STATUTORY INSTRUMENTS

2025 No. 1315

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Entertainment Resort Complex, Bedford) Special Development Order 2025

Made - - - -	*10th December 2025*
Laid before Parliament	*16th December 2025*
Coming into force	*2nd January 2026*

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The Secretary of State for Housing, Communities and Local Government makes this Order in exercise of the powers conferred by sections 59(1), (2)(a) and (3)(b) and 60(1), (1A) and (2A) of the Town and Country Planning Act 1990(**a**).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Town and Country Planning (Entertainment Resort Complex, Bedford) Special Development Order 2025.

(2) This Order comes into force on 2nd January 2026.

(3) This Order extends to England and Wales.

(4) This Order applies to the land at and adjoining the former brickworks at Kempston Hardwick, Bedford, which is shown on the Map bounded externally by the outer edge of a bold red line, excluding the part of that land which is shown hatched red on the Map.

Interpretation

2.—(1) In this Order—

"the access and roadways plan" means reference document 5 (parameter plan – access and roadways);

"active travel route" means a route for people walking, wheeling or cycling;

"affiliate", in relation to an undertaking, means an undertaking that—

(a) is one of its group undertakings, as defined in section 1161(5) of the Companies Act 2006(**b**), or would be one of its group undertakings as so defined but for the fact that shares owned by an undertaking are registered in the name of—

(i) a nominee or other person acting on behalf of that undertaking, or

(ii) another person by way of security over those shares, or

(b) is one of its associates, as defined in section 435 of the Insolvency Act 1986(**c**);

"AGL" means above ground level, and in references to the height of a work refers to its height as measured from—

(a) the level of the surface of the ground adjoining it;

(b) if the level of the surface of the ground where it is situated or proposed to be situated is not uniform, the level of the highest part of the surface of the ground adjoining it;

"AOD" means above ordnance datum, and in references to the height of a work, means its height as measured from Ordnance Datum Newlyn(**d**);

"archaeological work" means—

(a) surveys to identify items of archaeological interest in, on, under or over the Order land;

(**a**) 1990 c. 8. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152(1) of the Housing and Planning Act 2016 (c. 22). There are other amending instruments but none is relevant.

(**b**) 2006 c. 46.

(**c**) 1986 c. 45, amended by the Civil Partnership Act 2004 (c. 33), schedule 27, paragraph 122, and S.I. 2005/3129, 2009/1941 and 2016/1034.

(**d**) Ordnance Datum Newlyn forms the reference frame for heights above mean sea level (orthometric heights) in Great Britain. See further Ordnance Survey, *A Guide to Coordinate Systems in Great Britain* (2020), section 5.3, available at https://www.ordnancesurvey.co.uk/documents/resources/guide-coordinate-systems-great-britain.pdf.

(b) investigation, excavation and preservation of items identified by such surveys, to the extent that such activities take place in, on, under or over the Order land;

(c) removal of such items from the Order land;

"attraction overlay" means any element of a work that—

(a) is not designed to be accessible to, or accessed by, visitors, except in so far as they are conveyed through or by it during the operation of a ride or other attraction,

(b) serves—

(i) a purpose that is wholly decorative, such as is served by towers, spires, monuments, flagpoles, domes, cupolas or other forms of ornamentation on buildings, or

(ii) a functional purpose, such as is served by—

(aa) cornices, eaves, gutters or skylights,

(bb) plant and equipment such as cranes mounted on a building or structure,

(cc) equipment required to operate or maintain a building or structure, such as fire or parapet walls, roof structures for housing lifts, stairways, tanks, ventilating fans, or solar panels, or

(dd) tracks or other structural components integral to the entertainment purpose of an amusement ride, and

(c) does not provide accommodation or other habitable space for any person, except to accommodate or shelter construction workers as they carry out construction work;

"authorised work" means any work that results, or will result, from authorised development;

"authorised development" means development(**a**) for which planning permission is granted under article 4 (grant of planning permission);

"body of surface water" has the meaning given in paragraph 1(2) of Schedule 1 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(**b**);

"camp site" means an area equipped—

(a) to accommodate tents, caravans and mobile homes;

(b) with washing and other facilities for people staying in tents, caravans and mobile homes;

"charge point" has the meaning given in section 9(1)(a) of the Automated and Electric Vehicles Act 2018(**c**);

"class" has the meaning given in paragraph (4);

"construction work" means, unless otherwise indicated, any of the following categories of work, carried out in, on, under or over land, whether on a temporary or permanent, one-off or repeated basis—

(a) the carrying out of any of the activities listed in sub-paragraph (i) in relation to any of the things listed in sub-paragraph (ii)—

(i) erection, construction, delivery, installation, placing, laying down, provision, diversion, relocation, connection, disconnection, reconnection, protection, extension, expansion, inspection, maintenance, repair, reconstruction, refurbishment, replacement, reinstatement, improvement, adjustment, alteration, realignment, decommissioning, clearance, demolition or removal;

(**a**) "Development" is defined in section 55 of the Town and Country Planning Act 1990 (c. 8), which was amended by sections 13(1) and (2), 14 and 31(4) of, and paragraph 9 of Schedule 6 to, the Planning and Compensation Act 1991 (c. 34); by sections 118(1) and 120 of, and paragraphs 1 and 2 of Schedule 6 to, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 34), and by S.I. 1999/293. There are other amending instruments but none is relevant.

(**b**) S.I. 2017/407. Schedule 1 was amended by S.I. 2019/558 and 2025/82; there are other amending instruments but none is relevant.

(**c**) 2018 c. 18.

(ii) the whole, or part of, a building, structure, services, plant, equipment, machinery, sewer, main, drain, pipe, conduit, cable, pump, lighting, fencing or other boundary treatment, apparatus or infrastructure or other work;

(b) excavation, including horizontal directional drilling, but excluding mining operations;

(c) soil and spoil storage and removal;

(d) preliminary works;

(e) remediation works;

(f) earthworks, including—

(i) mass grading and other works to raise, lower or otherwise alter the topography or shape the surface of the Order land;

(ii) construction of bunds, embankments, retaining structures or other works to stabilise or make secure land, or buildings or structures in, on under or over land;

(g) laying down of construction access roads and tracks, ramps, means of access, footpaths, or crossings of watercourses or roads;

(h) provision of noise attenuation measures;

(i) provision of infrastructure and carrying out of other works, in relation to water, including in relation to—

(i) water quality;

(ii) water supply, including irrigation;

(iii) watercourses and other bodies of surface water;

(iv) foul water and surface water management, including sustainable drainage systems and other drainage infrastructure, attenuation, culverting and outfalls;

(j) preparation and storage of concrete and other materials for use in construction;

(k) provision of—

(i) cement, rock, limestone and brick crushing and grinding facilities;

(ii) vehicle parking and staging areas;

(iii) site security and access control measures, including turnstile structures, gates and other ancillary infrastructure;

(iv) waste storage, recycling and refuse collection facilities;

"construction worker accommodation" means a building or structure on the Order land that is constructed or installed for construction workers to stay in on a temporary basis while they are spending time away from their usual residence to carry out authorised development;

"construction worker" means an individual carrying out or managing construction work in relation to authorised works;

"controlling document" means a submission document—

(a) which the Secretary of State has endorsed under article 6 (endorsement of submission documents), and

(b) which has effect, pursuant to a notice given under article 6(4), as described in article 6(5);

"the Core Zone" means the area shaded pink on the zonal plan;

"dwelling" means a building comprising—

(a) a house that provides the facilities required for day-to-day private domestic existence, or

(b) one or more flats, each of which provides such facilities;

"the East Gateway Zone" means the area shaded green on the zonal plan;

"the EIA Regulations" means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(**a**);

"endorse" means to give endorsement in respect of a document, modification, or information;

"endorsement" means—

(a) in relation to a submission document, the Secretary of State's—

(i) approval of that document, if it was submitted for approval, or

(ii) validation of that document, if it was submitted for validation,

under a Schedule 3 condition or endorsement condition;

(b) in relation to a modification of a controlling document, the Secretary of State's—

(i) approval of that modification, where the submission document that became that controlling document was submitted for approval, or

(ii) validation of that modification, where the submission document that became that controlling document was submitted for validation,

under a Schedule 3 condition or endorsement condition;

(c) in relation to a modification of a reference document, the Secretary of State's approval of that modification;

(d) in relation to any document or information required to be submitted for approval or validation by the Secretary of State, pursuant to—

(i) a controlling document or reference document, or

(ii) an endorsement condition,

the Secretary of State's approval or validation of that document or information, as the case may be,

"endorsement condition" means a condition or limitation subject to which the Secretary of State gives an endorsement;

"environmental pollution" has the meaning given in section 1(2) of the Pollution Prevention and Control Act 1999(**b**);

"entertainment resort complex" means a theme park and associated facilities and infrastructure that are designed, and constructed so as to provide, as a whole, an immersive entertainment and leisure experience and self-contained holiday destination;

"the Environmental Statement" means the documents specified in paragraphs 3.3 to 3.6 of reference document 18 (guide to the planning proposal), as they were submitted to the Secretary of State on 26th June 2025 and published by the Secretary of State on 3rd July 2025(**c**), disregarding the effect of any subsequent modification of any such document under article 7 (modification of reference documents, controlling documents and endorsement conditions);

"the ERC" means the entertainment resort complex, comprising authorised works, that is developed, or proposed to be developed, in, on, under or over the ERC area;

"the ERC area" means that part of the Order land comprising—

(a) the land shaded pink on the ERC plan, and

(b) the land comprised in each ERC expansion area;

"ERC expansion area" means any of ERC expansion area A, ERC expansion area B, ERC expansion area C, and ERC expansion area D;

"ERC expansion area A" means the land shaded blue on the ERC plan;

(**a**) S.I. 2017/571, amended by S.I. 2017/1012, 2018/575, 2018/695, 2018/834, 2018/1232, 2020/505, 2020/904, 2025/82, 2025/412.

(**b**) 1999 c. 24, amended by S.I. 2018/942.

(**c**) The Environmental Statement and other documents were published at https://www.gov.uk/government/collections/request-for-planning-permission-entertainment-resort-complex-bedford.

"ERC expansion area B" means the land shaded orange on the ERC plan;

"ERC expansion area C" means the land shaded green on the ERC plan;

"ERC expansion area D" means the land shaded purple on the ERC plan;

"the ERC plan" means reference document 4 (parameter plan – entertainment resort complex land use plan);

"European site" has the meaning given in regulation 8 of the Habitats Regulations;

"existing" means, except as provided otherwise, in relation to the whole or part of any—

(a) work, or

(b) tree or other vegetation,

in relation to which authorised development is carried out or is proposed to be carried out, that it exists on the Order land at the date on which the first material operation comprised in that authorised development begins;

"functionally associated" has the meaning given in article 4(4) (grant of planning permission);

"gas" has the meaning given in section 48(1) of the Gas Act 1986(**a**);

"grade separated crossing" means a configuration of structures or works where one transport route, such as a road or railway, crosses over another;

"Habitats Regulations" means the Conservation of Habitats and Species Regulations 2017(**b**);

"hazardous" in relation to a substance, means that it has the potential to cause environmental pollution;

"highway authority" has meaning given in section 1 of the Highways Act 1980(**c**);

"Kempston Hardwick station" means the railway station on the Marston Vale Line(**d**) in the vicinity of Kempston Hardwick;

"the Lake Zone" means the area shaded yellow on the zonal plan;

"the Map" means reference document 1 (site location plan);

"mass grading" means the process of reshaping land to achieve a desired elevation and slope, for the purposes of ensuring a stable and level foundation for other construction work;

"modification" means, in relation to a controlling document, reference document or endorsement condition, an amendment, variation or replacement of that controlling document, reference document or endorsement condition;

"modify" means, in relation to a controlling document, reference document or endorsement condition, to amend, vary or replace that controlling document, reference document or endorsement condition;

"motor vehicle" has the meaning given in section 185(1) of the Road Traffic Act 1988(**e**);

"new" means, in relation to any work in relation to which authorised development is carried out or is proposed to be carried out, that it does not exist on the Order land as the result of development at the date on which the first material operation comprised in that authorised development begins;

"occupy" means, in relation to any authorised work, to use it, as a visitor, for the purpose for which it is erected, installed or otherwise provided, and "occupation" is to be construed accordingly;

(**a**) 1986 c. 44.

(**b**) S.I. 2017/1012, amended by S.I. 2018/1307, 2019/295, 2019/579, 2019/1354, 2020/94, 2021/77, 2022/858, 2025/412, by the Environment Act 2021 (c. 30), section 111(6), and by the Levelling-up and Regeneration Act 2023 (c. 55), section 101 and Schedule 8, paragraphs 37 to 40, section 106(3) and Schedule 9, paragraph 4, and section 169 and Schedule 15.

(**c**) 1980 c. 66, amended by the Local Government Act 1985 (c. 51), section 8 and Schedule 4, paragraph 1, the New Roads and Street Works Act 1991 (c. 22), section 21(2), and the Infrastructure Act 2015 (c. 7), section 1(6) and Schedule 1, paragraphs 1 and 2.

(**d**) The railway line that runs between Bletchley and Bedford.

(**e**) 1988 c. 52.

"the Order land" means the land to which this Order applies, as described in article 1(4) (citation, commencement, extent and application);

"OS plan" means a plan based on the latest Ordnance Survey map of the Order land, drawn to an identified scale and showing the direction of North;

"preliminary works" means—

(a) environmental surveys and monitoring, ecological habitat creation, and measures for species relocation;

(b) surveys of existing infrastructure;

(c) investigations for the purpose of—

(i) assessing or monitoring ground conditions and levels, or

(ii) identifying the presence, or determining the likely location or nature of any environmental pollution, or any substance in, on, under or over land, whose presence may give rise to a relevant contamination risk,

including by carrying out geotechnical, soil, or other surveys, trenching, or drilling of boreholes;

(d) archaeological work;

(e) vegetation clearance;

(f) erection, provision or installation of—

(i) compounds, hoardings, screening, gates and other means of enclosure, including for the purposes of providing security or storage for materials, plant or equipment;

(ii) lighting and other plant or equipment;

(iii) structures for displaying signs, notices or information;

(iv) other facilities or infrastructure, including access routes, for the use of construction workers, vehicles, plant and equipment,

in so far as those structures, facilities or infrastructure relate to, those construction workers are carrying out, and those materials, vehicles, plant and equipment are used for, works within paragraphs (a) to (e);

"public road" means—

(a) an existing road—

(i) in respect of which a strategic highways company is the highway authority;

(ii) which is adopted by a highway authority other than a strategic highways company;

(iii) which does not fall within sub-paragraph (i) or (ii), but over which the public has a right to pass and repass at any time (unless, and to the extent that, its closure is authorised by an enactment),

including any active travel route or proposed active travel route associated with such an existing road, or

(b) a roadway link whose approximate location is marked on the access and roadways plan, and—

(i) in respect of which a strategic highways company is or will be the highway authority;

(ii) which is adopted by a highway authority other than a strategic highways company, or which such a highway authority has agreed to adopt;

(iii) which does not, or may not, fall within sub-paragraph (i) or (ii), but over which, if it does not, the site controller proposes that the public will have a right to pass and repass at any time (unless, and to the extent that, its closure is authorised by an enactment),

including any active travel route or proposed active travel route associated with such a roadway link;

"railway" has the meaning given in section 67(1) of the Transport and Works Act 1992(**a**);

"reference document" means a document that—

(a) was submitted to the Secretary of State before the making of this Order, and

(b) is listed in Schedule 1 (reference documents);

"relevant contamination risk" means a risk that arises in respect of the carrying out of construction work on part of the Order land, where the carrying out of that construction work will cause significant harm or significant pollution, or a significant possibility of significant harm or significant pollution;

"remediation works" includes any work required to remediate or decontaminate land, including the removal of hazardous substances from it;

"Schedule 3 condition" means a condition or limitation set out in Schedule 3 (conditions and limitations);

"significant harm" means harm, as defined in section 78A(4) of the Environmental Protection Act 1990(**b**), that is significant, within the meaning of 78A(5) of that Act;

"significant pollution" means pollution of controlled waters, as defined in section 78A(9) of the Environmental Protection Act 1990, that is significant, within the meaning of 78A(5) of that Act;

"significant possibility", in relation to significant harm or significant pollution, has the meaning given in 78A(5) of the Environmental Protection Act 1990;

"site controller" means the undertaking designated as such from time to time under condition 3 (designation of site controller and appointment of principal representative);

"staff member" means—

(a) an officer or employee of the site controller or any of its affiliates, or

(b) another individual—

(i) operating or managing the ERC, or

(ii) otherwise providing services to visitors in the ERC

with the consent of the site controller;

"strategic highways company" means a company for the time being appointed as such under section 1 of the Infrastructure Act 2015(**c**);

"submission document" means a document or information that a Schedule 3 condition or an endorsement condition requires the site controller to "submit" to the Secretary of State for approval or validation, but does not include any document that a provision of this Order requires the site controller to "give" or "provide" to the Secretary of State, or to attach or include with such a document when giving or providing it to the Secretary of State;

"transport hub" means a work constructed to facilitate—

(a) the movement of people between one mode of transport and another;

(b) their waiting for transport services;

"undertaking" has the meaning given by section 1161(1) of the Companies Act 2006(**d**);

"utility compound" has the meaning given in condition 42(1) (class 4 authorised works);

"validation" means, in relation to a submission document, the Secretary of State's—

(a) review of it to ascertain whether it has been prepared in accordance with each Schedule 3 condition and endorsement condition that applies to it, and

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(**a**) 1992 c. 42.

(**b**) 1990 c. 43. Section 78A was inserted by the Environment Act 1995 (c. 25), section 57 and amended by the Water Act 2003 (c. 37), section 86(1) and (2); there are other amending instruments but none is relevant.

(**c**) 2015 c. 7; Highways England Company Limited (registered company number 09346363) was appointed by S.I. 2015/376, which was amended by S.I. 2023/677 to change that name to National Highways Limited.

(**d**) 2006 c. 46.

(b) confirmation that it has been so prepared;

"visitor" means a person who lawfully visits an authorised work otherwise than as a worker;

"watercourse" has the meaning given by section 72(1) of the Land Drainage Act 1991(**a**);

"the West Gateway Zone" means the area shaded blue on the zonal plan;

"Wixams station" means the railway station constructed, or proposed to be constructed, on the Midland Main Line(**b**) in the vicinity of Wixams;

"work" means any building, structure, facility, infrastructure (including a road), space or other work or thing that results from development in, on, under or over land;

"worker" means any—

(a) construction worker,

(b) staff member, or

(c) other individual who is present on the Order land—

(i) to supply goods or services in connection with authorised development or the operation of authorised works, including conveying, or assisting in the conveyance of, visitors to and from the ERC, or

(ii) in connection with the performance of a function conferred by or under an enactment;

"the zonal plan" means reference document 3 (zonal plan).

(2) Unless otherwise specified, a reference in this Order to a document that is a reference document or controlling document is, at any given time, a reference to that document, as modified by any modification of it which, at that time—

(a) the Secretary of State has endorsed under article 7 (modification of reference documents, controlling documents and endorsement conditions), and

(b) has taken effect, pursuant to a notice given under article 7(8),

to the extent that that modification has not ceased to have effect as a result of another, subsequent such modification that has been endorsed and taken effect pursuant to such a notice at that time.

(3) A reference in this Order to a reference document designated by a number is a reference to the document listed in the second column of the row of the table in Schedule 1 (reference documents) where that number appears in the first column.

(4) A reference in this Order—

(a) to—

(i) a "class" of authorised development designated by a number, or combination of numbers and letters, or

(ii) authorised development that is "in" or "of" a class so designated,

is a reference to authorised development of the kind referred to in the paragraph of Schedule 2 (classes of development permitted) that is designated by the same number, or combination of numbers and letters;

(b) to—

(i) a "class" of authorised works designated by a number, or combination of numbers and letters, or

(ii) authorised works that are "in" or "of" a class so designated,

is a reference to authorised works that result, or will result, from authorised development of the class that is designated by the same number, or combination of numbers and letters.

(5) A reference in this Order to a "condition" designated by a number is a reference to the paragraph of Schedule 3 (conditions and limitations) that is designated by the same number.

(**a**) 1991 c. 59.

(**b**) The railway line that runs from London St. Pancras to Sheffield.

(6) A reference in this Order to the height of a work refers to its height measured from the baseline specified in the provision where the reference appears (AGL, AOD, or as otherwise specified in that provision, as the case may be) to its highest point.

(7) Where a provision in this Order refers—

(a) to a part of the Order land as being located, or

(b) to activities or authorised works being carried out or located,

within, or more than, a specified distance from a specified boundary or other line marked on a plan, from a work, or from a part of a work, the reference is to that part of the Order land that is located as specified within, or beyond, as the case may be, a line, each point on which is at the specified distance from that specified boundary or line, or the edge or other specified part of that work, when measuring perpendicular to that boundary, line, edge or part in the specified direction, and in this paragraph, "specified" means specified in a provision to which this paragraph applies.

(8) A reference in this Order to any details, information, notice, statement, report, confirmation, verification, opinion, consent, scheme, programme or other document to be given, submitted or provided by one person to another, or to any person notifying another person about something, in or under this Order is to such details, information, notice, statement, report, confirmation, verification, opinion, consent, scheme, programme or other document being given, submitted or provided in writing.

Other planning permissions

3.—(1) The Town and Country Planning (General Permitted Development) (England) Order 2015(**a**) (the "GPD Order") applies to the Order land in respect of development that—

(a) is begun before the date on which this Order is made,

(b) is carried out in respect of a work that is not functionally associated with an authorised work in class 1 or class 2, or

(c) is carried out pursuant to the giving of prior approval in respect of the application for prior approval made on behalf of SC Collection Limited to Bedford Borough Council under the GPD Order on 18th June 2025 (with reference number 25/01212/PNWM)(**b**).

(2) The Town and Country Planning (Development Management Procedure) (England) Order 2015(**c**) (the "DMP Order") applies to the Order land except in respect of authorised development.

(3) If, after the date notified to the Secretary of State under condition 11(3) (time when development must be begun), conflicting development is carried out in, on, under or over any part of the safeguarding area, authorised development may continue to be carried out after that date in, on, under or over any part of the Order land outside the safeguarding area.

(4) For the purposes of paragraph (3)—

"conflicting development" means any development—

(a) which is not authorised development, and

(b) the carrying out of which—

(i) is authorised by or under any enactment, and

(ii) is or would be physically inconsistent with authorised development;

"safeguarding area" means—

(**a**) S.I. 2015/596, amended by S.I. 2016/332, 2016/765, 2016/1040, 2016/1154, 2017/391, 2017/571, 2017/619, 2017/1011, 2017/1012, 2018/119, 2018/343, 2018/695, 2019/907, 2020/330, 2020/412, 2020/632, 2020/755, 2020/756, 2020/1243, 2020/1459, 2021/428, 2021/467, 2021/814, 2021/1464, 2022/278, 2022/634, 2023/98, 2023/368, 2023/747, 2023/1110, 2023/1279, 2024/141, 2024/579, 2024/1139, 2025/412, 2025/560.

(**b**) Details can be accessed from Bedford Borough Council at Bedford Borough Hub, 2 Horne Lane, Bedford, MK40 1RA, or by searching under the reference number from the relevant part of Bedford Borough Council's website at https://publicaccess.bedford.gov.uk/online-applications/search.do?action=advanced.

(**c**) S.I. 2015/595, amended by the Business and Planning Act 2020 (c. 16), sections 16(5), 17(5) and 18(5), and S.I. 2016/873, 2016/912, 2017/402, 2017/571, 2017/1012, 2017/1013, 2017/1243, 2017/1309, 2018/119, 2018/695, 2018/1234, 2020/505, 2021/746, 2021/814, 2022/634, 2023/142, 2023/747, 2023/1071, 2023/1279, 2024/50, 2024/453, 2025/412.

