these effects as far as practicable by setting noise limits that must be monitored and adhered to, by requiring the development be designed to meet height limits, and through controls on lighting.

7.7 Statutory environmental bodies were consulted. Natural England and the Environment Agency raised no objections. The latter did recommend conditions be considered to, for example, secure an updated flood risk assessment, address the potential risk of contamination of watercourses (for example, from fire at battery energy storage systems), and to ensure watercourses remain suitable for fish and other aquatic wildlife. Conditions have been attached addressing these points.

8. Applicable Guidance

8.1 Not relevant.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for the instrument because it does not regulate business activity.

9.2 The development is identified as 'Environmental Impact Assessment (EIA) development' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is because it is likely to have significant effects on the environment. The request for planning permission was accompanied by an Environmental Statement (ES) and other documents. These documents set out UDX's assessment of the impact of the ERC on, for example, the environment, and the socio-economic impact of the ERC including on town centres in the area. These documents were published by MHCLG as part of the consultation for public consideration.

9.3 SSHCLG took the decision to grant planning permission having first considered the significant effects of the proposed development on the environment and its planning merits. All relevant regulations (including his public sector equality duties under section 149 of the Equality Act 2010) and relevant material planning considerations were examined. This included the economic and social impacts of the development. The conditions attached to the grant of planning permission are those necessary to make the development acceptable in planning terms.

Impact on businesses, charities and voluntary bodies

9.4 There is no, or no significant, impact on business, charities or voluntary bodies.

9.5 Concerns raised in representations from businesses, particularly those located close to the site, included that proposed works on Manor Road may cause additional traffic delays, and that the construction works would result in dust transference. The inconvenience of the works, however, would be temporary. In the long term, highway circulation for business would be improved by road improvements associated with the development, which include new through routes. The requirement for CEMPs (that must incorporate measures relating to construction traffic management and the control of dust levels) should mitigate any residual impact during construction and also alleviate any dust transference. The relevant highway authorities were content that the ERC would not have an unacceptable effect on the highway network.

9.6 The benefits to the local, regional and national economy and business were raised by consultees, including Bedford Borough Council (the administrative area in which the site is located). UDX, in its ES, estimated that the ERC would create around 8,000 jobs (5,950 full time equivalents) in its opening year (2031) and deliver a net additional Gross Value Added (GVA) to the administrative areas of Bedford Borough Council and Central Bedfordshire Council of £450m in 2031.

9.7 There is no, or no significant, impact on small or micro businesses.

9.8 There is no, or no significant, impact on the public sector. The regulatory requirement for planning permission to be sought is not a new requirement. In this instance, UDX sought permission from SSHCLG, as Parliament has granted the SSHCLG the power to make planning decisions such as these. The development is subject to conditions imposed by the planning permission granted by the instrument, which are necessary, proportionate, and tailored to making sure that the development is acceptable in planning terms and in the public interest.

9.9 Any potential pressure on local services, including emergency services, would arise during construction of the ERC with an influx of construction workers, and during its operation with large numbers of visitors. The ERC would, however, include a health centre and first aid services to minimise the impact on local health services. Robust security measures (such as screening guests on entry) must be incorporated into the ERC design. Conditions attached to the planning permission secure these services and measures before visitor entertainment and hospitality facilities can be opened to the public. Overall, the effects on emergency and local services in the area, both during construction and operation, were not deemed significant.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is secured through conditions attached to the planning permission. Officials from MHCLG will arrange periodic spot checks to establish that the activity on the site accords with the provisions of the instrument.

10.2 The instrument does not include a statutory review clause as it does not regulate business or voluntary and community bodies.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 In order to comply with the 21-day convention the instrument should come into force no earlier than 6 January 2026. Given, however, that it is undesirable to bring a defective instrument into force for a period before it is replaced, the instrument revokes the earlier instrument before it comes into force. In order to achieve that, the revoking provision in the instrument comes into force earlier than the rest of the instrument, which involves a breach of the 21-day convention. SSHCLG takes very seriously his undertaking that Parliament is given sufficient time to consider secondary legislation before it comes into effect and regrets the breach of the convention on this occasion but took the view that this was the more appropriate course of action in all the circumstances.

11.2 The instrument addresses errors in the instrument that it revokes and replaces. While the instrument revokes and replaces the Town and Country Planning (Entertainment Resort Complex, Bedford) Special Development Order 2025 before that instrument comes into force, the SSHCLG considered it appropriate (after consulting the Statutory Instruments Registrar) to use the free issue procedure.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 The instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).