(a) that part of the Order land that is subject to the safeguarding directions that came into force on 19th November 2025(**a**), or

(b) if, after the date on which this Order is made—

(i) the safeguarding directions referred to in paragraph (a) are varied or replaced by other safeguarding directions, so that the part of the Order land subject to safeguarding directions is reduced or increased in extent in comparison with, or otherwise differs from, the part referred to in paragraph (a), or

(ii) planning permission or development consent is granted, for the project in respect of which the safeguarding directions were given, that authorises development on a part of the Order land that is reduced or increased in extent in comparison with, or otherwise differs from, the part referred to in paragraph (a),

that reduced, increased or different part of the Order land, provided that it has been identified on an OS plan, and that OS plan has been submitted to the Secretary of State for approval and endorsed by the Secretary of State, after the Secretary of State has determined that the decision to endorse that plan meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions);

"safeguarding directions" means directions given under articles 18(4), 31(1) and 34(8) of the DMP Order by the Secretary of State for Transport that relate to development affecting the route and associated works for the East West Railway project.

Grant of planning permission

4.—(1) Subject to the provisions of this Order, planning permission is granted for the classes of development described in Schedule 2 (classes of development permitted).

(2) The permission granted by paragraph (1) includes—

(a) the carrying out of building, engineering, or other operations(**b**), other than mining operations, in, on, under or over the Order land in relation to any work of a kind referred to in Schedule 2;

(b) the making of any material change in the use of any buildings or other land for the purposes of any such work, including changes—

(i) from use for the purposes of another such work, including a different kind of work referred to in a different paragraph or sub-paragraph, or the same paragraph or sub-paragraph, of Schedule 2;

(ii) from other uses;

(c) the first and any subsequent occasion on which any such operations are carried out, or any such material change in use takes place, in relation to any such work or any part of the Order land.

(3) Where a work ("work A") belongs to a category described in a row in the first column of the Table below (a "relevant category"), planning permission is not granted for—

(a) building, engineering or other operations as described in paragraph (2)(a) in relation to work A, or

(b) a material change in the use of land or of a building as described in paragraph (2)(b) for the purposes of work A,

unless work A is or will be functionally associated with another work ("work B") which belongs to a category which is referred to in the second column of the Table below (an "associated

(**a**) Copies may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and are available at https://www.gov.uk/government/publications/east-west-rail-safeguarding-directions.

(**b**) "Building operations" are defined in section 55(1A) of the Town and Country Planning Act 1990 (c.8) and "engineering operations" are defined in section 336(1) of that Act.

category"), and that associated category appears in the same row of the Table as the relevant category to which work A belongs.

Table: relevant categories and associated categories

Relevant category	*Associated category*
Works of a kind referred to in paragraph 1(d) of Schedule 2	Works of a kind referred to in paragraph 1(a), (b) or (c) of Schedule 2
Works of a kind referred to paragraph 2, 3 or 6 of Schedule 2	Works of a kind referred to in paragraph 1(a), (b), (c) or (d) of Schedule 2
Works of a kind referred to in paragraph 4, 5, 7, 8, or 9 of Schedule 2	Works of a kind referred to in paragraph 1, 2, 3, or 6 of Schedule 2

(4) For the purposes of this Order, work A is "functionally associated" with work B if work A exists, or construction work has been or is proposed to be carried out in relation to it, wholly or mainly for the purposes of supporting, facilitating, enhancing, or mitigating the impacts of, the construction or operation of work B, including by—

(a) facilitating travel to work B by any workers or visitors;

(b) providing utility or other services to—

(i) work B;

(ii) construction workers and other workers carrying out work in, or relating to, work B while they are on the Order land;

(iii) visitors occupying work B while they are on the Order land;

(c) providing ecological mitigation in respect of the construction or operation of work B or the effects of its construction or operation, including through the provision of habitats;

(d) where work B is of a kind referred to in paragraph 1 or 2 of Schedule 2, providing goods that workers or visitors within sub-paragraph (b)(ii) or (iii) are likely to require or wish to be provided with while they are on the Order land.

Conditions and limitations

5.—(1) No authorised development may be carried out except in accordance with the Schedule 3 conditions, endorsement conditions and controlling documents that relate to it.

(2) No authorised work may operate, except in accordance with the Schedule 3 conditions, endorsement conditions and controlling documents that relate to it.

Endorsement of submission documents

6.—(1) This article applies where a Schedule 3 condition or an endorsement condition requires the site controller to submit a document to the Secretary of State for approval or validation.

(2) Where this article applies, the site controller must give the Secretary of State a notice, stating the Schedule 3 condition or endorsement condition under which it is required to seek such endorsement, and attaching a copy of the submission document.

(3) The Secretary of State must not endorse a submission document unless—

(a) the site controller has provided to the Secretary of State such information or documents as the Secretary of State has requested, by notice to the site controller, to enable the Secretary of State to decide whether or not to endorse the submission document, and

(b) the Secretary of State is satisfied that endorsing the submission document will not result in any authorised work or authorised development failing to comply with article 5 (conditions and limitations).

(4) Where the Secretary of State decides to endorse a submission document, the Secretary of State must give the site controller a notice setting out that decision, specifying—

(a) the submission document to which the endorsement relates,

(b) any conditions or limitations subject to which the endorsement is given, and

(c) the date from which the endorsement has effect.

(5) A submission document in respect of which the Secretary of State gives a notice under paragraph (4) has effect for the purposes of this Order in relation to the authorised work or authorised development to which it relates—

(a) subject to any endorsement conditions specified in the notice, and

(b) at any given time, as modified by any subsequent modification of that document, or of any endorsement condition set out in the notice, which, at that time—

(i) the Secretary of State has endorsed and has taken effect, pursuant to a notice given under article 7(8) (modification of reference documents, controlling documents and endorsement conditions), and

(ii) has not ceased to have effect as a result of the endorsement of another, subsequent such modification pursuant to such a notice.

Modification of reference documents, controlling documents and endorsement conditions

7.—(1) This article applies where the site controller wishes to modify—

(a) a reference document, other than the Map,

(b) a controlling document, or

(c) an endorsement condition.

(2) No document that modifies or purports to modify a reference document, a controlling document or an endorsement condition has effect for the purposes of this Order unless—

(a) the site controller gives a notice to the Secretary of State setting out the proposed modification, and

(b) the Secretary of State endorses the modification,

in accordance with the provisions of this article.

(3) No modification or purported modification of the Map has effect in any circumstances.

(4) A notice given under paragraph (2)(a)—

(a) must have attached to it a copy of—

(i) a document setting out the modification;

(ii) in the case of a proposed modification of a reference document or controlling document, a copy of the reference document or controlling document that it would modify, as it has effect on the date when the notice is given;

(iii) in the case of a proposed modification of an endorsement condition—

(aa) a copy of the notice under article 6(4) (endorsement of submission documents) or paragraph (8) in which the condition was specified and any subsequent such notice endorsing a modification to the condition that has effect on the date when the notice under paragraph (2)(a) is given;

(bb) the reference document or controlling document to which it relates;

(b) may comply with both paragraphs (i) and (ii) of sub-paragraph (a) by having attached to it a single document which—

(i) where it is proposed to amend or vary a document, is a copy of the document proposed to be amended or varied showing the amendments or variations;

(ii) where it is proposed to replace a document, is the replacement document.

(5) The Secretary of State must not endorse a modification unless—

(a) the site controller has provided to the Secretary of State such information or documents as the Secretary of State has requested, by notice to the site controller, to enable the Secretary of State to decide whether or not to endorse the modification, and

(b) the Secretary of State is satisfied that endorsing the modification will not result in any authorised work or authorised development failing to comply with article 5 (conditions and limitations).

(6) The Secretary of State must not decide to endorse a modification of a reference document unless the Secretary of State is satisfied that that decision meets the condition specified in paragraph (7).

(7) The condition is that the decision will not result in—

(a) a change in respect of any authorised work or authorised development, or its effects, that is material in the context of authorised works and authorised development as a whole, or

(b) the carrying out of development that will—

(i) adversely affect the integrity of any European site within the meaning of the Habitats Regulations, or

(ii) have a likely significant effect on the environment, within the meaning of the EIA Regulations, that is adverse, and materially new or different from any such effect identified in the Environmental Statement.

(8) Where the Secretary of State decides to endorse a modification, the Secretary of State must give the site controller a notice setting out that decision, specifying—

(a) the modification to which the endorsement relates, including its effect on any previously endorsed modification of the document that it modifies,

(b) any conditions or limitations subject to which the endorsement is given, and

(c) the date from which the modification has effect.

(9) A modification in respect of which the Secretary of State gives a notice under paragraph (8) has effect for the purposes of this Order in relation to the authorised work or authorised development to which the reference document, controlling document or endorsement condition modified by that modification relates—

(a) subject to any conditions specified in the notice, and

(b) at any given time, as modified by any subsequent modification of that document or endorsement condition set out in the notice, which, at that time—

(i) the Secretary of State has endorsed and has taken effect, pursuant to a notice given under paragraph (8), and

(ii) has not ceased to have effect as a result of the endorsement of another, subsequent such modification pursuant to such a notice.

Publication of documents

8.—(1) Subject to paragraph (3), the Secretary of State must make arrangements for a copy of—

(a) the Environmental Statement,

(b) each reference document not comprised in the Environmental Statement,

(c) each controlling document, and

(d) each notice given by the Secretary of State under article 6(4) (endorsement of submission document) or 7(8) (modification of reference documents, controlling documents and endorsement conditions),

(each such document being a "publication document") to be available to the public on or from a website maintained by or on behalf of the Secretary of State(**a**), and available for inspection, by appointment, at the Ministry of Housing, Communities and Local Government(**b**).

(2) Paragraph (3) applies to information contained in a publication document where the Secretary of State is satisfied that that information relates to—

(**a**) This will be within www.gov.uk, and capable of being located from its search page.
(**b**) At the date on which this order is made, located at 2 Marsham Street, London SW1P 4DF.

(a) national security;

(b) measures taken or to be taken to ensure the security of any premises or property, whose efficacy may be impaired by the disclosure of that information.

(3) Where this paragraph applies—

(a) the Secretary of State may redact the information to which it applies from any copy of a publication document that is made available under paragraph (1);

(b) if the Secretary of State considers that it is appropriate, having regard to a matter specified in paragraph (2)(a) or (b), to redact the entire contents of a publication document under sub-paragraph (a), the Secretary of State may make available under paragraph (1) a statement to that effect, identifying the document by its title, instead of making available a copy of the document with the contents entirely redacted.

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

Steve Reed
Secretary of State
10th December 2025 Ministry of Housing, Communities and Local Government

SCHEDULE 1

Article 2(3)

Reference documents

Table 1: Plans

Reference number in this Order	*Document title, report reference ("Ref."), revision number ("Rev.") and date, as given on its front cover*	*Where referred to in this Order*
1.	Site Location Plan Ref. 1.6.0, Rev. 00, June 2025	Articles 1, 2, 7
2.	Primary Access Plan Ref. 1.7.0, Rev. 00, June 2025	Condition 35
3.	Zonal Plan Ref. 1.8.0, Rev. 00, June 2025	Article 2 Conditions 1, 2, 24
4.	Parameter Plan – Entertainment Resort Complex Land Use Plan Ref. 1.10.0, Rev. 00, June 2025	Article 2 Condition 46
5.	Parameter Plan – Access and Roadways Ref. 1.11.0, Rev. 00, June 2025	Article 2 Conditions 1, 10, 28, 72, 77 Schedule 4
6.	Parameter Plan – Active Travel Plan Ref. 1.12.0, Rev. 00, June 2025	Condition 25
7.	Parameter Plan – Core Zone Transport Hub Plan Ref. 1.13.0, Rev. 00, June 2025	Condition 37
8.	Parameter Plan – Utility Compound Plan Ref. 1.14.0, Rev. 00, June 2025	Condition 42

Table 2: Appendices to the Environmental Statement

Reference number in this Order	*Document title, report reference ("Ref."), revision number ("Rev.") and date, as given on its front cover*	*Where referred to in this Order*
9.	Appendix 2.3 – Outline Construction Environmental Management Plan Ref. 4.2.3.0, Rev. 00, June 2025	Condition 12
10.	Appendix 5.6 – Travel Plan Ref. 4.5.6.0, Rev. 00, June 2025	Condition 79
11.	Appendix 6.4 – Outline Habitat Creation and Enhancement Plan Ref. 4.6.4.0, Rev. 00, June 2025 Appendix 6.4 – Figure 1: Indicative Habitat Creation and Enhancement Plan Ref. 4.6.4.1.0, Rev. 00, June 2025	Conditions 1, 7, 8
12.	Appendix 6.5 – Outline Landscape and Ecology Management Plan Ref. 4.6.5.0, Rev. 00, June 2025	Condition 9
13.	Appendix 11.4 – Outline Land Remediation Strategy Ref. 4.11.4.0, Rev. 00, June 2025	Condition 14
14.	Appendix 12.1 – Flood Risk Assessment Part 1/6(**a**) Ref. 4.12.1.0, Rev. 00, June 2025	Condition 57
15.	Appendix 12.2 – Water Strategy Ref. 4.12.2.0, Rev. 00, June 2025	Condition 59
16.	Appendix 12.3 – Drainage Strategy Ref. 4.12.3.0, Rev. 00, June 2025	Conditions, 1, 56, 60, 63, 64, 65, 68
17.	Appendix 14.1 – Carbon Management Plan Ref. 4.14.1.0, Rev. 00, June 2025	Condition 55

Table 3: Other reference documents

Reference number in this Order	*Document title, report reference ("Ref."), revision number ("Rev.") and date, as given on its front cover*	*Where referred to in this Order*
18.	Guide to the Planning Proposal Ref. 1.4.0, Rev. 00, June 2025	Article 2
19.	Design Standards Ref. 6.3.0, Rev. 00, June 2025	Conditions 1, 30, 31, 32, 33, 34
20.	Security and Emergency Management Plan Ref. 6.4.0, Rev. 00, June 2025	Condition 70
21.	Arboricultural Impact Assessment Report Ref. 6.11.0, Rev. 00, June 2025	Condition 12
22.	Environmental Controls Document(**b**) Ref. 6.16.0, Rev. 00, June 2025	Conditions 1, 15, 45, 85, 90

(**a**) Reference document 14 was submitted to the Secretary of State in six "parts". On their covers, these are marked respectively "Part 1/6", "Part 2/6", and so on, but they share a single original reference number (4.12.1.0). Only the first of these parts is referred to in this Order.

(**b**) Reference document 22 was submitted to the Secretary of State in two "parts". On their covers, these are marked respectively "Part 1/2" and "Part 2/2", but they share a single original reference number (6.16.0). Both parts are referred to in this Order. Part 2 consists entirely of Appendix D (tree removal and protection plan).

SCHEDULE 2

Articles 2(4), 4

Classes of development permitted

Visitor entertainment and hospitality facilities

1. Development comprised in or relating to any of the following works—

(a) a theme park, amusement park or water park, including outdoor—

(i) rollercoasters, water coasters, slides, flumes, lazy rivers, rides, attractions, games and pools;

(ii) venues and spaces for events, parades, shows and displays;

(b) other recreation and leisure facilities, including—

(i) indoor and outdoor sport, recreation, leisure and spa facilities;

(ii) theatres and cinemas;

(iii) indoor spaces, other than theatres and cinemas, for events, shows and displays;

(iv) indoor rides, games and attractions;

(v) music and dance venues, including nightclubs;

(vi) cultural facilities, such as art galleries, museums and other exhibition spaces;

(vii) spiritual and wellbeing facilities, such as prayer rooms;

(c) facilities for hosting conferences and conventions;

(d) retail and hospitality facilities, including—

(i) hotels, camp sites, and other forms of accommodation to be used by people who are—

(aa) visiting other authorised works, or

(bb) otherwise spending time away from their usual residence,

in the course of an employment or business, or for leisure purposes;

(ii) restaurants, cafes and hot food takeaways (not located at Wixams station);

(iii) public houses, bars and other drinking establishments;

(iv) retail facilities offering goods or services, including—

(aa) shops (not located at Wixams station);

(bb) vehicle showrooms;

(cc) vehicle hire facilities;

(dd) tattoo parlours.

Support for provision and operation of visitor entertainment and hospitality facilities

2. Development comprised in or relating to any of the following works—

(a) offices and other spaces for carrying out work relating to authorised development or the operation of authorised works, including—

(i) work in connection with the design and construction of authorised works, including the organisation of construction work;

(ii) administrative and service functions, including the provision of services and information to visitors and potential visitors via call centres;

(b) warehousing, storage and logistics facilities, including—

(i) refrigerated storage areas;

(ii) logistics delivery facilities, including loading docks and bays;

(iii) parade float storage areas;

(iv) facilities for storing hazardous substances, including—

(aa) fuel and other chemicals;

(bb) fireworks and pyrotechnic articles, as defined in regulation 2(1) and regulation 3 of the Pyrotechnic Articles (Safety) Regulations(**a**);

(c) light industrial facilities, including—

(i) media and film production facilities;

(ii) food preparation and catering facilities;

(iii) laundry facilities;

(d) laboratories, workshops and maintenance facilities, including—

(i) research and development facilities;

(ii) estate management facilities;

(iii) horticultural nursery facilities;

(e) facilities and infrastructure to support the provision of emergency and security services;

(f) changing facilities for workers;

(g) entertainment rehearsal facilities;

(h) training, education, retail and financial services facilities for staff members;

(i) welfare and other facilities for workers;

(j) training and education outreach facilities;

(k) facilities for accommodating cats and dogs, as a service for visitors or staff members, or for security purposes;

(l) server centres and data storage facilities;

(m) mail facilities;

(n) service yards, including waste collection, sorting and storage facilities;

(o) medical facilities;

(p) construction worker accommodation.

Rail-related development

3. Development comprised in or relating to any of the following works—

(a) at Wixams station—

(i) station buildings;

(ii) four railway platforms;

(iii) track, gantries and other infrastructure and apparatus associated with the operation of a railway, including electric multiple unit power infrastructure and signalling apparatus;

(iv) retail and dining facilities, including shops, restaurants, cafes and hot food takeaways;

(v) offices;

(vi) maintenance facilities;

(vii) worker welfare facilities;

(viii) signs and information boards;

(b) bridges, or crossings that—

(**a**) S.I. 2015/1553.

(i) allow authorised works in class 5(a) or (b) or class 6(a), (b), (c) or (d) to pass over a railway;

(ii) include the provision of authorised works in class 5(d) or (e) or class 6 (g), (h), (i) or (j) on or adjacent to authorised works in class 5(a) or (b) or class 6(a), (b), (c) or (d) as they pass over a railway;

(c) improvements to the access arrangements at Kempston Hardwick station;

(d) transport hubs facilitating interchange between rail and other modes of transport;

(e) other buildings or structures, or apparatus, used to provide railway services as defined in section 82 of the Railways Act 1993(**a**), other than light maintenance services as defined in subsection (2) of that section.

Utilities and services

4. Development comprised in or relating to any of the following works—

(a) the following types of infrastructure for producing and conveying electricity—

(i) solar panels, with inverters and other associated infrastructure and apparatus;

(ii) generating units fuelled by diesel or gas;

(iii) battery energy storage systems;

(iv) substations and other electric lines and plant comprised in—

(aa) a transmission system, or

(bb) a distribution system,

each as defined in section 4(4) of the Electricity Act 1989(**b**);

(b) pipe-line systems, as defined in section 5(10) of the Gas Act 1986(**c**);

(c) infrastructure for producing and conveying energy in other forms, including—

(i) air source and ground source heat pumps;

(ii) electric and gas boilers;

(iii) thermal storage units and electric chillers;

(iv) heat networks, as defined in section 216(2) of the Energy Act 2023(**d**);

(d) potable and non-potable water infrastructure and surface and foul waste water infrastructure, including—

(i) pipes, mains, drains, sewers, outfalls and culverts;

(ii) drainage and attenuation infrastructure, including swales, channels, lakes, lagoons, ponds, tanks and other storage facilities, and watercourses;

(iii) pumping stations and treatment or processing facilities;

(e) facilities, infrastructure, equipment and apparatus to enable communications with and within the ERC and other authorised works, including between staff members, including telecommunications and other infrastructure;

(f) other buildings or structures associated with the provision of utility services, including those that—

(i) accommodate, above or below ground, metering and other plant, equipment, machinery, apparatus or infrastructure associated with the operation of such services, or

---

(**a**) 1993 c. 43.
(**b**) 1989 c. 29; section 4(4) was amended by the Energy Act 2004 (c. 20), section 135(4) and the Utilities Act 2000 (c. 27), section 28(3)(a). There are other amending instruments but none is relevant.
(**c**) 1986 c. 44; section 5(10) was amended by section 149(3) of the Energy Act 2004 (c. 20).
(**d**) 2023 c. 52.

(ii) support the provision, operation or maintenance of such services and infrastructure, including service yards, maintenance facilities, welfare facilities, water storage, and waste storage, sorting and collection facilities.

Walking, wheeling and cycling routes

5. Development to support walking, wheeling and cycling around the Order land, including development comprised in or relating to any of the following works—

(a) footpaths, footways and walkways, including covered or moving walkways;

(b) cycleways;

(c) bridges and underpasses carrying authorised works in class 5(a) or (b);

(d) stairs, ramps and lifts associated with authorised works in class 5(a), (b) or (c);

(e) traffic signals and control devices;

(f) parking facilities for bicycles.

Roads and associated infrastructure

6. Development relating to roads, including development comprised in or relating to any of the following works—

(a) public roads, including dual carriageways;

(b) footpaths, footways and walkways to support walking and wheeling;

(c) cycleways that form part of a road;

(d) internal and service roads;

(e) junctions and roundabouts;

(f) bridges and underpasses that—

(i) allow authorised works in class 5(a) or (b) or class 6(a), (b), (c) or (d) to pass under or over a road or watercourse;

(ii) include the provision of authorised works in class 5(d) or (e) or class 6 (g), (h), (i) or (j) on or adjacent to authorised works in class 5(a) or (b) or class 6(a), (b), (c) or (d) as they pass under or over a road or watercourse;

(g) signage and structures associated with it, including gantries;

(h) traffic signals;

(i) traffic control devices;

(j) pavements and kerbs;

(k) transport hubs.

Vehicle-related facilities

7. Development relating to facilities for parking and providing services in relation to vehicles, including development comprised in or relating to any of the following works—

(a) covered and uncovered parking areas, including multi-storey vehicle parks and parking areas covered by solar panels;

(b) charge points and other infrastructure functionally associated with authorised works in class 7(a);

(c) vehicle pick-up and drop-off facilities, with associated infrastructure;

(d) service stations providing—

(i) facilities for refuelling vehicles;

(ii) charge points with a power of 50 kilowatts or above,

with associated fuel storage infrastructure and class 4(a)(iv) authorised works;

(e) facilities for—

(i) valet parking and valeting of vehicles;

(ii) servicing and maintaining vehicles,

whether for vehicles solely or mainly used to service authorised works in class 1 or class 2, including by providing regular transport services to those travelling to them from departure points within or outside the Order land, or for other vehicles used by visitors or workers to travel to the Order land, including private cars and vehicles carrying passengers for hire or reward.

Security and reception

8. Development comprised in or relating to works to support the safe, secure and efficient operation of the ERC, by—

(a) ensuring the safety and security of visitors, workers, premises or other property, including by means of—

(i) gates, fences, walls and other means of enclosure;

(ii) closed circuit television;

(iii) lighting;

(iv) automatic number plate recognition systems;

(v) vehicle restraint systems and hostile vehicle mitigation measures;

(vi) controlled access barriers;

(vii) buildings or structures to accommodate workers carrying out security functions;

(b) facilitating the secure and orderly entry of visitors and workers to the Order land or any part of it, or any work, including by means of—

(i) kiosks, ticketing points, ticket machines and ticket or security barriers;

(ii) turnstile structures;

(iii) seating, booths, stalls, canopies and other ancillary infrastructure.

Landscaping and environmental measures, miscellaneous features, facilities and amenities

9. Development comprised in or relating to any of the following works—

(a) soft and hard landscaping and measures to prevent, reduce or mitigate the adverse environmental impacts of buildings or structures, or improve the amenity of the Order land, including—

(i) trees, shrubs, hedges, verges and other vegetation;

(ii) bunds, embankments and earthworks;

(iii) wildlife crossing structures;

(iv) noise attenuation measures;

(v) other ecological mitigation and habitat or biodiversity enhancement measures;

(b) other features and elements intended to promote the amenity of the Order land or serve the convenience or enhance the experience of visitors or workers, including—

(i) lighting;

(ii) fountains, pools and other ornamental water features;

(iii) boards and other facilities for communicating information, and associated structures;

(iv) seating and other street furniture, including canopies and kiosks;

(v) gates, fences, walls, and other means of enclosure;

(vi) public art, including statuary and multimedia displays and decorative features;

(c) alteration to or diversion of a watercourse or other body of surface water and associated works.

SCHEDULE 3

Articles 2(5), 5

Conditions and limitations

Part 1

Preliminary

Interpretation of Schedule

1. In this Schedule—

"applicable area" has the meaning given in condition 24(6) (height controls to secure an articulated skyline);

"body of groundwater" has the meaning given in paragraph 1(2) of Schedule 1 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(**a**);

"calendar day" means a period of 24 hours beginning at midnight and ending at 11.59 pm;

"calendar year" means a period of 365 or 366 consecutive calendar days beginning on 1st January and ending on 31st December;

"CEMP" has the meaning given in condition 12(1)(a);

"compliance statement" means a document, which may include plans or drawings—

(a) relating to—

(i) submitted development or a proposed modification to a controlling document, or

(ii) specified authorised works,

referred to in a Schedule 3 condition or endorsement condition that requires a compliance statement to be provided,

(b) identifying—

(i) all the Schedule 3 conditions and endorsement conditions that relate to the submitted development, proposed modification or specified authorised works referred to in paragraph (a), or

(ii) if the Schedule 3 condition or endorsement condition that requires a compliance statement to be provided specifies the Schedule 3 conditions or endorsement conditions in respect of which the compliance statement is to be provided, the conditions so specified,

(c) stating—

(i) in the case of submitted development or specified authorised works, that it or they comply, or will comply, with the conditions referred to in paragraph (b)(i) or (ii) as applicable;

(ii) in the case of a proposed modification, that it will not result in authorised works failing to comply with any condition referred to in paragraph (b)(i) or (ii) as applicable, and

(d) giving reasons or evidence to support what it states under paragraph (c), or referring to another document provided to the Secretary of State, or submitted to and endorsed by the Secretary of State, in which such reasons or evidence have previously been given;

"dark corridor" means a continuous corridor of—

(a) trees, habitats, and other flora, or

(b) man-made materials,

(**a**) S.I. 2017/407. Schedule 1 was amended by S.I. 2019/558 and 2025/82; there are other amending instruments but none is relevant.

where the levels of illuminance between sunset and sunrise do not exceed certain limits, enabling bats to navigate between roosts and feeding areas and be protected from predators, and their population numbers and geographical distribution to be maintained;

"design flood event" means a level of fluvial flooding or surface water flooding that is likely to occur with a 1 per cent annual probability, increased by—

(a) 20 per cent, in the case of fluvial flooding;

(b) 40 per cent, in the case of surface water flooding,

to allow for the effects of climate change;

"detailed design" means a document setting out proposals in relation to a particular work in relation to which it is proposed to carry out authorised development;

"the drainage strategy" means reference document 16 (drainage strategy);

"drainage system" has the meaning given in paragraph 1 of Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010(**a**);

"the environmental controls document" means reference document 22 (environmental controls document);

"external dimensions", means, in relation to a building or structure in relation to which it is proposed to carry out authorised development—

(a) its proposed height in metres AGL and AOD;

(b) the proposed depth of any basement levels comprised in it, as a negative value expressed in metres AGL and AOD;

(c) its proposed width and length,

in each case measured externally from the outer edges of the building or structure;

"external lighting scheme" means, in relation to external lighting proposed to be associated with an authorised work, details of—

(a) the general levels of illuminance to be achieved for each part of the Order land where that authorised work will be located, or that its operation will affect, and a plan showing areas where the illuminance will be at the same level,

(b) areas where sensitive receptors are located and the illuminance levels to be achieved in them, and measures to direct and control light to prevent light spillage and nuisance, and

(c) the approach to be taken in relation to energy conservation, glare reduction, and use of flexible control systems;

"fluvial flooding" means flooding from a river or other watercourse;

"Grand Opening" means the first time that an event occurs—

(a) at which all authorised works in the ticketed area, which have been completed at the date when the event occurs—

(i) are declared officially and generally open to visitors, and

(ii) are opened to and occupied by visitors otherwise than as provided for in condition 76 (restrictions on occupation before Grand Opening),

to the extent that the site controller considers those authorised works to be ready to be so declared, opened and occupied, and

(b) after which class 1 authorised works are intended to be open to and occupied by visitors on a regular timetable;

"gross external area" means, in relation to each floor of a building, its area measured from the outside of the perimeter wall at the level of that floor, excluding external open-sided balconies, covered ways and fire escapes, canopies, open vehicle parking areas, and voids over or under structural, raked or stepped floors;

(**a**) 2010 c. 29.

"habitat location plan" has the meaning given in condition 7(1) (habitat location plan);

"habitat creation and enhancement plan" has the meaning given in condition 8(2)(a) (habitat creation and enhancement plans);

"hard landscaping" means the treatment of land, other than buildings, using man-made materials or non-living natural materials, for the purpose of enhancing or protecting the amenity of a location, including by the construction of fences, walls, or other means, the laying out or provision of paths, garden areas, courts, squares, water features, sculpture or other public art, and the provision of other amenity features;

"heavy-duty vehicle" means a motor vehicle with a maximum mass exceeding 3.5 tonnes;

"height control" means a requirement that—

(a) a work of a description specified in the requirement must not exceed a height specified in the requirement, or

(b) construction work of a description specified in the requirement may only be carried out in relation to such a work if a condition so specified is fulfilled;

"the Inner Core Zone" means those parts of the Core Zone not comprised in a riparian protection zone that are located—

(a) in a part of the Core Zone—

(i) where a public road, or part of a public road, is proposed to be located in the Core Zone at or near the edge of that zone, and—

(aa) more than 10 metres from the boundary of that part of the road designed for use by motor vehicles and any kerb, that is closer to the centre of the Core Zone as identified in an endorsed detailed design for that public road, or

(bb) where the Secretary of State has not endorsed a detailed design for that public road, more than 10 metres from the limit of deviation for it that is shown on the access and roadways plan and is closer to the centre of the Core Zone,

(ii) where a public road, or part of a public road, is located in the Core Zone at or near the edge of that zone, and more than 10 metres from the boundary of that part of the road designed for use by motor vehicles and any kerb that is closer to the centre of the Core Zone, or

(iii) where a public road, or part of a public road, is not located or proposed to be located in the Core Zone at or near the edge of that zone, more than 10 metres from the boundary of the Core Zone as shown on the zonal plan,

in each case, measuring the distance of 10 metres from the relevant boundary, limit or point towards the centre of the Core Zone, or

(b) in the ticketed area, provided that this paragraph (b) applies in substitution for the definition in paragraph (a), but only if—

(i) the site controller gives the Secretary of State a notice to that effect, and

(ii) that notice is given—

(aa) after the Secretary of State has endorsed a ticketed area plan or a security and emergency management plan, and

(bb) before any construction work comprised in class 1 or class 2 authorised development, other than preliminary works, and site preparatory works, has been carried out;

"landscape and ecology management plan" means a plan as referred to in condition 9 (landscape and ecology management plans);

"masterplan" means a document setting out broad proposals for the extent and layout of authorised works in a zone or sub-zone;

"private car" means a motor vehicle that—

(a) arrives at or departs from the Order land, and

(b) when it does so, is not carrying goods or passengers for hire or reward;

"railway undertaker" means a person authorised by any enactment to carry on a railway undertaking;

"reference design standard" means a requirement relating to authorised development or authorised works that is set out and described as a design standard in reference document 19 (design standards);

"relevant species" means any species referred to in section 3.5 of reference document 11 (outline habitat creation and enhancement plan) as being one whose population may be expected to be maintained or increased by the creation, enhancement or retention of habitats on the Order land;

"riparian protection zone" has the meaning given in condition 56(1) (riparian protection zone);

"seasonal event" means an event that takes place in the ticketed area—

(a) for admission to which visitors are typically required to—

(i) obtain a ticket, or

(ii) make a payment,

that is additional to the ticket or payment for admission that they are required to obtain or make to gain entry to the ticketed area during its regular opening hours on the date on which the event takes place, and

(b) the timing of which reflects a festivity or tradition associated with a certain time of year;

"security and emergency management plan" means a plan referred to in condition 70(1)(b)(ii) (Soft Opening Period and security and emergency management plan);

"site preparatory works" means the following types of construction work, but does not include any preliminary works carried out in preparation for the carrying out of construction work of those types—

(a) remediation works;

(b) demolition works;

(c) other construction work carried out to provide, or facilitate the provision of, a foundation or base for erecting, constructing or installing a work, including by carrying out mass grading or other earthworks;

(d) soil storage, whether or not carried out as part of activity within paragraph (c);

(e) class 4 authorised development at, under, or in the vicinity of, the location or proposed location of an authorised work, in relation to the supply to it of any energy, potable or non-potable water, telecommunications, or other utility services;

(f) erection, provision or installation of—

(i) compounds, hoardings, screening, gates and other means of enclosure, including for the purposes of providing security or storage for materials, plant or equipment;

(ii) lighting and other plant or equipment;

(iii) structures for displaying signs, notices or information;

(iv) other facilities or infrastructure, including access routes, for the use of construction workers, vehicles, plant and equipment,

in so far as those structures, facilities or infrastructure relate to, those construction workers are carrying out, and those materials, vehicles, plant and equipment are used for, works within paragraphs (a) to (e);

"Soft Opening Period" means the period during which class 1 authorised works are occupied in accordance with condition 76(1) (restrictions on occupation before Grand Opening);

"special event" means an event that takes place in the ticketed area—

(a) which is not a seasonal event, and

(b) for admission to which visitors must—

(i) obtain a ticket, or

(ii) make a payment,

that is additional to the ticket or payment for admission that they are required to obtain or make to gain entry to the ticketed area during its regular opening hours on the date on which the event takes place;

"specified habitat" has the meaning given in condition 6(1) (specified habitats: general);

"submitted development" means authorised development or authorised works, details of which a Schedule 3 condition or endorsement condition requires to be included in a submission document;

"sub-zone" means a part of a zone defined in a masterplan;

"sustainable drainage" has the meaning given in paragraph 2 of Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010(**a**);

"ticketed area" means that part of the ERC, comprising class 1 authorised works—

(a) that is, or is proposed to be, located in the Inner Core Zone, and

(b) to which, on and from the date of Grand Opening, visitors are not typically permitted to gain entry without obtaining a ticket or making a payment to do so;

"ticketed area plan" means an OS plan showing the boundary of the ticketed area, that is submitted to the Secretary of State for approval otherwise than as part of a security and emergency management plan;

"top of bank" means, in relation to a watercourse, the point where the slope of the channel breaks and transitions into the level of the surrounding land;

"working day" means a calendar day other than—

(a) a Saturday or Sunday,

(b) Christmas Day or Good Friday, or

(c) a bank holiday under the Banking and Financial Dealings Act 1971(**b**) in England;

"zone" mean any of the Core Zone, Lake Zone, East Gateway Zone and West Gateway Zone.

Modification of zonal boundaries; ticketed area plan

2.—(1) If the site controller wishes the boundary of any zone to be altered, it must—

(a) make a request to the Secretary of State under article 7 (modification of reference documents, controlling documents and endorsement conditions) for the modification of the zonal plan, by submitting to the Secretary of State for approval an OS plan—

(i) that it proposes as a replacement for the zonal plan, and

(ii) that shows where the site controller wishes the boundary of each zone to be located after the endorsement of the modification takes effect;

(b) with the plan, submit for validation—

(i) updated applicable area figures for each zone, showing the effect, if any, of the proposed modification of the zonal plan on their applicable areas,

(ii) details of any land—

(aa) that would fall within a different zone as a result of the proposed modification, and

(bb) in, on, under or over which authorised development is being carried out, or is proposed to be carried out, whether under an endorsed masterplan or detailed design or otherwise, and

(**a**) 2010 c. 29.
(**b**) 1971 c. 80.

(iii) an explanation of why the modification—

(aa) is necessary, and

(bb) would not result in any authorised work failing to comply with article 5 (conditions and limitations), including in particular as regards any height control comprised in a Schedule 3 condition or an endorsement condition.

(2) If the site controller is unable to comply with sub-paragraph (1)(b)(iii)(bb) because the modification would cause an authorised work to fail to comply with article 5, because it is incompatible with the requirements of—

(a) a Schedule 3 condition or an endorsement condition that requires it to be in substantial accordance with a reference document or controlling document;

(b) any other applicable endorsement condition,

the site controller must submit with its request for modification of the zonal plan a request for endorsement under article 7 (modification of reference documents, controlling documents and endorsement conditions) of a modification of that endorsement condition, reference document or controlling document, endorsement of which would remove the incompatibility.

(3) Where the site controller makes a request for modification of the zonal plan, no development may be carried out that will only comply with article 5 if that modification is endorsed, until the Secretary of State has endorsed that modification.

(4) The Secretary of State may not approve under this paragraph any modification of the zonal plan that would result in a zone extending beyond the boundary of the Order land.

(5) The site controller may submit a ticketed area plan for approval by the Secretary of State if it has not yet submitted a security and emergency management plan to the Secretary of State for approval under condition 70(1)(b)(ii) (Soft Opening Period and security and emergency management).

(6) A ticketed area plan submitted under sub-paragraph (5) must include the position of any public road in the Core Zone for which a detailed design has been endorsed.

Part 2

Site controller

Designation of site controller and appointment of principal representative

3.—(1) No authorised development may begin until Universal City Studios LLC(**a**) has given a notice to the Secretary of State—

(a) designating an undertaking as the site controller, and

(b) appointing a senior officer or employee of that undertaking who is to be the principal point of contact for the Secretary of State in respect of all matters for which this Order makes provision in relation to the design, construction, operation and security of the ERC ("principal representative").

(2) Subject to the following provisions of this paragraph, at any time after a notice has been given under sub-paragraph (1), the site controller may give a notice to the Secretary of State—

(a) designating another undertaking, identified in the notice (the "new site controller"), to be the site controller in place of the undertaking—

(i) designated under sub-paragraph (1), or

(ii) whose designation in a notice given under this sub-paragraph has most recently taken effect, or

(**a**) Registered in Delaware under file registration number 3514382 on 15 April 2002.

(b) appointing another senior officer or employee to be principal representative in place of the senior officer or employee—

(i) appointed under sub-paragraph (1), or

(ii) whose appointment in a notice given under this sub-paragraph has most recently taken effect.

(3) A notice given under sub-paragraph (1) or (2) must specify the date from which any designation or appointment to which it relates takes effect.

(4) No undertaking may be designated as site controller, and no person may be appointed as principal representative, otherwise than by a notice given in accordance with this paragraph.

(5) A notice given under sub-paragraph (2)(a)—

(a) must include details, in form and substance satisfactory to the Secretary of State, of—

(i) the identity and beneficial ownership of the new site controller, provided that, where a relevant undertaking is a company whose securities are admitted to trading on a relevant market, this need not include details of any person who holds less than 25 per cent of the relevant undertaking's equity share capital, and

(ii) any change in relation to the ownership or control of land or assets referred to in condition 4(3) (core controls) that is associated with the designation of the new site controller;

(b) must be given—

(i) if the new site controller is an affiliate of the undertaking giving the notice, at least 10 working days;

(ii) if the new site controller is not an affiliate of the undertaking giving the notice, at least 20 working days,

before the date on which the notice specifies that the new site controller's designation takes effect.

(6) No class 1 authorised development may be carried out, and no class 1 authorised work may operate, unless—

(a) an undertaking is designated as site controller, and

(b) a senior officer or employee of that undertaking is appointed as principal representative,

in accordance with this paragraph.

(7) An undertaking may only be designated as site controller if—

(a) it or its affiliates have overall responsibility for, and control, either directly, or through arrangements with other persons—

(i) the design, construction, operation and security of the ERC, to the extent that they are regulated by this Order, and

(ii) the making, submission, provision or giving of any request, document, notice or information to the Secretary of State under or by virtue of this Order in relation to authorised works and authorised development, and

(b) in respect of that undertaking—

(i) the criteria set out in paragraphs (a) to (d) of condition 4(3) are satisfied, and

(ii) the Secretary of State is satisfied of the matters specified in condition 5(1)(a) and (b) (experience and capability), or deemed to be satisfied of them under condition 5(2).

(8) If the site controller gives a notice to the Secretary of State that identifies as the new site controller an undertaking in respect of which a requirement set out in sub-paragraph (7)(a) or (b) is not satisfied—

(a) that notice has no effect, and

(b) the undertaking giving that notice remains the site controller until it gives another notice that identifies as the new site controller an undertaking in respect of which the requirements set out in sub-paragraph (7)(a) and (b) are both satisfied.

(9) If a requirement set out in sub-paragraph (7)(a) or (b) ceases to be satisfied in respect of the site controller, the site controller must as soon as practicable give a notice under sub-paragraph (2)(a) designating as the new site controller an undertaking in respect of which both those requirements are satisfied.

(10) An undertaking designated in a notice given under sub-paragraph (1) or (2)(a)—

(a) subject to sub-paragraph (8)(b), is the site controller with effect from the date on which the notice specifies that its designation takes effect;

(b) ceases to be the site controller—

(i) only if another undertaking is designated in its place by a notice given under sub-paragraph (2)(a);

(ii) on the date when a notice designating a new site controller in its place takes effect.

(11) An individual—

(a) may only be appointed as principal representative in a notice under sub-paragraph (1) or (2)(b);

(b) is principal representative with effect from the date on which the notice specifies that their appointment takes effect;

(c) ceases to be principal representative on the first to occur of—

(i) their ceasing to be a senior officer or employee of the site controller;

(ii) the next date when the appointment of a principal representative under a notice given under sub-paragraph (2)(b) takes effect.

(12) The site controller must ensure that the Secretary of State has up to date contact details for the individual whose appointment as principal representative has most recently taken effect.

(13) For the purposes of sub-paragraph (5)—

"equity share capital" has the meaning given in section 548 of the Companies Act 2006(**a**);

"parent undertaking" has the meaning given in section 1162 of that Act;

"relevant market" means—

(a) a UK regulated market or an EU regulated market, each as defined in section 1173 of that Act;

(b) a market listed in Schedule 1 to the Register of People with Significant Control Regulations 2016(**b**);

"relevant undertaking" means—

(a) the site controller;

(b) a parent undertaking of the site controller;

(c) an undertaking that would be a parent undertaking of the site controller but for the fact that shares owned by an undertaking are registered in the name of—

(i) a nominee or other person acting on behalf of that undertaking, or

(ii) another person by way of security over those shares.

Core controls

4.—(1) The site controller must ensure that no authorised development is carried out except by, on behalf of, or with the consent of, the site controller.

(2) If the site controller makes a request—

(a) under article 6 (endorsement of submission documents) for endorsement of a submission document, or

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(**a**) 2006 c. 46. Section 1173 was amended by S.I. 2019/145; there are other amending instruments but none is relevant.
(**b**) S.I. 2016/339.

(b) under article 7 (modification of reference documents, controlling documents and endorsement conditions) for endorsement of a modification of a reference document, controlling document or endorsement condition,

it is deemed to have consented to any proposed authorised development to which the submission document, modified reference document, controlling document or endorsement condition relates.

(3) No class 1 authorised work may operate on or after the day on which the Soft Opening Period begins, as notified to the Secretary of State by the site controller under condition 70(1)(b)(i) (Soft Opening Period and security and emergency management plan), unless the site controller or its affiliates—

(a) subject to sub-paragraph (4), own the freehold interest in, or otherwise have control of, those parts of the Order land where the specified habitats are located,

(b) own the freehold interest in any land comprising the ticketed area,

(c) control all buildings or structures in, on, under or over the Order land from which central control of security functions relating to the ERC is exercised, and

(d) own the freehold interest in any land in, on, under or over which the buildings or structures referred to in paragraph (c) are located.

(4) The site controller or its affiliates are not required to satisfy the criterion set out in sub-paragraph (3)(a) in respect of land where a specified habitat is located in the Lake Zone or the East Gateway Zone, if, and to the extent that, the freehold interest in that land is owned by—

(a) a statutory undertaker,

(b) a local authority or other body that is specified, or is within a class of bodies specified, in an enactment which confers on that body, or bodies within that class, functions that include nature conservation, or

(c) a body, established for nature conservation purposes, that is not permitted to dispose of its assets otherwise than to another body that is established for such purposes that is subject to the same restrictions regarding the disposal of its assets.

Experience and capability

5.—(1) The site controller must be able to satisfy the Secretary of State that—

(a) an individual with the relevant experience is accountable to the site controller's governing body for the design, construction and operation of the ERC, and

(b) the site controller is capable of fulfilling its obligations under this Order.

(2) If the site controller is an affiliate of Universal City Studios LLC, it is deemed to satisfy the Secretary of State as specified in sub-paragraph (1).

(3) Any other undertaking that—

(a) is the site controller, or

(b) has been identified as a new site controller in a notice under condition 3(2)(a) (designation of site controller and appointment of principal representative), but whose designation as the site controller has not yet taken effect,

must, if the Secretary of State requires it by notice to do so, provide, by such date as the notice specifies, such evidence of the matters in respect of which it must be able to satisfy the Secretary of State under sub-paragraph (1) as the notice specifies.

(4) In this paragraph—

"governing body" means, in relation to an undertaking—

(a) its board of directors;

(b) if it has no board of directors, such other organ, or group of individuals, as is empowered to manage its business on behalf of its members and to exercise all its powers;

(c) if there is no such organ or group, its members;

"relevant attraction" means a theme park, holiday resort or entertainment resort complex that is visited in a calendar year by 4.25 million people or more;

"relevant experience" means the experience, as a result of having held one or more executive positions in an undertaking, or otherwise having been a party to one or more contracts with an undertaking, over a period comprising two or more calendar years, of having been directly accountable to an undertaking's governing body for the design, construction and operation of one or more relevant attractions owned or operated by that undertaking.

Part 3

Habitat creation, enhancement and maintenance

Specified habitats: general

6.—(1) Grand Opening must not take place unless habitats have been created, enhanced, or retained on the Order land in accordance with this paragraph (each such habitat being a "specified habitat").

(2) Each specified habitat must be of a type described in the first column of Table 1.

(3) The extent of the specified habitats of each such type must be, in aggregate, no less than is set out in the second column of Table 1 in the row relating to that type of habitat.

(4) Each specified habitat must be created, enhanced or retained in accordance with—

(a) any endorsed habitat location plan that relates to it, and

(b) any endorsed habitat creation and enhancement plan that relates to it.

Table 1: type and extent of habitats to be created, enhanced or retained

Habitat type	*Habitat extent*
Standing water (ponds and lakes)	20.5 hectares
Woodlands	16.1 hectares
Reedbeds	3.6 hectares
Meadow grassland	3.4 hectares
Scrub (dense and scattered)	3.2 hectares
Open mosaic	2.5 hectares
Watercourse	4.2 kilometres
Hedgerow	2.4 kilometres

Habitat location plan

7.—(1) Subject to sub-paragraph (2), no construction work may begin until—

(a) the site controller has submitted to the Secretary of State for approval an annotated OS plan that—

(i) identifies the general location and extent, including any lines of deviation, of those parts of the Order land where the specified habitats are to be created, enhanced or retained, and

(ii) is substantially in accordance with Figure 1 (Indicative Habitat Creation and Enhancement Plan) of reference document 11 (outline habitat creation and enhancement plan),

("habitat location plan"), and

(b) the Secretary of State has endorsed the plan.

(2) Preliminary works may begin before a habitat location plan has been submitted or endorsed in accordance with sub-paragraph (1), provided that those works do not involve any interference with the habitats of relevant species for which an alternative habitat has not yet been provided.

(3) The site controller must, in the period between approval of the habitat location plan and the date of Grand Opening—

(a) keep a record of the extent and location of each specified habitat, that is capable of demonstrating compliance with condition 6 (specified habitats: general), and

(b) make that record available to the Secretary of State on request.

Habitat creation and enhancement plans

8.—(1) Subject to sub-paragraph (3), no construction work may begin in a part of the Order land where—

(a) an endorsed habitat location plan, or

(b) if a habitat location plan has not yet been endorsed, Figure 1 (Indicative Habitat Creation and Enhancement Plan) of reference document 11 (outline habitat creation and enhancement plan),

shows that a habitat is to be created, enhanced or retained (a "habitat location"), unless the criteria specified in sub-paragraph (2) are satisfied in respect of that part of the Order land.

(2) The criteria are that—

(a) the site controller has submitted to the Secretary of State for approval a plan relating to the habitat location that—

(i) is in substantial accordance with reference document 11 (outline habitat creation and enhancement plan), and

(ii) meets the requirements of sub-paragraphs (4) and (5)

("habitat creation and enhancement plan"), and

(b) the Secretary of State has endorsed the plan.

(3) Preliminary works may begin in a habitat location before a habitat creation and enhancement plan has been submitted or endorsed in accordance with sub-paragraph (2) in respect of that habitat location, provided that those works do not involve any interference with the habitats of relevant species for which an alternative habitat has not yet been provided.

(4) A habitat creation and enhancement plan must include—

(a) an OS plan, showing—

(i) the location of the habitat location to which it relates in relation to the rest of the Order land;

(ii) the extent of each specified habitat to be created enhanced or retained in that habitat location, which is to be given in kilometres in the case of watercourses and hedgerows and in hectares for all other types of habitat;

(iii) the location of any—

(aa) dark corridor;

(bb) wildlife crossing or underpass feature;

(cc) diverted watercourse corridor or aquatic habitat, including reedbeds or banks,

within the habitat location;

(b) details of the species that the creation, enhancement or retention of a specified habitat in that habitat location is intended to support ("target species").

(5) A habitat creation and enhancement plan must set out, for each specified habitat that is to be created, enhanced or retained in the habitat location to which it relates—

(a) whether it is to be created, enhanced, or retained;

(b) a condition assessment of the specified habitat and its target species, describing their presence, population, and geographical distribution in the habitat location;

(c) for monitoring purposes, the target condition to be achieved for the specified habitat and each of its target species under the plan by the date of Grand Opening;

(d) in relation to each habitat type and target species, the specific actions to be carried out to create, enhance or retain specified habitats of that type and for that species, including—

(i) soil preparation, planting techniques, and species selection;

(ii) details of existing and proposed ground levels, comprising spot heights, gradients and contours, grading, ground modelling and earthwork;

(iii) any steps to be taken to transplant and protect target species;

(e) details of any structure or feature that is to be installed or retained to help maintain the population or geographical distribution of target species;

(f) a timetable for implementing the specified habitat's creation, enhancement or retention that is in accordance with the requirements of condition 6(1) (specified habitats: general), or the date by which such a timetable will be separately submitted to the Secretary of State for approval.

(6) A habitat creation and enhancement plan that relates to a habitat location which is proposed to include a dark corridor must explain how the requirements specified in sub-paragraph (7) will be complied with in respect of that dark corridor.

(7) The requirements are—

(a) if an adjacent hedge or other linear feature forms the flightline for the dark corridor, that hedge or feature must be—

(i) in the control of, or on land owned or controlled by, the site controller, its affiliates, or a body within paragraph (a), (b) or (c) of condition 4(4) (core controls), or

(ii) subject to an agreement which ensures that it is maintained;

(b) levels of illuminance arising from authorised development must not exceed—

(i) 0.5 lux in those parts of the dark corridor where there are trees suitable for bat roosting, or

(ii) 1 lux in other parts of the dark corridor;

(c) trees, shrubs and other vegetation must be retained or planted so that—

(i) the dark corridor provides a flightline for bats at least 5 metres above the height of any adjacent road, and

(ii) the gaps between canopies of vegetation in the dark corridor are less than 10 metres wide wherever practicable and never more than 20 metres wide.

(8) The site controller must notify the Secretary of State when the works set out in the habitat creation and enhancement plan have been completed.

Landscape and ecology management plans

9.—(1) Grand Opening must not take place until—

(a) the site controller has submitted to the Secretary of State for approval a plan that—

(i) is in substantial accordance with reference document 12 (outline landscape and ecology management plan), and

(ii) meets the requirements of sub-paragraph (2),

("landscape and ecology management plan") for each part of the Order land in relation to which a habitat creation and enhancement plan is to be submitted under condition 8 (habitat creation and enhancement plans), and

(b) the Secretary of State has endorsed that plan.

(2) A landscape and ecology management plan must identify the body responsible for its implementation and include—

(a) an OS plan of the land to which it relates;

(b) a description and evaluation of the condition of the features to be managed;

(c) a description of the ecological trends and constraints relevant to the management of the land;

(d) a description of the target condition of those features that is to be achieved and an estimate of the date by which it will be achieved, having regard to those trends and constraints and any other matters that may affect its achievement;

(e) details of management actions to be undertaken to—

(i) maintain the population of relevant species, and the geographical distribution of relevant species, habitats, structures and features, identified in the endorsed habitat creation and enhancement plan relating to that area, or

(ii) achieve the target condition referred to in paragraph (d);

(f) a species and habitats maintenance schedule;

(g) details of how the effectiveness of steps taken to manage species and habitats, and achieve the target condition referred to in paragraph (d), will be monitored, including—

(i) the methodology, frequency, and duration of monitoring, and

(ii) the circumstances in which corrective action is to be taken if monitoring indicates that those steps are not effective, and the nature of the corrective action to be taken.

(3) If, notwithstanding the taking of action as described in sub-paragraph (2)(g)(ii), the monitoring carried out under a landscape and ecology management plan indicates that there has been a failure to achieve the target condition to be achieved under an endorsed habitat creation and enhancement plan or an endorsed landscape and ecology management plan, the site controller must submit to the Secretary of State for approval a document setting out further action to be taken to remedy the failure, and implement it once it has been endorsed.

(4) Specified habitats must be managed and maintained in accordance with the landscape and ecology management plan that relates to the part of the Order land where they are located.

Other dark corridors for bats

10.—(1) Subject to sub-paragraphs (5) and (6), unless the criterion specified in sub-paragraph (2) is satisfied, no construction work may take place—

(a) within 10 metres of the southern boundary of the proposed public roadway limit of deviation running east to west along Manor Road in the direction of the Core Zone, as shown on the access and roadways plan,

(b) within the northern section of the part of the Order land comprising the proposed public roadway limit of deviation shown running east to west along Manor Road, between—

(i) the point where it intersects with Public Road B, Segment 1 in the Lake Zone, and

(ii) the point where it intersects with Ampthill Road in the East Gateway Zone,

all as shown on the access and roadways plan, or

(c) in the riparian protection zone on either side of Elstow Brook in the West Gateway Zone.

(2) The criterion is that where any dark corridor is proposed to be located in an area specified in paragraph (a), (b) or (c) of sub-paragraph (1), as the case may be, one of the following has been submitted to the Secretary of State for approval and endorsed by the Secretary of State—

(a) a habitat creation and enhancement plan containing details of that dark corridor;

(b) a masterplan or detailed design containing details of that dark corridor;

(c) a document that—

(i) includes an OS plan identifying the general location and extent, including any lines of deviation, of that dark corridor, and

(ii) gives details of the measures to be implemented to create, enhance or retain, and maintain a dark corridor there

(a "corridor plan").

(3) A corridor plan must explain how the requirements specified in condition 8(7) (habitat creation and enhancement plans) will be complied with in respect of that dark corridor.

(4) A dark corridor to which a corridor plan applies must be provided substantially in accordance with the endorsed corridor plan that identifies it.

(5) Preliminary works may begin in an area referred to in paragraph (a), (b) or (c) of sub-paragraph (1) before a document referred to in sub-paragraph (2) has been submitted or endorsed, provided that those works do not involve any interference with the habitats of bats.

(6) An access route for construction work may be constructed in an area referred to in paragraph (a), (b) or (c) of sub-paragraph (1) before a document referred to in sub-paragraph (2) has been submitted or endorsed if—

(a) the site controller has submitted to the Secretary of State for approval a document setting out—

(i) details of the construction access route, including its location in relation to the rest of the Order land on an OS plan;

(ii) the steps to be taken to ensure that its construction will not adversely affect bats;

(iii) measures to monitor the taking of those steps and their effectiveness, and

(b) the Secretary of State has endorsed that document.

Part 4

Construction work: general management

Time when development must be begun

11.—(1) Authorised development must not begin later than the expiration of three years beginning with the date on which this Order comes into force.

(2) Before the carrying out of the first material operation comprised in authorised development the site controller must notify the Secretary of State of the date when that material operation is to begin.

(3) As soon as reasonably practicable after the carrying out of the first material operation comprised in authorised development, the site controller must notify the Secretary of State of the date on which that material operation was carried out.

Construction environmental management plan

12.—(1) No construction work, other than preliminary works, may be carried out on the Order land until—

(a) the site controller has submitted to the Secretary of State for approval a construction environmental management plan prepared in accordance with this paragraph ("CEMP") in relation to that construction work, and

(b) the Secretary of State has endorsed that CEMP.

(2) A CEMP must include an OS plan showing the boundary of the part of the Order land on which the construction work to which the CEMP relates (the "CEMP work") is to be carried out (the "CEMP land"), and its location in relation to the rest of the Order land.

(3) A CEMP must be in substantial accordance with reference document 9 (outline construction environmental management plan) and, subject to sub-paragraph (4), must set out a plan, policy,

procedure, standard or method statement to be followed in respect of each of the matters specified below in relation to the CEMP work, to the extent that they are relevant to it—

(a) general management processes, including—

(i) details of audit and inspection programs;

(ii) details of competence training and awareness programmes for construction workers;

(iii) details of the behavioural standards with which construction workers are to comply;

(iv) measures to prevent and respond to accidents and injuries to construction workers;

(b) the times when work, or particular types of work, may be carried out, either generally or in particular locations, including—

(i) details of first hour mobilisation works;

(ii) works that may be undertaken during any extended construction hours, and the notification process for such works;

(iii) the management of, and notification process for, the carrying out of CEMP work outside the times when such work is otherwise permitted, where this is necessary in order to deal with an emergency;

(iv) details of any work that may be undertaken on a 24-hour basis, including the reasons why this is necessary, and the notification process for such works;

(c) engagement with those who live on the CEMP land, or own or occupy land adjoining it, including how they are to be informed about—

(i) the impacts of the CEMP work that they may reasonably be expected to experience, and

(ii) how and with whom they may raise concerns about such impacts, or complaints about impacts of the CEMP work that they have experienced;

(d) the control of noise and vibration, using best practicable means, as defined in section 72 of the Control of Pollution Act 1974(**a**), including—

(i) the setting of limits that must not be exceeded, to avoid unacceptable disturbance to sensitive receptors in the vicinity of the CEMP work ("prescribed noise and vibration limits");

(ii) monitoring compliance with prescribed noise and vibration limits;

(iii) measures for mitigating the impact of noise and vibration, including alternative working practices to be adopted if noise or vibration temporarily exceeds, or is likely to exceed, a prescribed noise and vibration limit;

(e) the control of dust and other emissions to air, including—

(i) the setting of limits that must not be exceeded, in order to avoid unacceptable disturbance to sensitive receptors in the vicinity of the CEMP work ("prescribed emission limits");

(ii) monitoring compliance with prescribed emission limits;

(iii) measures for mitigating the impact of such emissions, including alternative working practices to be adopted if such emissions temporarily exceed, or are likely to exceed, a prescribed emission limit;

(f) arrangements for storing materials to be used in the CEMP work, including arrangements for safe storage of any substances to be so used which are classed as hazardous for the purposes of any enactment applicable to the CEMP work;

(g) measures describing how soils will be managed, including—

(i) details of stripping methods,

(ii) stockpiling arrangements, and

(**a**) 1974 c. 40.

(iii) any reinstatement that is to be undertaken;

(h) arrangements for the following—

(i) site compounds and facilities, including welfare facilities, for construction workers;

(ii) temporary fencing and hoardings, including a plan showing their locations;

(iii) construction equipment and plant, including the maximum operating height of equipment;

(i) management of waste including—

(i) storage and segregation of waste and the location of areas where they are to be carried out;

(ii) removal of waste from the CEMP land;

(j) illuminance levels to be adhered to in order to avoid or mitigate any adverse impact on sensitive receptors, including, where necessary, measures to maintain compliance with the requirements specified in condition 8(7)(b) (habitat creation and enhancement plans);

(k) the strategy to be adopted in relation to any use of piling, which must be prepared having regard to the matters set out in paragraph (d) and the need to assess and address any specific risks associated with any piling that is proposed to form part of the CEMP work;

(l) management of water, including—

(i) any temporary structures to convey, attenuate or treat surface water on the CEMP land, and measures to limit and remove suspended solids and other pollutants contained in surface water runoff;

(ii) preparation of flood emergency measures, together with appropriate means of awareness training for construction workers;

(iii) arrangements for securing an adequate supply of potable water and for the disposal of foul water;

(iv) where the CEMP work is to be carried out in or near a body of groundwater, a body of surface water, or any other watercourse (each a "waterbody"), measures to address the risk of anything (whether natural or artificial) in or near the waterbody impeding or diverting the passage of fish or other aquatic fauna through the waterbody;

(m) assessment of whether CEMP work will give rise to a relevant contamination risk;

(n) arrangements for preventing or controlling any environmental pollution that may arise from it otherwise than as a result of a relevant contamination risk, including—

(i) procedures for dealing with contaminated soils encountered on, and their removal from, the CEMP land;

(ii) measures to protect controlled waters, as defined in section 104 of the Water Resources Act 1991(**a**), from potential sources of environmental pollution, including the effects of silt and sediment, spillages or other accidental releases of fuel oil or other chemicals, or other forms of pollution, including details of any containment structures or systems;

(iii) measures for managing concrete and cement, including arrangements for concrete and cement washout;

(iv) management of wheel cleaning facilities;

(v) containment structures and systems associated with refuelling of construction plant;

(o) protection of the natural environment, including—

(i) management of risks arising from the presence of invasive species in, on, under or over the CEMP land, including measures to prevent the spread, in water, of invasive species and diseases transferred from equipment or construction workers;

(**a**) 1991 c. 57, amended by S.I. 1996/301, 1997/1331, 1997/1332.

(ii) measures to protect specific species or habitats, including dark corridors, including by avoiding or minimising disturbance to them, or compensating for habitat loss;

(iii) an OS plan showing the existing trees, hedges and other vegetation to be retained and those to be removed;

(iv) measures to protect and prevent damage to trees, hedgerows and other vegetation and habitats that are to be retained on the CEMP land, which, in the case of trees, must be in substantial accordance with reference document 21 (arboricultural impact assessment report), excluding Appendix C to that document;

(p) arrangements for appointing and retaining persons with suitable qualifications and experience to carry out, or advise on, any matters relating to the CEMP work in respect of which their expertise is required in relation to—

(i) the assessment and prevention of relevant contamination risks and other risks of environmental pollution;

(ii) monitoring noise and vibration;

(iii) monitoring dust and other emissions to air;

(iv) arboriculture and ecology;

(v) geo-environmental engineering;

(vi) health and safety;

(q) arrangements for the management of construction traffic, including—

(i) access points from public roads;

(ii) the regulation of vehicle movements onto and from the CEMP land, including details of how vehicle movements onto and from the CEMP land will be organised, supervised, controlled, and monitored, including any arrangements for holding vehicles prior to arrival on the CEMP land;

(iii) details and phasing of routing for vehicles travelling to and from the CEMP land in connection with CEMP work, including arrangements for—

(aa) construction workers,

(bb) abnormal indivisible loads,

(cc) heavy-duty vehicles, and

(dd) vehicles removing spoil or waste materials from the Order land;

(iv) the management of deliveries to the CEMP land so as to avoid queues of vehicles forming on public roads within and adjacent to the CEMP land, including measures to minimise the number of traffic movements overall, and manage the timing of deliveries to avoid the periods each day when, on average, traffic on such roads is heaviest;

(v) recording and monitoring of construction traffic movements, and measures for securing adherence to the routing referred to in sub-paragraph (iii);

(vi) steps to be taken to minimise the use of private cars to transport construction workers to and from the Order land;

(vii) measures to prevent the deposit of mud and other deleterious material on roads surrounding the CEMP land;

(viii) maintaining safe and suitable access for emergency vehicles and pedestrians to and around the CEMP land;

(ix) where construction work is to be carried out on or near operational land of a railway undertaker, measures to protect its assets and maintain a safe operational railway;

(r) managing the impact of construction work on the emission of greenhouse gases.

(4) A CEMP may relate to—

(a) one or more items or categories of construction work specified in the CEMP;

(b) construction work that is to be undertaken—

(i) over one or more periods;

(ii) in relation to one or more buildings or structures, or one or more classes of authorised development;

(iii) in, on, under or over one or more parts of the Order land,

provided that it complies with the requirements of sub-paragraphs (2), (3) and (8) in respect of all the construction work to which it relates.

(5) A CEMP may comprise more than one document, and may, for example, include or incorporate by reference separate documents covering any of the matters set out in sub-paragraph (3) such as a piling strategy, construction lighting management plan, dust management plan or invasive species strategy, and the same document may be incorporated by reference into more than one CEMP—

(a) if, and to the extent that, its contents are equally applicable to the CEMP works to which each such CEMP relates, and

(b) if, when each such CEMP is submitted to the Secretary of State for approval, the Secretary of State is given copies of all the documents comprised in or incorporated by reference into it.

(6) Subject to sub-paragraph (8), the site controller may submit to the Secretary of State a notice specifying, in relation to a particular CEMP or category of CEMPs, matters referred to in sub-paragraph (3)—

(a) which are relevant to the CEMP work, and

(b) which the site controller considers that it would not be proportionate to include in that CEMP or category of CEMPs.

(7) A notice under sub-paragraph (6) may be given either before, or at the same time as, the site controller submits to the Secretary of State for approval the CEMP, or a CEMP of the category, specified in the notice, and, if and to the extent that the Secretary of State endorses the notice, the matters specified in the notice may be omitted from that CEMP or CEMPs of that category.

(8) If condition 14 (land remediation) applies to CEMP work, no matter referred to in sub-paragraph (3)(m) or (n)(i) may be—

(a) omitted from a CEMP on the grounds that it is irrelevant to the CEMP work;

(b) specified as not proportionate to include in a CEMP or category of CEMPs in a notice given under sub-paragraph (4),

unless the site controller has provided to the Secretary of State a notice under condition 14(6), or a notice, report and opinion under condition 14(9) in respect of that CEMP work.

(9) The site controller must, in relation to any CEMP or CEMP work, have regard to the desirability of minimising, so far as reasonably practicable, the likely cumulative adverse impacts arising from construction work relating to different authorised works.

(10) The site controller must—

(a) keep a copy of each CEMP that has been endorsed on the Order land;

(b) keep each such CEMP under review until the CEMP work to which it relates is completed, and request the Secretary of State to endorse modifications to it as appropriate, having regard in particular to sub-paragraph (9).

Mass grading

13.—(1) No mass grading may begin until the site controller has submitted to the Secretary of State for approval a grading plan for the part of the Order land where it is proposed to carry out that mass grading, and the Secretary of State has endorsed the plan.

(2) A grading plan must include the following—

(a) an OS plan showing the location where the work is proposed to take place;

(b) details of the proposed mass grading;

(c) a topographic map showing—

(i) the existing elevation and gradient for the part of the Order land where the mass grading is to be carried out and the proposed modifications to the topography of the land and the intended elevation of the land after grading;

(ii) a plan of the areas from which earth will be excavated and to which it will be added to achieve the desired elevations.

Land remediation

14.—(1) This paragraph applies to construction work that is identified as giving rise to a relevant contamination risk, whether as a result of an assessment carried out under a CEMP or otherwise, including during the course of carrying out construction work.

(2) No construction work to which this paragraph applies, other than preliminary works, may be carried out unless the site controller has provided to the Secretary of State—

(a) a notice under sub-paragraph (6), or

(b) a notice, report and opinion under sub-paragraph (9),

in respect of that construction work.

(3) The site controller must prepare a strategy for carrying out remediation works in respect of the part of the Order land in, on, under or over which construction work to which this paragraph applies is proposed to be carried out ("land remediation strategy") in accordance with sub-paragraph (4).

(4) A land remediation strategy must—

(a) be prepared in substantial accordance with reference document 13 (outline land remediation strategy),

(b) identify the likely location and nature of any substances in, on, under or over the part of the Order land to which it relates, whose presence may give rise to a relevant contamination risk, and

(c) assess whether, and, if so, in what ways, any construction work proposed to be carried out in, on, under or over that land will cause significant harm or significant pollution or a significant possibility of significant harm or significant pollution.

(5) The risk assessment carried out under sub-paragraph (4)(c) must be undertaken by a suitably qualified contaminated land practitioner—

(a) in substantial accordance with the requirements of British Standard BS 10175:2011+A2:2017(**a**) and

(b) having regard to any guidance—

(i) issued by the Secretary of State in accordance with section 78YA of the Environmental Protection Act 1990(**b**), or

(ii) published by the Environment Agency in relation to land contamination,

that has not been withdrawn(**c**).

(6) Where the suitably qualified contaminated land practitioner carrying out a risk assessment under sub-paragraph (4)(c) concludes that the construction work to which that risk assessment relates will not give rise to significant harm or significant pollution or a significant possibility of significant harm or significant pollution, the site controller must give the Secretary of State, in respect of that construction work—

(**a**) Investigation of potentially contaminated sites – Code of practice (ISBN 978 0 580 98996 4), published by the British Standards Institution on 3 December 2017.

(**b**) 1990 c. 43; section 78YA was inserted by the Environment Act 1995 (c. 25), section 57, to which there are amendments but none is relevant.

(**c**) See further https://www.gov.uk/government/collections/land-contamination-technical-guidance.

(a) a notice setting out that conclusion, and

(b) the suitably qualified contaminated land practitioner's confirmation of that conclusion.

(7) Where the suitably qualified contaminated land practitioner carrying out a risk assessment under sub-paragraph (4)(c) does not conclude, in respect of some or all of the construction work or some or all of the land to which that risk assessment relates, that it will not give rise to significant harm or significant pollution or a significant possibility of significant harm or significant pollution, no construction work to which this paragraph applies and to which that risk assessment relates may be carried out until—

(a) a scheme ("detailed remediation scheme") has been prepared and implemented in respect of that land or construction work in accordance with sub-paragraph (8), and

(b) the notice, report and opinion referred to in sub-paragraph (9) have been provided to the Secretary of State.

(8) A detailed remediation scheme must—

(a) be prepared for the site controller by, or under the supervision of, or verified by, a suitably qualified contaminated land practitioner;

(b) describe the works to be undertaken to ensure that the construction work to which it relates ("scheme works") does not give rise to significant harm or significant pollution;

(c) specify—

(i) the risk of significant harm or significant pollution, or of a significant possibility of significant harm or significant pollution, that the scheme works are to address;

(ii) any options for scheme works and reasons for selecting the preferred option;

(iii) the criteria for determining that the scheme works have effectively addressed the risk specified under sub-paragraph (i);

(iv) the programme of scheme works, including details of arrangements for managing the movement, reuse and disposal of materials, including measures to assess the suitability of any imported material;

(d) include a verification plan that—

(i) provides details of the data that will be collected to demonstrate that the scheme works are complete, and

(ii) identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action;

(e) be implemented in accordance with its terms.

(9) Where a detailed remediation scheme has been implemented, the site controller must—

(a) notify the Secretary of State of the scheme works undertaken, and their completion;

(b) provide to the Secretary of State—

(i) a verification report by a suitably qualified contaminated land practitioner that is consistent with the verification plan referred to in sub-paragraph (8)(d), and

(ii) the suitably qualified contaminated land practitioner's expert opinion that if the risk assessment carried out under sub-paragraph (4)(c) were to be repeated, that assessment would lead to them reaching the conclusion in sub-paragraph (6).

Archaeological mitigation

15.—(1) No construction work, other than preliminary works, may begin in a designated area, until—

(a) the archaeological work comprised in a programme of activity that is in substantial accordance with section 3 of the environmental controls document has been completed in respect of the designated area, and

(b) the site controller has—

(i) notified the Secretary of State that that archaeological work has been completed, and

(ii) provided the Secretary of State with a report, prepared by or verified by a suitably qualified and experienced archaeologist, to that effect.

(2) For the purposes of this paragraph, a "designated area" is a part of the Order land—

(a) identified as an archaeological mitigation area in Table 3-1 of the environmental controls document, and

(b) with the exception of the area described in that table as P1, shown on a plan in Appendix A (archaeological mitigation areas) to that document.

Construction traffic management scheme

16.—(1) Until the criteria in sub-paragraph (3) are satisfied—

(a) the aggregate number of movements into or out of the ERC area by relevant heavy-duty vehicles by way of all the construction access points from public roads identified in an endorsed CEMP may not exceed 1,000 on any calendar day;

(b) the aggregate number of car-equivalent movements by all relevant motor vehicles—

(i) along Manor Road, east of the Marston Vale Railway Line, in any direction, and

(ii) comprising the whole or part of a journey of any length,

may not exceed 3,035 on any calendar day.

(2) For the purposes of this paragraph—

(a) a heavy duty vehicle or other vehicle is "relevant" if it moves across the Order land in connection with the carrying out of authorised development, for example, to bring construction workers to work, or to deliver materials for use in construction work;

(b) the movement of a vehicle—

(i) other than a heavy-duty vehicle, is to be counted as one car-equivalent movement,

(ii) that is a heavy-duty vehicle, is to be counted as two car-equivalent movements.

(3) The criteria are that—

(a) the site controller has submitted to the Secretary of State a scheme for approval (a "construction traffic management scheme"),

(b) the Secretary of State has endorsed the scheme, and

(c) subject to sub-paragraph (4)(b), the scheme has been implemented in full.

(4) The construction traffic management scheme—

(a) must set out the works to be carried out to—

(i) widen, re-surface, locate additional structures on or beside, or otherwise alter or improve, an existing public road,

(ii) construct a new public road, or

(iii) route or divert traffic,

so as to enable a road to accommodate larger numbers of car-equivalent movements by relevant motor vehicles than those specified in sub-paragraph (1)(a) and (b) without presenting an unacceptable risk to other road users;

(b) may include proposals for restrictions on traffic—

(i) expressed in terms of larger or smaller numbers of heavy-duty vehicle deliveries or car-equivalent movements than those set out in sub-paragraph (1), and

(ii) that are to take effect in substitution for the restrictions set out in sub-paragraph (1) when the works to be carried out under the scheme have progressed to a stage specified in the scheme but are not yet completed, or when other conditions specified in the scheme have been met.

(5) If, and to the extent that, a construction traffic management scheme, or any proposed modification of an endorsed construction traffic management scheme, contains proposals of the kind referred to in sub-paragraph (4)(b), the Secretary of State must not decide to endorse that scheme or modification unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7)(modification of reference documents, controlling documents and endorsement conditions).

(6) Until an endorsed construction traffic management scheme has been implemented, the site controller must monitor, and keep a record of—

(a) heavy-duty vehicle deliveries as described in sub-paragraph (1)(a), and

(b) car-equivalent movements as described in sub-paragraph (1)(b),

and make that record available to the Secretary of State upon request.

Broadmead Road

17.—(1) Subject to sub-paragraph (2), construction traffic associated with authorised development may not use Broadmead Road as access for construction work other than preliminary works in the West Gateway Zone and Core Zone unless—

(a) a direct construction access from Broadmead Road via Woburn Road to the West Gateway Zone has been constructed, and

(b) a signalised junction is operational at the intersection of Broadmead Road and the road known as Woburn Road that runs parallel to the A421.

(2) The restriction set out in sub-paragraph (1) does not apply to movements of heavy-duty vehicles associated with any construction work that it is necessary to carry out to provide the access or junction referred to in sub-paragraph (1)(a) or (b).

Broadmead Road level crossing

18.—(1) No construction traffic associated with authorised development may use the level crossing on Broadmead Road unless—

(a) the site controller has submitted to the Secretary of State for approval a scheme for improving the level crossing and its operation, and

(b) the Secretary of State has endorsed the scheme, and it has been fully implemented.

(2) The scheme must set out how the site controller proposes to ensure public safety while construction traffic associated with authorised development is using the level crossing, including OS plans and drawings of any works proposed to be comprised in its implementation.

Part 5

Temporary accommodation for construction workers

Interpretation of Part 5

19. In this Part—

"accommodation monitoring report" means a report prepared by the site controller under condition 20(3)(b) (accommodation monitoring reports);

"booking number" means the arithmetic mean of the number of serviced accommodation units that will be occupied by, or reserved for, construction workers on any given night during a calendar month, determined according to the site controller's best estimate in advance;

"calendar month" means January, February, March, April, May, June, July, August, September, October, November or December;

"exceedance" occurs in respect of a calendar month where the booking number exceeds 535;

"serviced accommodation unit" means—

(a) a room in premises that provide fully furnished accommodation for short-term or long-term stays and are located outside the Order land but within the area comprised of the administrative areas of Central Bedfordshire Council and Bedford Borough Council at the date when this Order is made, including—

(i) hotels, boarding houses or guest houses where no significant element of care is provided or offered to guests;

(ii) apartments, houses or single rooms, where hotel-like amenities such as room service and housekeeping are provided or offered, or

(b) such other unit within any such premises as is capable of being separately reserved;

"total construction workforce" means the arithmetic mean of the number of construction workers carrying out authorised development on any given calendar day during a calendar month, determined according to the site controller's best estimate in advance.

Accommodation monitoring reports

20.—(1) Before the end of February 2027, and before the end of each third subsequent calendar month, starting with May 2027, the site controller must determine the total construction workforce for each of the next three calendar months.

(2) The site controller must keep a record of its determinations under sub-paragraph (1), and, if requested by the Secretary of State, must provide to the Secretary of State—

(a) the total construction workforces that it has determined;

(b) an explanation of the assumptions and methods it has used to determine them.

(3) If, in complying with sub-paragraph (1), the site controller determines that the total construction workforce for a calendar month will exceed 2,500, the site controller must—

(a) immediately give a notice to that effect to the Secretary of State;

(b) until the criteria specified in sub-paragraph (4) are satisfied, instead of determining the total construction workforce in accordance with sub-paragraph (1), give the Secretary of State a report, before the end of each calendar month, beginning with the calendar month in which it gives a notice under paragraph (a), setting out, for each of the next three calendar months—

(i) the booking numbers and total construction workforces that it has determined;

(ii) an explanation of the assumptions and methods it has used to determine them.

(4) The criteria are that—

(a) the site controller has determined that—

(i) an exceedance is not likely to occur in respect of any of the next six calendar months, or

(ii) the total construction workforce is not likely to exceed 2,500 within the next six calendar months,

(b) the site controller has given the Secretary of State a notice to that effect for approval, explaining the reasons for its determination, and

(c) the Secretary of State has endorsed the notice.

(5) If the site controller—

(a) fails to provide an accommodation monitoring report as and when required by sub-paragraph (3)(b), and

(b) does not rectify such failure within 5 calendar days of being notified of the failure by the Secretary of State,

all construction work on the Order land must cease within 28 calendar days of the end of the period referred to in paragraph (b) until it provides that accommodation monitoring report.

Exceedances and accommodation management plans

21.—(1) If, in determining the booking number under condition 20(3)(b) (accommodation monitoring reports), the site controller determines that an exceedance is likely to occur within any of the next three calendar months, the site controller must—

(a) prepare a plan ("accommodation management plan"), and

(b) submit the plan to the Secretary of State for approval when it next provides an accommodation monitoring report to the Secretary of State.

(2) An accommodation management plan must set out—

(a) the measures, actions or works by which the site controller proposes to address exceedances;

(b) a timetable for the steps taken or to be taken to implement the site controller's proposals;

(c) methods for monitoring progress towards the implementation of those proposals and evaluating the effectiveness of the steps taken;

(d) the further steps to be taken if the site controller is unable to implement the proposals, if the taking of those steps is delayed, or if they are not effective.

(3) If the site controller—

(a) fails to provide an accommodation management plan in accordance with sub-paragraphs (1) and (2), and

(b) does not rectify such failure within 5 calendar days of being notified of the failure by the Secretary of State,

all construction work on the Order land must cease within 28 calendar days of the end of the period referred to in paragraph (b) until it provides that accommodation management plan.

Construction worker accommodation

22.—(1) If, after a plan prepared under condition 21(1) (exceedances and accommodation management plans) has been endorsed, an accommodation monitoring report indicates that exceedances are likely to occur in respect of three consecutive calendar months, despite the proposals in the endorsed plan having been implemented, the site controller must—

(a) provide construction worker accommodation on the Order land, and

(b) notify the Secretary of State of the dates—

(i) when the construction worker accommodation has been provided, and

(ii) (if different) on which it is first used by construction workers.

(2) The construction worker accommodation provided under sub-paragraph (1)(a) must be sufficient to ensure that no exceedance occurs in at least the three calendar months following the date on which the site controller notifies the Secretary of State under sub-paragraph (1)(b)(i).

(3) Construction of construction worker accommodation must not begin unless the site controller has submitted to the Secretary of State for approval, and the Secretary of State has endorsed, a document containing—

(a) an OS plan showing the location of the proposed construction worker accommodation in relation to the rest of the Order land;

(b) a description of the proposed construction worker accommodation, including the number of construction workers to be accommodated in it;

(c) a plan showing its external dimensions;

(d) details of the arrangements for—

(i) access to the proposed construction worker accommodation, and

(ii) supply of potable water to it and disposal of foul water from it.

(4) The Secretary of State must not decide to endorse a document submitted under sub-paragraph (3), or a modification of such a document, unless the Secretary of State is satisfied that

that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(5) A building constructed or installed exclusively for the purposes of providing construction worker accommodation—

(a) must have—

(i) fewer than seven storeys (including any mezzanines), and

(ii) a height of less than 18 metres when measured from the level of the lowest point of land immediately adjoining the building to the floor surface of its top storey, and

(b) must not be located in the vicinity of the facility referred to in condition 30(1)(b) (Lake Zone: proximity to liquefied natural gas facility).

(6) If construction worker accommodation is provided under this paragraph, it must continue to be available for use by construction workers until the criteria specified in condition 20(4) (accommodation monitoring reports) are satisfied.

Part 6

Height controls

Height controls: general

23.—(1) In each zone, authorised works of the description given in the second column of each row of the table in Schedule 4 (maximum height parameter tables) (a "parameter table") whose title refers to that zone must not exceed the height, specified in metres AGL and, where appropriate, AOD, in the third column of the same row of that table, subject to any condition or limitation set out in the second column of that row.

(2) Each row of a parameter table, read with sub-paragraph (1), comprises a distinct height control, which is referred to in the parameter table in which it is set out by the number of the row which appears in the first column of that row.

(3) Other height controls—

(a) are set out in condition 22(5)(a)(ii) (construction worker accommodation), condition 24 (height controls to secure an articulated skyline), condition 43 (impact of authorised works on natural light in certain dwellings) and condition 47 (means of enclosure with a height of more than 5.4 metres AGL), and

(b) may be set out in an endorsement condition.

(4) If more than one height control requires an authorised work not to exceed a specified height, that authorised work must be constructed so that its height does not exceed the height permitted by whichever of the height controls applicable to it requires it to have the lower, or lowest, height.

(5) For the purposes of sub-paragraph (4), if a height control is expressed in terms of a specified number of metres AGL and a specified number of metres AOD, and the effects of the control as expressed in metres AGL and metres AOD are different when applied to a particular case—

(a) the specified numbers of metres AGL and AOD referred to in that height control are to be regarded as two distinct height controls in that case;

(b) whichever of the specified number of metres AGL or AOD gives the higher height is to be disregarded in that case, and

(c) the height control is to be read and given effect in that case as if it were only expressed in terms of whichever number of metres (AGL or AOD) specified in it gives the lower height.

(6) No height control set out in a Schedule 3 condition or parameter table applies to a crane used in construction work, whether or not it is mounted on a building or other structure.

(7) No height control set out in a parameter table, read with sub-paragraph (1), applies to an authorised work to the extent that it is an authorised work of the kind described in condition 47 (means of enclosure with a height of more than 5.4 metres AGL).

Height controls to secure an articulated skyline

24.—(1) In this paragraph—

"medium component" means a work with a height of more than 10 metres AGL and no more than 20 metres AGL;

"tall component" means a work with a height of more than 20 metres AGL and no more than 75 metres AGL;

"very tall component" means a work with a height of more than 75 metres AGL and no more than 115 metres AGL.

(2) Authorised works must be designed and constructed in accordance with the height controls set out in this paragraph, and no construction work may be carried out in respect of an authorised work—

(a) that would comply with a height control set out in this paragraph but would not comply with another height control that requires it not to exceed a specified height, or

(b) that would comply with another height control that requires it not to exceed a specified height but would not comply with a height control set out in this paragraph.

(3) In the Core Zone—

(a) very tall components must not be located on or over more than 3 per cent of the applicable area;

(b) each external surface of a very tall component, at any level, must be at least 20 metres away from the nearest external surface of any other very tall component;

(c) each very tall component must be so designed and constructed that, when completed, no portion of it that extends vertically beyond a height of 75 metres AGL—

(i) comprises anything other than attraction overlay, or

(ii) extends horizontally over an area of more than 0.2 hectares, at any level that is not below ground level;

(d) tall components must not be located on or over more than 10 per cent of the applicable area;

(e) medium components must not be located on or over more than 20 per cent of the applicable area.

(4) In each of the Lake Zone and West Gateway Zone—

(a) no very tall component may be constructed;

(b) tall components must not be located on or over more than 15 per cent of the applicable area;

(c) medium components must not be located on or over more than 25 per cent of the applicable area.

(5) In the East Gateway Zone—

(a) no very tall component may be constructed;

(b) tall components must not be located on or over more than 10 per cent of the applicable area;

(c) medium components must not be located on or over more than 20 per cent of the applicable area.

(6) The "applicable area" of each zone—

(a) is its total land surface area as shown on the zonal plan, less—

(i) in the Core Zone and Lake Zone, the surface area of any part of the zone where public roads or specified habitats are located;

(ii) in the West Gateway Zone and East Gateway Zone, the surface area of any part of the zone where public roads are located, and

(b) for as long as no modification is made to the zonal plan, is as set out in Table 2.

Table 2: applicable area of each zone if zonal plan is not modified

Zone	*Applicable area (in square metres)*
Core Zone	835,155
Lake Zone	457,325
West Gateway Zone	179,700
East Gateway Zone	62,903

Part 7

Approval of masterplans and detailed designs

Interpretation of Part 7

25. In this Part—

"appearance" means the aspects of an authorised work which determine the external visual impression that it makes;

"basic description" means a description of the authorised works to which a masterplan or detailed design relates, that includes—

(a) an OS plan showing their location in relation to the rest of the Order land, their access connections, and the boundaries of any adjacent specified habitat;

(b) if—

(i) the area to which a masterplan relates includes the location of, or

(ii) the authorised works to which a detailed design relates include,

a proposed active travel route shown on reference document 6 (parameter plan – active travel plan), an OS plan showing that the location of that route is or is proposed to be substantially in accordance with that reference document;

"core design features" means the following matters relating to authorised works in respect of which a masterplan or detailed design must be submitted for approval by the Secretary of State—

(a) an indicative vertical cross-section through the authorised works, showing ground level and layout, illustrated on a 1:200 or 1:500 scale drawing;

(b) layout;

(c) general locations of hard landscaping;

(d) a soft landscaping scheme;

(e) hard landscaping materials palette;

(f) an external lighting scheme;

(g) climate resilience measures;

(h) general location and total number of designated vehicle parking spaces;

(i) how the development will facilitate equal and convenient access for, and use by, all users, including people with disabilities;

"figure-ground diagram" means an OS plan that shows the relationship between—

(a) buildings, which are shown on it as solid black masses or figures, and

(b) other features of the area represented on the plan, such as roads and open spaces, which are shown on it as a white background;

"layout" means the way in which buildings and other features within an area to which a submission document relates are provided, situated and orientated in relation to each other and to buildings and features adjoining that area;

"plot" means a parcel of land, delineated on a masterplan, in, on, under or over which authorised development is proposed to be carried out;

"soft landscaping scheme" means details of the following in relation to a part of the Order land to which a masterplan or detailed design relates—

(a) the general location of areas where—

(i) existing trees, shrubs or other vegetation are to be retained, or

(ii) trees, shrubs or other vegetation are to be newly planted,

(b) the principles according to which—

(i) such areas will be designed, including how they will contribute to biodiversity and the species mix of trees, shrubs and other vegetation to be used;

(ii) arrangements will be made to establish, maintain and manage such areas;

(c) where the part of the Order land to which a masterplan or detailed design relates includes a proposed dark corridor, how the requirements of condition 8(7) (habitat creation and enhancement plans) will be complied with in respect of that dark corridor.

Requirement for masterplan or detailed design approval

26.—(1) Subject to sub-paragraph (2), no authorised development of a kind referred to in article 4(2)(a) (grant of planning permission) may begin unless—

(a) if it relates to class 3 or class 6 authorised works, or the construction of a work that is proposed to have a height of 45 metres AGL or more—

(i) the site controller has submitted to the Secretary of State for approval a detailed design in respect of that authorised work, and

(ii) the Secretary of State has endorsed that detailed design;

(b) if it relates to any other authorised works—

(i) the site controller has submitted to the Secretary of State for approval—

(aa) a masterplan for the zone or part of a zone where the authorised works are proposed to be located, or

(bb) a detailed design in respect of the authorised works, and

(ii) the Secretary of State has endorsed that masterplan or detailed design.

(2) Sub-paragraph (1) does not apply to authorised development of a kind referred to in article 4(2)(a) if, or to the extent that—

(a) the authorised works to which it relates—

(i) are proposed to be located in the Inner Core Zone and do not comprise a public road, and

(ii) either do not comprise a relevant work as defined in sub-paragraph (1) of condition 43 (impact of authorised development on natural light in certain dwellings), or, if they do comprise a relevant work as so defined, meet the reporting criteria as specified in sub-paragraph (5) of that condition and the construction criterion as specified in sub-paragraph (6)(a) of that condition;

(b) the authorised development is proposed to be carried out outside the Inner Core Zone and consists of or relates to—

(i) preliminary works;

(ii) site preparatory works;

(iii) the provision of construction worker accommodation under condition 22 (construction worker accommodation);

(iv) development carried out to implement an endorsed habitat location plan or habitat creation and enhancement plan;

(v) authorised development—

(aa) in class 3 or class 6, relating to class 3 or class 6 authorised works after they have first been constructed,

(bb) which, where it involves the construction of new infrastructure, only involves the construction of infrastructure that replaces existing infrastructure of the same or a similar type, and that is not substantially larger, in terms of its capacity or extent, than the existing infrastructure that it replaces, and

(cc) which will not have an effect of the kind referred to in article 7(7)(b)(i) or (ii) (modification of reference documents, controlling documents and endorsement conditions);

(vi) authorised development in any of the following classes—

(aa) class 4;

(bb) class 8(a)(i), provided that its height does not exceed 5.4 metres AGL;

(cc) class 8(a)(ii), (iii) or (iv);

(dd) class 8(b)(i), (ii) or (iii);

(ee) class 9(b)(i), (ii), (iii), (iv) or (vi);

(ff) class 9(b)(v), provided that its height does not exceed 5.4 metres AGL;

(c) condition 47 (means of enclosure with a height of more than 5.4 metres AGL) applies to that authorised development and a plan for it has been submitted to the Secretary of State under that condition and endorsed.

(3) A change to the boundary of a specified habitat, or in the use of land on which a specified habitat is created, retained or enhanced—

(a) may only be made in accordance with a modification, endorsed by the Secretary of State, of the plans relating to that specified habitat that have been endorsed under Part 3, and

(b) is not authorised by the endorsement of a masterplan or detailed design that relates to that specified habitat or land, unless—

(i) the site controller requests such a modification at the same time as seeking approval of that masterplan or detailed design, and

(ii) the Secretary of State endorses that modification.

Masterplans

27.—(1) A masterplan must include, in relation to the authorised works that are proposed to be located in the zone or sub-zone to which the masterplan relates—

(a) the documents specified in sub-paragraph (2);

(b) OS plans, technical drawings or explanatory text setting out the information specified in sub-paragraph (2).

(2) The documents and information specified are—

(a) a basic description;

(b) the core design features;

(c) annotated OS plans identifying each plot comprised in the zone or sub-zone to which the masterplan relates;

(d) layout in the form of a figure-ground diagram;

(e) for each plot, details of—

(i) its total width and length;

(ii) the maximum heights, in metres AGL and AOD, of authorised works that are proposed to be located in, on, under or over it, and the maximum depths of any basement levels of such authorised works;

(iii) whether any authorised work with a height of 45 metres or more is proposed to be located on it;

(f) general principles for the storage and collection of refuse, and recycling;

(g) how authorised works described in the masterplan will relate to or integrate with—

(i) any existing work that is to be retained;

(ii) any authorised work—

(aa) located, or proposed to be located, adjacent to the zone or sub-zone to which the masterplan relates, and

(bb) in respect of which there is an endorsed masterplan or detailed design;

(h) principles for addressing the micro-climate impacts of authorised works described in the masterplan, in relation to wind, overshadowing, day lighting and sunlight, including assessments that demonstrate how such impacts have been addressed and, where necessary, mitigated;

(i) where authorised development to which the masterplan relates is to be carried out on or near operational land of a railway undertaker, measures to protect its assets and maintain a safe operational railway.

(3) The site controller must provide a compliance statement to the Secretary of State—

(a) when it submits a masterplan to the Secretary of State under this paragraph, in relation to the submitted development;

(b) when it requests endorsement of a modification of an endorsed masterplan, in relation to the proposed modification.

Detailed designs: class 3 and class 6 authorised works

28.—(1) A detailed design for class 3 or class 6 authorised works must include, in relation to the authorised works to which the detailed design relates—

(a) the documents specified in sub-paragraph (2);

(b) OS plans, technical drawings or explanatory text setting out the information specified in sub-paragraph (2).

(2) The documents and information specified are—

(a) a basic description;

(b) the core design features, excluding climate resilience measures and a hard landscaping materials palette in the case of class 6 authorised works;

(c) in the case of any public road that is wholly or partly located in the Core Zone, an OS plan showing the location of—

(i) the boundary between that part of the road designed for use by motor vehicles and any kerb,

(ii) any active travel route associated with that road, and

(iii) any other authorised work that it is proposed will immediately adjoin the road or that active travel route;

(d) drawings of the authorised works to an appropriate scale;

(e) in the case of class 6 authorised works that comprise a public road, details of highway layout and alignment that are in substantial accordance with the limits of deviation shown in respect of that public road in the access and roadways plan;

(f) in respect of any construction work relating to a public road that is within paragraph (b) of the definition of "public road" in article 2(1) (interpretation), proposals for—

(i) providing public access to and use of it;

(ii) maintaining it until it is adopted by a highway authority as a highway maintainable at the public expense under section 38 or section 228 of the Highways Act 1980(**a**);

(g) in the case of class 3(a) authorised works, plans showing the external dimensions, appearance and elevations of any station building.

(3) When the site controller submits a detailed design to the Secretary of State for approval under this paragraph, it must also provide to the Secretary of State—

(a) in the case of class 3 authorised works, confirmation from—

(i) Network Rail Infrastructure Limited (company number 02904587), or

(ii) such other body as may have assumed, before the date on which the detailed design is submitted to the Secretary of State, the function of approving designs of railway infrastructure that is carried out by Network Rail Infrastructure Limited at the date on which this Order is made,

that it has approved the design set out in the submission document;

(b) in the case of class 6 authorised works that comprise a public road, confirmation from—

(i) the highway authority for that public road, or

(ii) a suitably qualified and experienced independent expert appointed by the site controller,

that the public road, if constructed in accordance with the details set out in the submission document, will be safe for public use as a highway.

(4) The site controller must provide a compliance statement to the Secretary of State—

(a) in relation to the submitted development, when it submits a detailed design to the Secretary of State under this paragraph;

(b) in relation to a proposed modification of an endorsed detailed design, when it requests endorsement of such a modification.

Detailed designs: other classes of authorised works

29.—(1) A detailed design for authorised works that are not in class 3 or class 6 must include, in relation to the authorised works to which the detailed design relates—

(a) the documents specified in sub-paragraph (2);

(b) OS plans, technical drawings or explanatory text setting out the information specified in sub-paragraph (2).

(2) The documents and information specified are—

(a) a basic description;

(b) the core design features;

(c) drawings of the authorised works, including elevations, to an appropriate scale;

(d) layout;

(e) the external dimensions of each building or structure comprised in the authorised works;

(f) access arrangements for emergency services;

(g) arrangements for the storage, compaction and collection of refuse, and recycling;

(h) appearance in the form of a materials palette;

(**a**) 1980 c. 66. Section 38 was amended by the Infrastructure Act 2015 (c. 7), section 1(6) and Schedule 1, paragraphs 1 and 19, the New Roads and Street Works Act 1991 (c. 22), section 22(1) and the Local Government Act 1985 (c. 51), section 102(2) and Schedule 17.

(i) the micro-climate impacts of the authorised works, in relation to wind, overshadowing, day lighting and sunlight, including assessments that demonstrate how such impacts have been addressed and, where necessary, mitigated;

(j) where authorised development to which the detailed design relates is to be carried out on or near operational land of a railway undertaker, measures to protect its assets and maintain a safe operational railway.

(3) If a detailed design relates to a work that is proposed to have a height of 45 metres AGL or more, it must include the following documents and matters—

(a) a plan showing the relationship between that work, existing adjacent buildings or structures, any buildings or structures for which a detailed design has been endorsed, and any adjacent plot of which details are given in an endorsed masterplan;

(b) details of the appearance, facing materials, and finishes of the work;

(c) an assessment that sets out—

(i) the reflective capacity of the materials to be used on the outside of the work;

(ii) the position of receptors, including—

(aa) individual point receptors such as dwellings, and

(bb) moving receptors such as road traffic or aircraft following a specific flight path,

and whether they are, or are likely to be, sensitive receptors;

(iii) an assessment of the probability and severity of the impacts, in respect of the light sensitive receptors identified under sub-paragraph (ii) of any—

(aa) momentary flash of light experienced by an external observer as a direct reflection of the sunlight reflected from a reflective surface ("glint"), or

(bb) continuous source of excessive brightness experienced by an external observer located in the path of sunlight reflected from a reflective surface ("glare");

(iv) if the assessment concludes that the probability and severity of those impacts is such that they could, if not mitigated, be dangerous or otherwise have an unacceptable adverse effect, the steps to be taken to remove the danger or mitigate the effect in respect of the receptors identified,

and includes written confirmation from a suitably qualified and experienced professional that the work, with or without the taking of such steps, as the case may be, will not give rise to any dangerous or otherwise unacceptable adverse effect on light sensitive receptors arising from glint or glare.

(4) The site controller must provide a compliance statement to the Secretary of State—

(a) in relation to the submitted development, when it submits a detailed design to the Secretary of State under this paragraph;

(b) in relation to a proposed modification of an endorsed detailed design, when it requests endorsement of such a modification.

Lake Zone (proximity to liquefied natural gas facility)

30.—(1) Subject to sub-paragraph (3), sub-paragraph (2) applies if the site controller, having regard to the relevant reference design standards, submits to the Secretary of State for approval—

(a) a masterplan for the Lake Zone, or

(b) a detailed design of any authorised development that is proposed to be carried out in the vicinity of the liquified natural gas facility at Asda, Marsh Leys Farm, Woburn Rd, Kempston, Bedford MK43 9AB (the "LNG facility").

(2) The site controller must, having regard to the relevant reference design standards—

(a) seek the advice of the Health and Safety Executive ("HSE") about any risks associated with carrying out the submitted development in the vicinity of the LNG facility;

(b) explain, when submitting the masterplan or detailed design for approval, how it has taken account of any advice or recommendations received from HSE in relation to such risks.

(3) Sub-paragraph (2) ceases to apply if—

(a) the site controller submits to the Secretary of State for approval a notice, in form and content satisfactory to the Secretary of State, stating that the LNG facility has been removed or decommissioned, and that it has not been replaced, and

(b) the Secretary of State endorses the notice.

(4) In this paragraph, the "relevant reference design standards" are the reference design standards to which the "design standard ID" numbers LZ2.1 and LZ2.2 are given in reference document 19 (design standards).

Part 8

Reference design standards

Reference design standards applicable to all parts of the Order land

31. An authorised work must be constructed and operated in substantial accordance with each reference design standard relating to that authorised work that is listed in Table 3 by the "design standard ID" number given to that reference design standard in reference document 19 (design standards).

Table 3

Generally applicable reference design standards

Design standard ID	*Subject matter*
SW4.1	Covered outdoor elements
SW4.2	Parking and hard landscaping materials
SW4.4	Climate resilience in design of buildings or structures
SW5.1	ERC exterior lighting
SW5.2	Lighting outside the ticketed area (avoidance of skyglow)
SW5.3	ERC exterior lighting outside of the ticketed area (ground level glare effects)
SW5.4	ERC exterior lighting outside of the ticketed area (upward light ratio and optical control)
SW5.5	ERC exterior lighting outside of the ticketed area (lighting columns etc)
SW6.1	Vegetation by public roads
SW6.2	Topographical mounds and buffer planting
SW8.1	Active travel routes
LZ4.2	Sources of odour

Reference design standards applicable only to the Core Zone

32. An authorised work in the Core Zone must be constructed and operated in substantial accordance with each reference design standard relating to that authorised work that is listed in

Table 4 by the "design standard ID" number given to that reference design standard in reference document 19 (design standards).

Table 4

Core Zone reference design standards

Design standard ID	*Subject matter*
CZ5.1	Core Zone lighting
CZ6.1	Landscaping around transport hubs

Reference design standards applicable only to the East Gateway Zone

33. An authorised work in the East Gateway Zone must be constructed and operated in substantial accordance with each reference design standard relating to that authorised work that is listed in Table 5 by the "design standard ID" number given to that reference design standard in reference document 19 (design standards).

Table 5

East Gateway Zone reference design standards

Design standard ID	*Subject matter*
EG4.2	Climate change impact assessment in relation to Wixams station
EG6.1	Transport hubs

Reference design standards applicable only to the Lake Zone

34. An authorised work in the Lake Zone must be constructed and operated in substantial accordance with each reference design standard relating to that authorised work that is listed in Table 6 by the "design standard ID" number given to that reference design standard in reference document 19 (design standards).

Table 6

Lake Zone reference design standards

Design standard ID	*Subject matter*
LZ2.1	Development in the vicinity of the installation referred to in condition 30 (Lake Zone (proximity to liquefied natural gas installation)
LZ2.2	Development in the vicinity of the installation referred to in condition 30
LZ5.1	Exterior lighting
LZ5.2	Amenity lighting
LZ5.3	Lighting on western edge of the lake

Part 9

Location of certain authorised works

Primary access points

35. The primary access points to authorised works in the ERC area from the existing public road network must be located in substantial accordance with reference document 2 (primary access plan).

Entertainment resort complex

36.—(1) Authorised works in class 1 or class 2 must not be located outside the ERC area.

(2) Authorised works in class 1(a) must not be located outside the ticketed area.

Transport related development

37.—(1) Authorised development—

(a) in class 3(a) must not be carried out outside the East Gateway Zone;

(b) in class 3(c) must not be carried out outside the site where Kempston Hardwick station is located at the date on which this Order is made.

(2) The transport hub in the Core Zone must be located in substantial accordance with reference document 7 (parameter plan – core zone transport hub plan).

Petrol filling or service station

38.—(1) No petrol filling or service station open to visitors may—

(a) be located outside the West Gateway Zone;

(b) have–

(i) more than 16 pumps dispensing fuel,

(ii) a hydrogen storage capacity of more than 2 tonnes, or

(iii) a liquefied petroleum gas storage capacity of more than 25 tonnes.

(2) No part of a petrol filling or service station may be used for the sale or display of vehicles.

Camp sites

39. Authorised works comprising a camp site must not be located outside the Lake Zone.

Conference and convention facilities

40. Authorised works in class 1(c) that are dedicated to conference and convention use must not—

(a) be located outside the Lake Zone, or

(b) have floorspace, the gross external area of which exceeds, in aggregate, 55,000 square metres.

Sports venues with outdoor playing fields

41. Any sports facility that includes an outdoor playing field must not be located outside the Lake Zone.

Class 4 authorised works

42.—(1) The categories of authorised works specified in sub-paragraph (2) must be located—

(a) in the same part of the Order land, and

(b) inside a single—

(i) building or structure, or

(ii) enclosure formed by a surrounding fence, wall or other structure

(the "utility compound"), to prevent access by persons other than workers.

(2) The categories of authorised works are—

(a) authorised works in class 4(a)(iii);

(b) a substation that is an authorised work of class 4(a)(iv)(aa);

(c) where class 1 or class 2 authorised works are supplied with—

(i) heating or cooling that is produced by infrastructure, all of which is located together at a single point on the Order land ("centrally co-located"), or

(ii) water processing or collection services, that are provided by infrastructure, all of which is centrally co-located,

the centrally co-located infrastructure comprising class 4(c) or class 4(d) authorised works that provide such heating, cooling or water processing or collection services.

(3) No construction work, other than preliminary works, or site preparatory works, may be carried out in respect of the utility compound, or any authorised work required to be located in it under sub-paragraph (1), unless—

(a) the site controller has submitted to the Secretary of State for approval an OS plan, indicating the proposed location of the utility compound in relation to the rest of the Order land, that is substantially in accordance with reference document 8 (parameter plan – utility compound plan), where its proposed location is indicated by yellow shading, and

(b) the Secretary of State has endorsed the plan.

Part 10

Authorised works and authorised development: other specific restrictions and requirements

Impact of authorised works on natural light in certain dwellings

43.—(1) No construction work, other than preliminary works, or site preparatory works, may be carried out in respect of a work that meets the height and distance criteria specified in sub-paragraph (2), (3) or (4) (a "relevant work") unless the relevant work satisfies—

(a) the reporting criteria specified in sub-paragraph (5), and

(b) the construction criterion specified in sub-paragraph (6).

(2) The height and distance criteria are that the work is—

(a) to be located within the Core Zone, within the distance or range of distances set out in the first column of one of the rows of Table 7 of the northern façade of a dwelling—

(i) which is on Broadmead Road,

(ii) which is not owned by the site controller or any of its affiliates, and

(iii) in respect of which no material change in use has taken place as referred to in article 4(2)(b) (grant of planning permission), and

(b) to have a height—

(i) that is equal to, or

(ii) to the extent permitted by other height controls, exceeds,

the height set out in the second column of that row.

Table 7

Specified distance and height parameters (sub-paragraph (2))

Distance from northern façade of the specified dwelling in metres	*Height of work in metres AOD*
107.6	86.87
Greater than 107.6 but no greater than 152.6	106.3
Greater than 152.6 but no greater than 172.2	117
Greater than 172.2 but no greater than 258	157

(3) The height and distance criteria are that the work is—

(a) to be located within the Core Zone, within the distance or range of distances set out in the first column of one of the rows of Table 8 of the existing northern facade of a dwelling—

(i) which is on Manor Road and located in an ERC expansion area,

(ii) which is not owned by the site controller or any of its affiliates, and

(iii) in respect of which no material change in use has taken place as referred to in article 4(2)(b) (grant of planning permission), and

(b) to have a height—

(i) that is equal to, or

(ii) to the extent permitted by other height controls, exceeds,

the height set out in the second column of that row.

Table 8

Specified distance and height parameters (sub-paragraph (3))

Distance from existing adopted boundary of Manor Road in metres	*Height of work in metres AOD*
92.7	78.45
Greater than 92.7 but no greater than 137.7	99.48
Greater than 137.7 but no greater than 175.3	117
Greater than 175.3 but no greater than 261	157

(4) The height and distance criteria are that the work is—

(a) to be located within the Lake Zone, within the distance or range of distances set out in the first column of one of the rows of Table 9 of the existing northern facade of a dwelling—

(i) which is on Manor Road and located in an ERC expansion area,

(ii) which is not owned by the site controller or any of its affiliates, and

(iii) in respect of which no material change in use has taken place as referred to in article 4(2)(b) (grant of planning permission), and

(b) to have a height—

(i) that is equal to, or

(ii) to the extent permitted by other height controls, exceeds,

the height set out in the second column of that row.

Table 9

Specified distance and height parameters (sub-paragraph (4))

Distance from existing adopted boundary of Manor Road in metres	*Height of work in metres AOD*
53.7	53.71
Greater than 53.7 but no greater than 57.5	55.5

(5) A relevant work satisfies the reporting criteria if—

(a) a suitably qualified and experienced professional has prepared a report in accordance with sub-paragraph (7) ("light impact report") in respect of the relevant work, and

(b) the site controller has provided a copy of the light impact report to the Secretary of State.

(6) A relevant work satisfies the construction criterion if—

(a) the light impact report prepared in respect of the relevant work contains a conclusion under sub-paragraph (7)(c) that the impact of the relevant work on the amount of natural light reaching each relevant dwelling is not unacceptable, or

(b) if the light impact report in respect of the relevant work does not contain a conclusion as described in paragraph (a)—

(i) the site controller has submitted to the Secretary of State for approval a detailed design for the relevant work, and

(ii) the Secretary of State has endorsed the detailed design.

(7) A light impact report in respect of a relevant work must include—

(a) an assessment or reasonable estimate of the vertical sky component and annual probable sunlight hours for each habitable room in each relevant dwelling

(i) as they were at the date on which this Order is made;

(ii) as they will be if construction of the relevant work is completed,

measured at the centre of each existing window of each such room;

(b) an assessment or reasonable estimate, for each habitable room in a relevant dwelling, of the area, on a horizontal plane 0.85 metres above the floor, from which—

(i) sky can be seen at the date on which this Order is made;

(ii) it will be possible to see sky if construction of the relevant work is completed;

(c) the conclusion of the suitably qualified and experienced professional who has prepared the report on the question of whether—

(i) based on the assessments under paragraphs (a) and (b), and

(ii) having regard to whether the criteria set out in sub-paragraph (8) are satisfied,

the impact of the relevant work on the amount of natural light reaching each relevant dwelling is unacceptable.

(8) In considering the question on which sub-paragraph (7)(c) requires a conclusion, the suitably qualified and experienced professional who prepares a light impact report must exercise their professional skill and judgment and have regard to the most recently published version of the BRE Guidance, but may conclude that the impact of a relevant work on the amount of natural light reaching a relevant dwelling is not unacceptable if the following criteria are satisfied in respect of each habitable room in each relevant dwelling—

(a) the vertical sky component as assessed or estimated under sub-paragraph (7)(a)(ii)—

(i) is not less than 27 per cent, and

(ii) is not less than 80 per cent of the value assessed or estimated under sub-paragraph (7)(a)(i),

(b) the annual probable sunlight hours as assessed or estimated under paragraph (7)(a)(ii)—

(i) are not less than 25 per cent,

(ii) in the period between 21st September and 21st March are not less than 5 per cent, and

(iii) are not less than 80 per cent of the value assessed or estimated under sub-paragraph (7)(a)(i), and

(c) the area assessed or estimated under sub-paragraph (7)(b)(ii) is not less than 80 per cent of the area assessed or estimated under sub-paragraph (7)(b)(i),

unless they consider that other evidence in relation to a relevant work or a relevant dwelling, to which it is reasonable to give greater weight, leads to the conclusion that, even though the criteria in paragraphs (a) to (c) are satisfied, the impact of the relevant work on the amount of natural light reaching a relevant dwelling is nevertheless unacceptable.

(9) In this paragraph—

"annual probable sunlight hours" means the long-term average of the total number of hours during a year in which direct sunlight reaches the ground when clouds are taken into account, expressed as a percentage;

"BRE guidance" means "Site Layout and Planning for Daylight and Sunlight: a guide to good practice", published by the Building Research Establishment(**a**);

"relevant dwelling" means, in relation to a relevant work, a dwelling that is referred to in paragraph (a) of whichever of sub-paragraphs (2), (3) or (4) specifies height and distance criteria that that dwelling meets;

"vertical sky component" means the measure of the amount of light reaching a window, expressed as a percentage, that is further defined as such in the glossary to the third edition of the BRE guidance.

Kempston Hardwick moated site

44.—(1) No authorised development may be carried out within 10 metres, in any direction, of the boundary of the scheduled monument with list entry number 1012312 on the National Heritage List for England(**b**), known as Kempston Hardwick moated site ("the moated site").

(2) If any construction work includes the carrying out of piling within 30 metres, in any direction, of the boundary of the moated site, the part of the CEMP relating to that work that deals with piling must set out how ground borne vibration from such piling will be prevented from exceeding 2 millimetres per second peak particle velocity at the boundary of the moated site.

(3) If vibration from such construction work causes ground borne vibration exceeding that level at the boundary of the moated site, that construction work must cease, and may not resume until—

(a) the site controller has submitted to the Secretary of State for approval details of measures to be implemented to prevent future exceedances, and

(b) the Secretary of State has endorsed those details.

Veteran tree

45. The veteran tree "multi-stemmed willow", shown as tree T80 on Tree Removal and Protection Plan 9 of 12 (320-1000-P-AB09) in Appendix D (tree removal and protection plan) to the environmental controls document, must be retained unless the Secretary of State gives consent for its removal.

(**a**) Site layout planning for daylight and sunlight: a guide to good practice, by P. Littlefair, S. King, G. Howlett, C. Ticleanu and A. Longfield, published by the Building Research Establishment on 8th June 2022 (ISBN 978 1 84806 483 6), available from the Building Research Establishment, https://bregroup.com/store/bookshop.

(**b**) www.historicengland.org.uk/listing/the-list.

ERC expansion areas

46. No construction work comprising authorised development in class 1 or class 2, other than preliminary works and site preparatory works, may take place in any part of the Order land that formed part of an ERC expansion area as identified on the version of the ERC plan that was submitted to the Secretary of State on 26th June 2025, unless—

(a) the Secretary of State has endorsed a masterplan or detailed design that relates to that class 1 or 2 authorised development, and

(b) in respect of each premises in that part of the Order land a material change in use has taken place as referred to in article 4(2)(b) (grant of planning permission).

Means of enclosure with a height of more than 5.4 metres AGL

47. No fence, gate comprised in a fence, bund or similar structure, or any other means of enclosure which has a height exceeding 5.4 metres AGL, and details of which are not included in an endorsed masterplan or detailed design, may be constructed unless—

(a) the site controller has submitted to the Secretary of State for approval—

(i) an OS plan showing the location of the structure on the Order land;

(ii) drawings showing its elevations, and

(b) the Secretary of State has endorsed that plan and those drawings.

Battery energy storage system

48.—(1) No authorised work comprising a battery energy storage system ("BESS") may have a capacity of more than 10 megavolt-amperes.

(2) Any such authorised work must—

(a) be located at least 25 metres from—

(i) any building or structure used by persons other than those responsible for its operation or maintenance, and

(ii) the boundary of the Order land.

(b) be separated from any specified habitat or riparian protection zone by at least 10 metres;

(c) be sealed, with an impermeable base or layer beneath the battery unit compound and a drainage system that prevents the discharge of polluted water to bodies of groundwater or watercourses or other bodies of surface water;

(d) have sufficient capacity to accommodate the storage of contaminated fire water in the event of a fire;

(e) have an automated valve or penstock to contain any contaminated fire water;

(f) be located and designed so as to ensure that—

(i) access at the location enables firefighters to operate unimpeded;

(ii) the air flow to, or exhaust from, the BESS and its components is not obstructed or inhibited;

(g) have an explosion control or other system to address deflagration hazards.

(3) If the BESS includes static water storage tanks designed to be used for firefighting, they must be located at least 10 metres away from the BESS container or cabinet and clearly marked with appropriate signage.

(4) In deciding the location and design of a BESS, the site controller must have regard to the most recent guidance issued on the planning of such systems by the UK National Fire Chiefs Council(**a**).

(5) Within 20 working days of the completion of such procedures and tests in relation to a BESS as constitute, at the time they are undertaken, the usual industry standards and practices for demonstrating that the BESS is capable of commercial operation, the site controller must provide to the fire and rescue authority, as defined in section 1 of the Fire and Rescue Services Act 2004(**b**), for the area that includes the Order land—

(a) details of the type of batteries, number of batteries and capacity of each battery comprised in the BESS, and

(b) a plan of the area around the BESS, showing—

(i) the location of the BESS within the utility compound,

(ii) access routes for emergency responders,

(iii) the location of hydrant supplies or static water tanks, with details of their total capacity and delivery capability.

Limits on extent of highway works

49.—(1) For the purposes of this paragraph—

"area of development" has the meaning given in section 22(9) of the Planning Act 2008(**c**);

"motorway" has the meaning given in section 22(9) of the Planning Act 2008;

"relevant highway" means a highway for which the Secretary of State or a strategic highways company is the highway authority.

(2) Class 6 authorised works must not consist of—

(a) the construction or alteration of a motorway;

(b) the construction of—

(i) a highway that will be a relevant highway, but that is not a motorway, where the speed limit for any class of vehicle is expected to be 50 miles per hour or greater, if the area of development exceeds 12.5 hectares;

(ii) any other highway that will be a relevant highway, if the area of development exceeds 7.5 hectares;

(c) the alteration of—

(i) a relevant highway, that is not a motorway, where the speed limit for any class of vehicle is expected to be 50 miles per hour or greater, if the area of development exceeds 12.5 hectares;

(ii) any other relevant highway, if the area of development exceeds 7.5 hectares;

(d) the improvement of a relevant highway, if it is likely to have a significant effect on the environment.

(**a**) At the date on which the Order is made, Grid Scale Battery Energy Storage System planning – Guidance for FRS, dated 1 November 2022, available from the National Fire Chiefs Council, 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ, or online at https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf.

(**b**) 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, paragraph 10(1) and (2) and the Levelling-up and Regeneration Act 2023 (c. 55), section 56 and Schedule 4, paragraph 157.

(**c**) 2008 c. 29, to which there are amendments not relevant to this Order.

(3) Sub-paragraph (2) does not apply to class 6 authorised works which meet the conditions set out in section 22(6), (7) or (8) of the Planning Act 2008.

Limits on extent of railway works

50.—(1) Where class 3 authorised works comprise the construction or alteration of a railway—

(a) that is, or is to be, part of a network operated by an approved operator, and

(b) that will include a stretch of track that—

(i) is not, or is not proposed to be, on land that was operational land of a railway undertaker immediately before the work of construction or alteration began, or

(ii) is, or is proposed to be, on land that was acquired at an earlier date for the purpose of constructing the railway,

the track constructed or altered as part of those authorised works must not exceed 2 kilometres of continuous length.

(2) For the purposes of this paragraph, "approved operator" has the meaning given in section 25(4) of the Planning Act 2008(**a**).

Limits on capacity, extent or use of certain energy and water infrastructure

51.—(1) An electricity generating station that generates electricity directly from sunlight must have a capacity of less than 100 megawatts AC.

(2) An electricity generating unit that is fuelled by diesel or gas must not be installed or used for any purpose other than—

(a) to provide power for machinery, plant or equipment used in construction work;

(b) to provide power for authorised works until a date, notified to the Secretary of State by the site controller in advance, that is no later than the date which is 12 months after the date of Grand Opening, but only if, and to the extent that, it is not possible to arrange for those authorised works to be supplied with sufficient electricity generated outside the Order land by the notified date;

(c) to provide a permanent source of back-up power to an individual work or item of plant or equipment comprised in the ERC, to enable it to operate safely when its usual source of power is interrupted and remains unavailable.

(3) An authorised work in class 4(c) that is functionally associated with class 1 or class 2 authorised works, and centrally co-located within the meaning of condition 42(2)(c) (class 4 authorised works)—

(a) subject to paragraph (b), must not be powered by any plant or equipment on the Order land that produces energy by the combustion of fuel;

(b) if it is powered by any such plant or equipment—

(i) that plant or equipment may not be used for any other purpose than to provide energy for heating or cooling systems comprised in authorised works until a date, notified to the Secretary of State by the site controller in advance, that is no later than the date which is 12 months after the date of Grand Opening, and

(ii) its use in accordance with sub-paragraph (i) is only permitted where it is not reasonably practicable for centrally co-located authorised works in class 4(c) to be supplied with sufficient electricity generated outside the Order land by the date of Grand Opening.

(4) Where an electric line is installed above ground, at least one of the following criteria must be satisfied in relation to it—

(a) the line does not exceed two kilometres in length when installed;

(**a**) 2008 c. 29, amended by S.I. 2013/1883.

(b) if it is a line ("replacement line") that replaces a line that is an existing line as defined in section 16(4) of the Planning Act 2008(**a**) ("existing line") and the nominal voltage of the replacement line is expected to be greater than that of the existing line—

(i) the replacement line has no support whose height exceeds the height of the highest support of the existing line by more than 10 per cent;

(ii) the distance between any support for the new line and the existing line does not exceed 60 metres, and the replacement line is removed within twelve months from the date on which the installation of the replacement line is complete;

(c) the line will, when installed, be within premises in the occupation or control of the person responsible for its installation;

(d) section 37(1) of the Electricity Act 1989(**b**) (consent required for overhead lines) does not apply to the line, by virtue of the Overhead Lines (Exemption) (England and Wales) Regulations 2009(**c**).

(5) Where an authorised work of class 4(b) is constructed—

(a) it must not have a length that exceeds, or is intended to exceed, 16.093 kilometres;

(b) if it is constructed by a gas transporter, as defined in section 7(1) of the Gas Act 1986(**d**), at least one of the following criteria must not be expected to be satisfied in relation to it—

(i) it is more than 800 millimetres in diameter and more than 40 kilometres in length, or its construction is likely to have a significant effect on the environment;

(ii) it has a design operating pressure of more than 7 bar gauge;

(iii) it conveys gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers, as defined in section 7A(11) of the Gas Act 1986.

(6) Where an authorised work of class 4(d) is constructed, it must not—

(a) if it is a waste water treatment plant, have a capacity exceeding a population equivalent, as defined in regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994(**e**), of 500,000;

(b) if it is infrastructure for the transfer or storage of waste water, have capacity for the storage of waste water exceeding 350,000 cubic metres;

(c) if it is a dam, reservoir, infrastructure for the transfer of water resources or desalination plant, as defined in section 235(1) of the Planning Act 2008(**f**), have a deployable output, as defined in that section, that is expected to exceed 80 million litres per day.

(7) No development in class 4(f) may be constructed or operated unless it is functionally associated with authorised works in class 4(a), (b), (c), (d) or (e).

Floorspace

52.—(1) Subject to sub-paragraph (2)—

(a) no individual unit that is—

(i) an authorised work in class 1(d)(iv)(aa) or (dd), and

(ii) located in the ERC area outside the Core Zone,

may have floorspace whose gross external area exceeds 1,100 square metres;

(**a**) 2008 c. 29, substituted by S.I. 2013/1479.
(**b**) 1989 c. 29, amended by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 31 and 33(1), (2) and (3).
(**c**) S.I. 2009/640, amended by S.I. 2010/29, 2017/1011, 2024/924.
(**d**) 1986 c. 44. Section 7 was substituted by the Gas Act 1995 (c. 45), section 5, and subsection (1) was amended by the Utilities Act 2000 (c. 27), section 76(1) and (2). Section 7A was inserted by section 6(1) of the Gas Act 1995.
(**e**) S.I. 1994/2481.
(**f**) 2008 c. 29, amended by S.I. 2019/12.

(b) an authorised work in class 1(d)(iv)(aa) and (dd) must not have floorspace with an aggregate gross external area that exceeds—

(i) 11,000 square metres in the Lake Zone;

(ii) 7,700 square metres in the West Gateway Zone.

(2) Sub-paragraph (1) does not apply to concessions in—

(a) hotels;

(b) indoor and outdoor entertainment venues;

(c) indoor and outdoor sport and recreation, leisure and spa facilities;

(d) venues with conference or convention spaces;

(e) indoor and outdoor cultural facilities.

Vehicle parking

53.—(1) Grand Opening must not take place unless at least—

(a) 100 designated coach parking spaces,

(b) 7,106 further designated motor vehicle parking spaces, excluding designated vehicle parking spaces at railway stations, and

(c) 250 designated cycle parking spaces, excluding designated cycle parking spaces at railway stations,

have been constructed on the Order land and are available for use by visitors or workers.

(2) The number of parking spaces referred to in paragraphs (a) to (c) of sub-paragraph (1) must remain available for as long as class 1(a) authorised works are operating.

(3) If—

(a) in any calendar year—

(i) there are more than 8.5 million visitors to class 1 authorised works in aggregate;

(ii) on more than 15 days, there are more than 55,000 visitors per day to class 1 authorised works, or

(b) the site controller reasonably concludes that, in the next calendar year, there are likely to be more than—

(i) 8.5 million visitors in aggregate to class 1 authorised works;

(ii) 55,000 visitors per day to class 1 authorised works on more than 15 days,

the site controller must, within three months of the criterion in paragraph (a) or (b) being satisfied, notify the Secretary of State to that effect and submit to the Secretary of State for validation a scheme, including an implementation timetable, for increasing the amount of vehicle parking.

(4) A scheme submitted under sub-paragraph (3) must propose increases in the numbers of vehicle parking spaces that result in there being, in aggregate, at least—

(a) 11,197 designated motor vehicle parking spaces other than coach parking spaces, excluding designated vehicle parking spaces at railway stations, and

(b) 1,456 designated cycle parking spaces, excluding designated cycle parking spaces at railway stations.

(5) Subject to sub-paragraph (6)—

(a) at the date of Grand Opening and for as long as class 1(a) authorised works are operating, at least 5 per cent of the total number of designated motor vehicle parking spaces that have been constructed and are available for the purposes of the ERC must be sustainable vehicle parking spaces;

(b) at the date of Grand Opening, infrastructure must have been installed to enable a further 5 per cent of the available designated motor vehicle parking spaces to be converted into

sustainable vehicle parking spaces without material disruption to the use of designated parking spaces adjacent to them.

(6) The site controller may, having regard to technological changes and the evolution of relevant law and government policy regarding the sustainability of motor vehicles, submit to the Secretary of State for approval a plan setting out requirements—

(a) relating to the provision of parking spaces for categories of motor vehicles, specified in the plan, that are considered to be more sustainable than other motor vehicles that are generally in use at the time;

(b) which—

(i) differ from, and

(ii) if the Secretary of State endorses the plan, are to replace,

the requirements set out in sub-paragraph (5)(a) or (b).

(7) The Secretary of State must not decide to endorse a plan submitted under sub-paragraph (6), or a modification of such a plan, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(8) The site controller must—

(a) keep a record of the numbers of—

(i) designated coach parking spaces;

(ii) sustainable vehicle parking spaces provided under sub-paragraph (5)(a);

(iii) vehicle parking spaces in respect of which infrastructure has been installed in accordance with sub-paragraph (5)(b);

(iv) vehicle parking spaces provided in accordance with a plan submitted under sub-paragraph (6) that has been endorsed;

(v) other designated motor vehicle parking spaces;

(vi) designated cycle parking spaces,

that are provided in accordance with this paragraph from time to time;

(b) make that record available to the Secretary of State upon request.

(9) In this paragraph, "sustainable vehicle parking space" means a designated motor vehicle parking space that is—

(a) fitted with a charge point, and

(b) reserved for use by electric vehicles that are capable of using a charge point.

Leadership in Energy and Environmental Design

54.—(1) No construction of a building of a type specified in sub-paragraph (2) that is to be occupied as part of authorised works may begin until the site controller has submitted to the Secretary of State for approval, and the Secretary of State has endorsed, a scheme for ensuring that buildings of each type specified in sub-paragraph (2) achieve specified target levels or standards of environmental and social impact performance, set by reference to a specified and internationally recognised standard for assessing or certifying such performance.

(2) The types of building specified are those that solely comprise one or more—

(a) conference centres;

(b) hotels;

(c) office or administrative facilities;

(d) restaurants;

(e) shops;

(f) server centres;

(g) sports facilities

(h) warehouse or storage facilities.

(3) The site controller must keep the endorsed scheme under review and submit modifications to it to the Secretary of State for approval, as and when the site controller considers it appropriate to do so in order to reflect improvements in the management of the environmental and social impacts of building design and operation.

(4) In carrying out their functions under this paragraph, the site controller and the Secretary of State must have regard, in particular, to version 5 of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system(**a**), or any subsequent version of that or another comparable rating system that sets more demanding standards.

Carbon management

55.—(1) Authorised development must be carried out, and authorised works must operate, in substantial accordance with the principles and processes described in reference document 17 (carbon management plan).

(2) No later than one month after the date of Grand Opening, the site controller must provide to the Secretary of State a report setting out—

(a) how the class 1 and class 2 authorised works, construction of which was completed before the date of Grand Opening, have been constructed in compliance with sub-paragraph (1);

(b) how the experience of constructing those authorised works, and their subsequent operation, will inform future compliance with sub-paragraph (1).

Part 11

Water and drainage

Riparian protection zone

56.—(1) Authorised works must be so designed and constructed that there is an area of land on either side of—

(a) Elstow Brook in the West Gateway Zone and Lake Zone, and

(b) the watercourse identified as "Core Zone Watercourse Diversion" in Annex 2 to the drainage strategy (WSP drainage strategy drawing) in the Core Zone,

that is predominantly covered by vegetation (the "riparian protection zone").

(2) Over the whole of its length, the riparian protection zone must typically be 10 metres wide, when measured from the top of bank.

(3) Existing vegetation in a riparian protection zone—

(a) must be protected as far as practicable while authorised development is carried out, and

(b) if disturbed or lost as a result of authorised development, must be restored or replaced with similar vegetation.

Flood risk

57.—(1) No alteration to ground levels or other construction work, other than preliminary works, may take place until—

(**a**) The LEED version 5 rating system is set out in documents that are accessible at https://www.usgbc.org/leed/v5 or from the U.S. Green Building Council, PO Box 404296, Atlanta, GA 30384-4296, USA.

(a) a scheme to ensure authorised works are flood resilient in accordance with sub-paragraph (2) has been prepared or verified by a suitably qualified and experienced professional in respect of the land where those authorised works are to be located, and

(b) the site controller has submitted the scheme to the Secretary of State for approval and the Secretary of State has endorsed it.

(2) The scheme must—

(a) be based on detailed modelling of fluvial and surface water flooding, and include details of that modelling;

(b) include an OS plan that, using contrasting shading—

(i) identifies each part of the Order land that is likely to be affected by fluvial flooding if the design flood event applicable to fluvial flooding occurs;

(ii) indicates the annual probability of each part of the Order land being subject to fluvial flooding using the classification in Table 10;

(c) set out suitable measures to manage flood risk that are substantially in accordance with the flood risk mitigation measures contained in reference document 14 (flood risk assessment).

Table 10

Classification of flood zones

Probability	*Description of land within zone*
Low	Land with a less than 0.1 per cent annual probability of fluvial flooding
Medium	Land with between 0.1 per cent and 1 per cent annual probability of fluvial flooding
High	Land with a 1 per cent or greater annual probability of fluvial flooding
Very high	Land classified as functional floodplain

Storage capacity

58. Authorised development must not result in any net loss in the capacity of the Order land to hold excess water temporarily if—

(a) the design flood event applicable to fluvial flooding occurs, or

(b) the design flood event applicable to surface water flooding occurs.

Water conservation and supplies of non-potable water

59.—(1) Water must be conserved and reused on the Order land using means substantially in accordance with reference document 15 (water strategy).

(2) Non-potable water used in the operation of authorised works ("operational water") must be supplied substantially as set out in reference document 15.

(3) If the site controller gives a notice under article 7(2) (modification of reference documents, controlling documents and endorsement conditions) to the Secretary of State seeking endorsement of a modification of reference document 15 that would have the effect of permitting the use of sources of operational water, or means of bringing it onto the Order land, that were not envisaged in the version of that document that was submitted to the Secretary of State on 26th June 2025 ("original water strategy"), the site controller must also give to the Secretary of State—

(a) estimates of the quantities of operational water that are required;

(b) an explanation of why it is not practicable for some or all operational water to be supplied as envisaged in the original water strategy;

(c) details of the options available to supply such water from sources, or by means, that were not envisaged in the original water strategy.

Culverts

60. No culvert, other than the new or upgraded culvert under Manor Road, referred to as the "proposed box culvert beneath Manor Road" in Annex 2 (WSP drainage strategy drawing) to the drainage strategy, may be constructed on the Order land unless—

(a) it forms part of a detailed design endorsed under condition 28 (detailed designs: class 3 and class 6 authorised works), or

(b) the site controller has submitted details of it to the Secretary of State for approval, including—

(i) an OS plan showing its location in relation to the rest of the Order land;

(ii) a drawing showing details of its construction;

(iii) an explanation of why its construction is justified,

and the Secretary of State has endorsed those details.

Outfalls

61.—(1) This paragraph applies to any new outfall that would discharge water from a part of the Order land where authorised works are located—

(a) directly into Elstow Brook, or

(b) indirectly into Harrowden Brook, if the new outfall would be the last outfall from which such water discharges, on the Order land, into a watercourse from which water flows into that brook.

(2) No outfall to which this paragraph applies may be constructed unless the site controller has submitted to the Secretary of State for approval a document including—

(a) an OS plan showing the location of the outfall and the watercourse into which it discharges in relation to the rest of the Order land;

(b) details of any proposed works or new structures involved in its construction—

(i) including technical drawings showing the design and relevant dimensions of the outfall, including cross and longitudinal sections, and

(ii) demonstrating how the design of the outfall achieves the objectives specified in sub-paragraph (3),

and the Secretary of State has endorsed that document.

(3) The objectives are that the design of the outfall—

(a) does not result in the part of the brook into which the outfall discharges becoming an area of predation for fish and other aquatic fauna,

(b) prevents the spread of invasive species and pathogens,

(c) ensures that the height between the outfall and the brook is such as to minimise the risk of erosion and provide for the safe passage of fish and other aquatic fauna, and

(d) includes specific mitigation of the potential adverse impacts on fish and other aquatic fauna of changes—

(i) in water flows, whether in terms of quantity or velocity, or

(ii) that result in excessively high or low water levels.

Road crossing over Elstow Brook

62.—(1) Any authorised work in class 6(f) crossing over Elstow Brook that is located in the West Gateway Zone must consist of a clear span bridge, where the soffit is set not less than 600 mm higher than the surface of the water in the brook would be if a fluvial flooding design flood event, as identified in a scheme submitted under condition 57(1)(b) (flood risk) for that zone and endorsed by the Secretary of State, occurs.

(2) The bridge abutments forming part of an authorised work as described in sub-paragraph (1) must be set back not less than 10 metres from the top of bank.

Runoff

63.—(1) Authorised works must be constructed and operated so as not to result in—

(a) an increase in the rate or volume of surface water discharged from the Order land, or

(b) an increase or decrease in the rate and volume of surface water discharged into Elstow Brook or Harrowden Brook,

during any given rainfall event for each zone and return period in the drainage strategy.

(2) The site controller must—

(a) provide to the Secretary of State details of a methodology—

(i) prepared having regard to the Flood Estimation Handbook(**a**), and

(ii) capable of accurately monitoring compliance with sub-paragraph (1),

(b) use that methodology to monitor compliance with sub-paragraph (1), and

(c) provide to the Secretary of State, on request, reports of the results of monitoring carried out in accordance with that methodology.

(3) For the purposes of this paragraph, "rainfall event" means a rainfall event of any intensity that may reasonably be expected to affect the Order land, up to and including the intensity of the design flood event applicable to surface water flooding.

Sustainable drainage

64. Authorised works must be designed, constructed and operated in such a way as to achieve the aims of sustainable drainage, using means substantially in accordance with—

(a) the drainage strategy;

(b) applicable national standards published under paragraph 5 of Schedule 3 to the Flood and Water Management Act 2010(**b**).

Sustainable drainage systems: management and maintenance

65.—(1) Grand Opening must not take place unless—

(a) the site controller has submitted to the Secretary of State for approval a maintenance and management plan and a maintenance schedule for the system of sustainable drainage serving authorised works that is in operation at the date of Grand Opening,

(b) the plan and schedule submitted are accompanied by a report from a suitably qualified expert—

(i) verifying that they are in substantial accordance with Annex 3 (WSP SuDS maintenance plan) to the drainage strategy, or

(ii) explaining how they depart from the details set out in that document and why such departures are necessary or expedient, for example, for reasons connected with the operation of authorised works by statutory undertakers, and

(c) the Secretary of State has endorsed the plan and schedule.

(2) The site controller must—

(a) keep the plan and schedule under review in the light of changes—

(i) in the potential impacts on drainage of authorised works, whether constructed before or after Grand Opening, or

(ii) that are made to the system of sustainable drainage from time to time to address those impacts;

(b) seek the Secretary of State's endorsement of such modifications to the plan or schedule as may be required to accommodate an impact or change referred to in paragraph (a).

(3) If the site controller seeks the Secretary of State's endorsement of a modification to an endorsed plan and schedule, it must include with its request a report from a suitably qualified expert verifying and explaining the matters set out in sub-paragraph (1)(b)(i) and (ii) in respect of the plan and schedule as they are proposed to be modified.

(4) The Secretary of State must not decide to endorse a plan or schedule submitted under sub-paragraph (1)(a), or a modification of such a plan or schedule, unless the Secretary of State is

(**a**) Flood Estimation Handbook (ISBN 978 1 906698 00 3), published by the Centre for Ecology and Hydrology, 2008, available at https://www.ceh.ac.uk/data/software-models/flood-estimation-handbook#software.

(**b**) 2010 c. 29. The national standards for England are published online by the Department for Environment, Food & Rural Affairs at https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems.

satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

Foul drainage

66.—(1) The following may not be connected to offsite sewerage and waste water infrastructure unless the criteria specified in sub-paragraph (2) are satisfied—

(a) a new work, plant or equipment constructed or installed as part of authorised works;

(b) any other work, plant or equipment constructed or installed on a temporary basis for the purposes of construction work.

(2) The criteria are that—

(a) the site controller has provided to the Secretary of State—

(i) details of works to improve or reinforce that infrastructure ("sewerage works") that have been, or are proposed to be, carried out;

(ii) if the sewerage works have not yet been carried out, evidence that any licence or other authorisation required under an enactment to enable the sewerage works to be carried out has been granted to or obtained by the person who is to carry them out;

(iii) evidence that the carrying out of the sewerage works has ensured, or will ensure, that the connection to existing offsite sewerage and waste water infrastructure of—

(aa) that work, plant or equipment, and

(bb) any other authorised works that have been constructed, or will be required to be constructed before Grand Opening may take place in accordance with condition 69 (core capacity and features of ERC),

will not result in any sewerage undertaker being unable to comply with its duty under section 94(1) of the Water Industry Act 1991(**a**);

(b) the Secretary of State, having ascertained that the connection referred to in paragraph (a)(iii) will not adversely affect the integrity of any European site, has notified the site controller that those authorised works may connect to existing offsite sewerage and waste water infrastructure.

Water supplies

67.—(1) The following may not be connected to the public water supply unless the criteria specified in sub-paragraph (2) are satisfied—

(a) a new work, plant or equipment constructed or installed as part of authorised works;

(b) any other work, plant or equipment constructed or installed on a temporary basis for the purposes of construction work.

(2) The criteria are that—

(a) the site controller has provided to the Secretary of State—

(i) details of works to improve or reinforce offsite potable water infrastructure capacity ("water works") that have been, or are proposed to be, carried out;

(ii) if the water works have not yet been carried out, evidence that any licence or other authorisation required under an enactment to enable the water works to be carried out has been granted to or obtained by the person who is to carry them out;

(iii) evidence that the carrying out of the water works has ensured, or will ensure, that the connection to the public water supply of—

(aa) that work, plant or equipment, and

(**a**) 1991 c. 56, amended by the Water Act 2003 (c. 37), sections 36(2), 88(2) and 97(1) and (3).

(bb) any other authorised works that have been constructed, or will be required to be constructed before Grand Opening may take place in accordance with condition 69 (core capacity and features of ERC),

will not result in any water undertaker being unable to comply with its duty under section 37(1) of the Water Industry Act 1991(**a**);

(b) the Secretary of State, having ascertained that the connection referred to in paragraph (a)(iii) will not adversely affect the integrity of any European site, has notified the site controller that those authorised works may connect to the public water supply.

Kempston Hardwick Clay Pits (North)

68. Water levels in the strategic attenuation ponds comprised in the body of surface water that is identified as "Kempston Hardwick Clay Pits (North) – Disused Pits" in Image 3-1 (existing site waterbodies flood defences) in the drainage strategy must be maintained at not less than 20.50 metres AOD.

Part 12

Grand Opening and Soft Opening Period: further preconditions

Core capacity and features of ERC

69. Grand Opening must not take place unless—

(a) the ERC, on the date of Grand Opening, includes—

(i) class 1(a) authorised works that cover at least 32.37 hectares;

(ii) at least 500 hotel rooms available to accommodate visitors;

(b) construction of any facilities required to be provided under an endorsed security and emergency management plan has been completed and those facilities are operational in accordance with the endorsed plan;

(c) the site controller has submitted for validation by the Secretary of State a report that demonstrates that authorised works have, or will have, on the date of Grand Opening, the capacity to host—

(i) up to 8.5 million visitors to class 1 authorised works over a period of 12 months, and

(ii) up to 55,000 visitors to class 1 authorised works on an individual day,

using buildings or structures whose construction has been completed and which the site controller considers to be ready to be declared open, and occupied;

(d) the Secretary of State has endorsed the report submitted under sub-paragraph (c);

(e) the site controller has provided to the Secretary of State, in respect of each work in the Inner Core Zone—

(i) the construction of which has been completed at the date of Grand Opening, and

(ii) which has a height exceeding 10 metres AGL,

a compliance statement in respect of its compliance with the Schedule 3 conditions in Part 6 (height controls) and Part 8 (reference design standards).

Soft Opening Period and security and emergency management

70.—(1) The Soft Opening Period may not begin unless—

(**a**) 1991 c. 56.

(a) construction of the authorised works in respect of which the site controller has submitted, or proposes to submit, a report under condition 69(c) (core capacity and features of ERC) is substantially complete;

(b) the site controller has—

(i) given notice to the Secretary of State of the date when the Soft Opening Period will begin, and

(ii) submitted to the Secretary of State for approval a plan in accordance with sub-paragraph (2), and

(c) the Secretary of State has endorsed that plan.

(2) The plan must—

(a) be in substantial accordance with reference document 20 (security and emergency management plan),

(b) set out how the site controller will prepare for, respond to, mitigate, and recover from natural, technological, or man-made hazards, incidents and emergencies, and

(c) include an OS plan showing the locations of—

(i) the access points to be used in an emergency;

(ii) the boundaries of—

(aa) the ticketed area, in accordance with any endorsed ticketed area plan, and

(bb) the part of the Core Zone outside the ticketed area that visitors are only permitted to enter after passing through security screening,

and the points where visitors may enter and leave them.

Public access

71.—(1) Grand Opening must not take place unless the criterion specified in sub-paragraph (2) or the criteria specified in sub-paragraph (3) are satisfied.

(2) The criterion is that the public roads that are—

(a) within paragraph (b) of the definition of "public road", and

(b) located within the Core Zone, East Gateway Zone and West Gateway Zone,

have been completed and are operating in accordance with a detailed design endorsed by the Secretary of State under condition 28 (detailed designs: class 3 and class 6 authorised works).

(3) The criteria are that—

(a) the site controller has submitted details of an alternative temporary access arrangement to the Secretary of State for approval;

(b) the Secretary of State, having regard to the progress made towards satisfying the criterion specified in sub-paragraph (2), considers that the proposed arrangement is capable of providing, on a temporary basis, an appropriate substitute for the public roads referred to in sub-paragraph (2);

(c) the Secretary of State has endorsed the details subject to an endorsement condition specifying the stage of development or date by which the construction or operation of authorised works in class 1 and class 2 must cease if the criterion specified in sub-paragraph (2) has not been satisfied when that stage of development or date has been reached;

(d) the temporary access arrangement has been implemented and is operating in accordance with the endorsed details.

(4) The Secretary of State must not decide to endorse details submitted under sub-paragraph (3)(a), or a modification of such details, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(5) Any alternative arrangement implemented under sub-paragraph (3) must be retained in operation until the criterion specified in sub-paragraph (2) is satisfied.

Manor Road level crossing

72. Grand Opening must not take place unless—

(a) the Secretary of State has endorsed a detailed design for class 3 authorised works under condition 28 (detailed designs: class 3 and class 6 authorised works) that includes details of improvement works for that part of the Order land—

(i) referred to as "Manor Road Level Crossing Proposals", and

(ii) shown as a green hatch notation,

on the access and roadways plan, and

(b) the endorsed design has been implemented as regards those improvement works.

Public rights of way

73.—(1) Grand Opening must not take place unless the parts of Footpath 1 and Footpath 2 that are within the Order land have been permanently stopped up.

(2) For the purposes of this paragraph, Footpath 1 and Footpath 2 are the footpaths identified as such on the definitive map and statement maintained by Bedford Borough Council in accordance with section 53 of the Wildlife and Countryside Act 1981(**a**) on the date when this Order is made.

Wixams station (bus replacement service)

74.—(1) Grand Opening must not take place unless Wixams station is open to the public and scheduled rail services are stopping at it, unless—

(a) the site controller has submitted for the Secretary of State's approval an alternative temporary bus scheme to deliver visitors to the ERC from another railway station on the Midland Main Line, and

(b) the Secretary of State has endorsed the scheme.

(2) The Secretary of State must not decide to endorse a scheme submitted under sub-paragraph (1)(a), or a modification of such a scheme after it has been endorsed, unless—

(a) the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions),

(b) having regard to the progress made in designing and delivering the permanent Wixams station facilities and services, the Secretary of State considers that the alternative temporary bus scheme would be a temporary measure, and

(c) the endorsement is, or, in the case of an endorsement of a modification, remains, subject to an endorsement condition specifying the date by which ERC operations must cease unless Wixams station is open for public use as described in sub-paragraph (1) by that date.

(3) If the Secretary of State has endorsed an alternative temporary bus scheme, it must operate until Wixams station is open for public use as described in sub-paragraph (1).

Travel plan

75.—(1) Grand Opening must not take place unless—

(**a**) 1981 c. 69; amended by paragraph 1 of Schedule 5 to the Countryside and Rights of Way Act 2000 (c. 37), section 70(1) of the Natural Environment and Rural Communities Act 2006 (c. 16) and the Deregulation Act 2015 (c. 20), section 26 and paragraphs 2 and 10 of Schedule 7.

(a) the site controller has submitted to the Secretary of State for approval a plan in accordance with sub-paragraph (2), and

(b) the Secretary of State has endorsed it.

(2) The plan must—

(a) set out the steps to be taken to secure that—

(i) in the fifth calendar year that begins after Grand Opening—

(aa) no more than 33.8 per cent of visitors, and

(bb) no more than 61 per cent of staff members,

arrive at the ERC by private car on any working day;

(ii) in the calendar year 2051—

(aa) no more than 31.9 per cent of visitors, and

(bb) no more than 62 per cent of staff members,

arrive at the ERC by private car any working day,

("the target modal splits"), and

(b) include details of when each such step is to be taken.

(3) The plan must also include details of—

(a) measures for monitoring the means of transport used by—

(i) visitors;

(ii) staff members;

(b) arrangements for—

(i) monitoring and managing the steps taken under sub-paragraph (2)(a);

(ii) identifying what additional measures may be required to offset unacceptable impacts if the target modal splits are not met;

(iii) reviewing, and where necessary, revising, an endorsed plan;

(c) when those measures and arrangements are to be put in place.

Part 13

Preconditions to occupation of certain authorised works

Restrictions on occupation before Grand Opening

76.—(1) No occupation of class 1 authorised works may take place before the date of Grand Opening, except for—

(a) the occupation of class 1 authorised works exclusively for the purposes of training or rehearsals for staff members, demonstration, testing, research, information, publicity or community relations;

(b) such other occupation of class 1 authorised works as the site controller has specified in a programme of pre-Grand Opening occupation that—

(i) relates to a period that is to begin on or after a date specified in the programme,

(ii) the site controller has submitted to the Secretary of State for approval, and

(iii) the Secretary of State has endorsed.

(2) The Secretary of State must not decide to endorse a programme submitted under sub-paragraph (1)(b)(ii), or a modification of such a programme after it has been endorsed, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

Public roads in Lake Zone

77.—(1) No work in the Lake Zone may be occupied unless the criterion specified in sub-paragraph (2) or the criteria specified in sub-paragraph (3) are satisfied.

(2) The criterion is that—

(a) Public Road B, Segment 2 as identified on the access and roadways plan, and

(b) a shared footway and cycleway along Ampthill Road to the Interchange Retail Park, Ampthill Road, Bedford,

have been completed and are operating in accordance with a masterplan or detailed design endorsed by the Secretary of State.

(3) The criteria are that—

(a) the site controller has submitted details of an alternative temporary access arrangement to the Secretary of State for approval;

(b) the Secretary of State, having regard to the progress made towards meeting the criterion specified in sub-paragraph (2), considers that the proposed arrangement is capable of providing an appropriate temporary substitute for infrastructure referred to in sub-paragraph (2);

(c) the Secretary of State has endorsed the details subject to an endorsement condition specifying the date by which occupation of authorised works in the Lake Zone must cease if the criterion specified in sub-paragraph (2) has not been satisfied by that date;

(d) the temporary access arrangement has been implemented and is operating in accordance with the endorsed details.

(4) The Secretary of State must not decide to endorse details submitted under sub-paragraph (3)(a), or a modification of such details after they have been endorsed, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(5) Any alternative arrangement implemented under sub-paragraph (3) must be retained in operation until the criterion specified in sub-paragraph (2) is satisfied.

Active travel

78. Authorised works in the Core Zone, East Gateway Zone or West Gateway Zone may not be occupied unless the active travel routes identified on endorsed masterplans or detailed designs relating to those zones are open for public use.

Part 14

Transport

Traffic monitoring and management

79.—(1) In this paragraph—

"evening monitoring period" means the three consecutive hours in the evening of a working day that are specified, for the purposes of a monitoring scheme, as those during which it is assumed that traffic on the local highway network is typically heaviest;

"exceedance" occurs in a reporting period if, on the specified number of days applicable to that reporting period, the aggregate number of vehicle movements recorded during a monitoring period exceeds the threshold applicable to that monitoring period by the tolerance level, or more;

"increased frequency reporting period" means the period of time specified as such in a monitoring scheme for the purposes of that monitoring scheme;

"local highway network" means the highways in the vicinity of the ERC;

"monitoring location" means a location at which vehicle movements are to be monitored for the purposes of a monitoring scheme;

"monitoring period" means a morning monitoring period or an evening monitoring period;

"morning monitoring period" means the three consecutive hours in the morning of a working day that are specified, for the purposes of a monitoring scheme, as those during which it is assumed that traffic on the local highway network is typically heaviest;

"monitoring scheme" means a scheme for monitoring the impact of the ERC's operation on traffic flows over the local highway network at the times on working days when it is assumed that such flows are typically heaviest;

"regular reporting period" means the period of time specified as such in a monitoring scheme for the purposes of that monitoring scheme;

"reporting period" means a regular reporting period or an increased frequency reporting period;

"specified number of days" means the number of working days specified in a monitoring scheme as applicable in relation to a reporting period for the purposes of determining, under a monitoring scheme, whether an exceedance has occurred in that reporting period;

"start date" means the date on which monitoring of vehicle movements begins under a monitoring scheme;

"threshold" means a number of vehicle movements, specified in a monitoring scheme as applicable in relation to a monitoring period, for the purposes of comparison with the aggregated number of vehicle movements recorded in a monitoring period;

"tolerance level" means a percentage of a threshold, specified for the purposes of determining, under a monitoring scheme, whether an exceedance has occurred in a reporting period;

"vehicle movement" means the movement of a motor vehicle past a monitoring location as it travels towards or away from the ERC.

(2) Grand Opening must not take place unless—

(a) the site controller has submitted to the Secretary of State for approval a document setting out details of a monitoring scheme, and

(b) the Secretary of State has endorsed the document.

(3) The document must specify—

(a) the monitoring locations, by reference to an OS plan;

(b) how the numbers of vehicle movements occurring in each monitoring period are to be counted and recorded;

(c) the morning monitoring period and the threshold applicable to it;

(d) the evening monitoring period and the threshold applicable to it;

(e) the regular reporting period and the specified number of days applicable to it;

(f) the increased frequency reporting period and the specified number of days applicable to it;

(g) the tolerance level;

(h) the start date.

(4) If a monitoring scheme submitted under sub-paragraph (2)(a), or a proposed modification of such a scheme after it has been endorsed, specifies—

(a) a monitoring location other than a location within the Order land identified as such on the plan at Part B-2 (monitoring locations plan) of Appendix B of reference document 10 (travel plan), and a location at Wixams station,

(b) a morning monitoring period other than 7 am to 10 am on each working day,

(c) an evening monitoring period other than 4 pm to 7 pm on each working day,

(d) a threshold greater than 5,190 for the morning monitoring period or greater than 3,256 for the evening monitoring period,

(e) a regular reporting period longer than three months, or a specified number of days greater than 20 working days applicable to such a reporting period,

(f) an increased frequency reporting period longer than one month, or a specified number of days greater than 7 working days applicable to such a reporting period,

(g) a tolerance level of more than 10 per cent, or

(h) a start date later than 30 calendar days after Grand Opening,

the Secretary of State must not decide to endorse that submitted scheme or modification unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(5) The site controller must, from the start date until 1st January 2051, or such earlier date on which either of the criteria specified in sub-paragraph (8) is satisfied—

(a) record vehicle movements at the monitoring locations during each monitoring period;

(b) prepare reports in accordance with sub-paragraphs (6) and (7) ("monitoring reports");

(c) provide each such report to the Secretary of State no later than 25 calendar days after the end of the reporting period to which the report relates.

(6) A monitoring report must state—

(a) in respect of each monitoring period—

(i) the vehicle movements recorded at each monitoring location;

(ii) the aggregate number of vehicle movements so recorded;

(iii) where the aggregate number of vehicle movements exceeded the threshold, by how much it was exceeded on each occasion, expressed as a percentage of the threshold,

on each working day during the reporting period to which the monitoring report relates;

(b) whether or not an exceedance occurred in respect of that reporting period.

(7) A monitoring report must be prepared—

(a) in relation to each regular reporting period—

(i) from the start date until an exceedance occurs in respect of such a reporting period;

(ii) after an exceedance has occurred, from the end of the third consecutive increased frequency reporting period referred to in sub-paragraph (b)(ii);

(b) in relation to each increased frequency reporting period, during any period between—

(i) the first day of the next month after the end of a regular reporting period in respect of which an exceedance occurs, and

(ii) the last day of the third consecutive increased frequency reporting period to pass without an exceedance, after the date specified in sub-paragraph (i).

(8) The criteria are that—

(a) no exceedance occurs during a period of 60 consecutive calendar months;

(b) the Secretary of State—

(i) determines that monitoring of vehicle movements under this paragraph is no longer required, and

(ii) notifies the site controller to that effect.

(9) If a monitoring report states that an exceedance has occurred, the site controller must, when it provides that report to the Secretary of State, submit to the Secretary of State for approval a plan ("management plan") setting out—

(a) measures, actions or works that the site controller is carrying out or proposing to carry out to avoid or address exceedances ("management actions");

(b) a timetable for implementing management actions;

(c) methods for monitoring the progress, and evaluating the effectiveness, of management actions;

(d) how contingencies or remedial action will be identified, agreed, and implemented if implementation of the management actions is delayed or prevented;

(e) the details of any review of applicable thresholds in light of the implementation of management actions.

(10) The site controller must use reasonable endeavours to implement an endorsed management plan.

(11) Where three consecutive monitoring reports in respect of increased frequency reporting periods state that an exceedance period has occurred despite the management actions in an endorsed management plan having been implemented—

(a) the site controller must, within 30 days of the end of the reporting period to which the last such report relates, submit a modification to the management plan setting out further management actions, for endorsement by the Secretary of State, and

(b) no seasonal event or special event may take place after the end of that reporting period until three consecutive monitoring reports state that no exceedance period has occurred.

(12) If, following the implementation of a management plan that has been modified in accordance with sub-paragraph (11)(a), another exceedance occurs, the site controller must take, or procure the taking of, such further action as—

(a) the Secretary of State may by notice to the site controller direct to be taken, and

(b) is necessary to address the matters that have caused that exceedance to occur, having regard to the circumstances that have led to its occurrence, including—

(i) the amounts by which recorded vehicle movements have exceeded thresholds, and

(ii) the timing and location of, and any patterns observable in relation to, the vehicle movements that have contributed to the thresholds being exceeded,

which may include actions relating to improvements to the transport network, or amendments to the number of seasonal events or special events.

(13) If the site controller—

(a) fails to—

(i) provide a monitoring report in accordance with sub-paragraph (5)(c), or

(ii) submit a management plan in accordance with sub-paragraph (9), and

(b) does not rectify such failure within 5 calendar days of being notified of the failure by the Secretary of State,

no seasonal event or special event may take place until the site controller has provided that report, or submitted that plan, to the Secretary of State, as the case may be.

Milton Keynes shuttle bus

80.—(1) Grand Opening must not take place unless there is a bus service from Milton Keynes Central Station to the ERC and from the ERC to Milton Keynes Central Station which—

(a) operates between at least the hours of 7 am and 9 pm;

(b) during the hour on working days when the service is most heavily used is capable of—

(i) transporting at least 770 passengers per hour;

(ii) leaving the station at least 14 times.

(2) The site controller must—

(a) monitor use of the service by visitors and staff members, and

(b) no later than six months from the date of Grand Opening, submit to the Secretary of State for approval a document—

(i) confirming that the existing service provision is appropriate to meet demand, or

(ii) containing details of a revised service.

(3) If, as a result of a document submitted under sub-paragraph (2)(b)(ii), or a modification of such a document after it has been endorsed, the bus service would be revised, the Secretary of State must not decide to endorse that document or modification unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(4) The service levels set out—

(a) in sub-paragraph (1) must be maintained unless a document or modification as described in sub-paragraph (3) is endorsed;

(b) in a document submitted under sub-paragraph (2)(b)(ii) and endorsed by the Secretary of State must be maintained until a modification of it is endorsed,

by the Secretary of State, and the revised service of which that endorsed document or modification gives details has been implemented.

(5) A document submitted under sub-paragraph (2)(b) must set out the information gained from the monitoring carried out under sub-paragraph (2)(a), and, in respect of the existing service and any proposed revisions to it—

(a) routes of operation (on an OS plan);

(b) days of operation;

(c) minimum—

(i) hours of operation;

(ii) frequency of services per day of operation;

(iii) estimated capacity of the bus service;

(d) any charges to be levied on passengers.

Wixams shuttle bus

81.—(1) If—

(a) Grand Opening is taking place, or has taken place, and

(b) Wixams station is open to the public and being served by scheduled rail services,

a shuttle bus service must be provided to transport visitors and staff members between the station and the ERC.

(2) The shuttle bus service must—

(a) operate between at least the hours of 7 am and 9 pm each day;

(b) during the hour on working days when the service is most heavily used be capable of—

(i) transporting at least 2,275 passengers per hour, and

(ii) leaving the station at least 35 times.

(3) The site controller must—

(a) monitor use of the service by visitors and staff members, and

(b) no later than six months from the date of Grand Opening submit to the Secretary of State for approval, a document—

(i) confirming that the existing service provision is appropriate to meet demand, or

(ii) containing details of a revised service.

(4) If, as a result of a document submitted under sub-paragraph (3)(b)(ii), or a modification of such a document after it has been endorsed, the bus service would be revised, the Secretary of State must not decide to endorse that document or modification unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(5) The service levels set out—

(a) in sub-paragraph (2) must be maintained unless a document or modification as described in sub-paragraph (4) is endorsed;

(b) in a document submitted under sub-paragraph (3)(b)(ii) and endorsed by the Secretary of State must be maintained until a modification of it is endorsed,

by the Secretary of State, and the revised service of which that endorsed document or modification gives details has been implemented.

(6) The document submitted under sub-paragraph (3)(b) must set out the information gained from the monitoring carried out under sub-paragraph (3)(a), and, in respect of the existing service and any proposed revisions to it—

(a) routes of operation (on an OS plan);

(b) days of operation;

(c) minimum—

(i) hours of operation;

(ii) frequency of services per day of operation;

(iii) estimated capacity of the bus service;

(d) any charges to be levied on passengers.

Part 15

Fireworks, pyrotechnics and other displays

Firework displays

82.—(1) In any calendar year—

(a) no more than 10 firework displays associated with the operation of the ERC may take place;

(b) no more than five firework displays may take place on a day that is not—

(i) the first day of the Chinese new year, 5th November, the day of Diwali, or 31st December, or

(ii) a day that is 7 or fewer calendar days before or after a day referred to in sub-paragraph (i).

(2) Firework displays must—

(a) not take place outside the Core Zone;

(b) be organised so that they do not present risks to any specified habitat or the wildlife in it.

(3) For the purposes of this paragraph, a "firework display" means an outdoor display involving the use of category F4 fireworks within the meaning of paragraph 4 of Schedule 1 (categories of pyrotechnic article) to the Pyrotechnic Articles (Safety) Regulations 2015(**a**).

Drone shows

83. Outdoor drone displays—

(a) must not take place—

(i) outside the Core Zone, or

(ii) above land that is not owned or controlled by the site controller;

(b) must be so located that there are at least 50 metres of horizontal clearance between the boundaries of the area in which the drones will fly and any specified habitat.

(**a**) S.I. 2015/1553; see also the definitions of "firework" and "pyrotechnic article" in regulations 2(1) and 3 of the Regulations.

Pyrotechnic and laser effects

84.—(1) No outdoor—

(a) display of pyrotechnic effects other than a firework display as defined in condition 82(3) (firework displays), or

(b) laser display,

may take place, or result in light spill, outside the Core Zone.

(2) An outdoor display—

(a) within sub-paragraph (1)(a) must only operate in brief, intermittent bursts;

(b) that involves projections must not result in light spill outside the Core Zone.

Part 16

Noise and vibration

Noise and vibration

85.—(1) Authorised works in the ERC area must not be operated otherwise than in accordance with the noise limits set out in—

(a) section 2.1 of the environmental controls document, in respect of the utility compound;

(b) section 2.3 of the environmental controls document, in respect of other authorised works, excluding any public road or railway in the ERC area,

unless, and to the extent that, the site controller submits to the Secretary of State for approval, and the Secretary of State endorses, a schedule of noise limits that differs from those noise limits.

(2) The Secretary of State must not decide to endorse a schedule submitted under sub-paragraph (1), or a modification of such a document after it has been endorsed, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

(3) Subject to sub-paragraph (4), the site controller must comply with—

(a) the noise modelling, measurement, monitoring, testing and reporting requirements in—

(i) section 2.2 of the environmental controls document, in respect of the utility compound;

(ii) section 2.4 of the environmental controls document, in respect of other authorised works, excluding any public road or railway in the ERC area, and

(b) the noise complaints procedure in section 2.5 of the environmental controls document.

(4) If, at any time after Grand Opening, the criteria specified in sub-paragraph (5) are satisfied, the Secretary of State may give notice to the site controller that—

(a) the Secretary of State considers it necessary or expedient, for the purposes of managing the impact on sensitive receptors identified in the environmental controls document of noise arising from authorised works in the ERC area, excluding public roads or railways, that the requirements referred to in sub-paragraph (3)(a) should be varied as regards the period or monitoring location by reference to which compliance with the noise limits referred to in sub-paragraph (1) (including any limits set out in a schedule endorsed under that sub-paragraph) is to be measured or monitored, and

(b) the measuring or monitoring arrangements are varied in accordance with the notice.

(5) The criteria are that—

(a) there has been a failure to comply with sub-paragraph (1) or (3) or it appears to the Secretary of State that, notwithstanding compliance with those sub-paragraphs, noise produced by the operation of authorised works in the ERC area, excluding public roads or

railways, is having unacceptable impacts on sensitive receptors identified in the environmental controls document, and

(b) the Secretary of State has engaged with the site controller in relation to the impacts referred to in paragraph (a) and possible ways of addressing them other than by giving a notice under sub-paragraph (4) and such engagement has not resulted in mitigation of those impacts.

(6) For the purposes of sub-paragraphs (1)(b) and (3)(b), any reference in section 2.3 or 2.4 of the environmental controls document to the Core Zone is to be read as referring to the whole of the ERC other than the utility compound.

Seasonal events and special events

86.—(1) This paragraph applies in respect of any calendar day ("relevant day") that immediately follows a calendar day on which the ticketed area remains open to visitors after 11 pm.

(2) The site controller must ensure that no amplified music is broadcast to visitors outdoors in the ticketed area between 0.30 am and the first time on a relevant day when the ticketed area closes to visitors, as defined in condition 89(7) (opening hours), except in accordance with a document that—

(a) describes the steps to be taken to ensure that any amplified music that is so broadcast does not disturb people in dwellings outside the ticketed area, and

(b) has been—

(i) submitted to the Secretary of State for approval, and

(ii) endorsed by the Secretary of State.

(3) The Secretary of State must not decide to endorse a document submitted under sub-paragraph (2), or a modification of such a document, unless the Secretary of State is satisfied that that decision meets the condition specified in article 7(7) (modification of reference documents, controlling documents and endorsement conditions).

Hotels

87.—(1) Any hotel forming part of the ERC must be designed and operated so as not to exceed the guideline internal noise levels referenced in British Standard BS 8233:2014(**a**).

(2) The plant room of any such hotel—

(a) must be designed having had regard to the guidance set out in CIBSE Guide B4(**b**), and

(b) if and to the extent that that guidance indicates that vibration isolation measures are to be provided, must be constructed so as to incorporate such measures.

1 and 2 Vine Cottages

88. The proposed realignment of Manor Road may not be opened as a public road unless—

(a) the dwellings on Manor Road known as 1 and 2 Vine Cottages have been demolished, or

(b) a material change in the use of those dwellings has been made as referred to in article 4(2)(b) (grant of planning permission).

(**a**) Guidance on sound insulation and noise reduction for buildings (ISBN 978 0 580 74378 8), published by the British Standards Institution on 28th February 2014, available from https://knowledge.bsigroup.com.

(**b**) Guide B4 Noise and vibration control for building services systems (ISBN 978 1 906 84679 4), published by the Chartered Institution of Building Services Engineers in June 2016, available at https://www.cibse.org/knowledge-research/knowledge-portal/guide-b4-noise-and-vibration-control-for-building-services-systems-2016/.

Part 17

Miscellaneous

Opening hours

89.—(1) After Grand Opening, the times during which the ticketed area is open to visitors must comply with this paragraph.

(2) Subject to sub-paragraphs (2) to (6), on any calendar day, the ticketed area must not—

(a) open to visitors earlier than 7 am;

(b) close to visitors later than 11 pm.

(3) On up to 30 occasions in a calendar year when a special event takes place in the ticketed area, that area, having opened to visitors on one calendar day, may remain open to visitors after 11 pm on that calendar day, but must close no later than 1 am on the next calendar day.

(4) Subject to sub-paragraphs (5) and (6), on up to 65 occasions in a calendar year when a seasonal event takes place in the ticketed area, that area, having opened to visitors on one calendar day (the "seasonal event start date") may remain open to visitors after 11 pm on the seasonal event start date.

(5) On five occasions where—

(a) the ticketed area remains open to visitors after 11 pm on a seasonal event start date under sub-paragraph (4), and

(b) the seasonal event start date is within 7 calendar days of the first day of the Chinese new year, 5th November, the day of Diwali, or 25th or 31st December,

the ticketed area must close to visitors no later than 1 am on the calendar day following the seasonal event start date.

(6) On all other occasions where the ticketed area remains open to visitors after 11 pm on a seasonal event start date under sub-paragraph (4), the ticketed area must close to visitors no later than 2 am on the calendar day following the seasonal event start date.

(7) For the purposes of this paragraph, the time when the ticketed area closes to visitors is the time by which all visitors are required to have left the ticketed area.

Employment and skills

90. The site controller must implement the commitments in relation to employment and skills set out in Table 7-1 (employment and skills commitments) and paragraph 7.3.5 of section 7 of the environmental controls document.

SCHEDULE 4 Schedule 3, paragraph 23(1)

Maximum height parameter tables

Table 1

Maximum height parameters for buildings or structures in the Core Zone

Row	*Description of authorised works, within the Core Zone, to which height control applies*	*Maximum height in metres*
1.	Authorised works to which none of height controls 2 to 17 applies	75 AGL 117 AOD
2.	Authorised works— (a) to which none of height controls 3 to 17 applies, and (b) of which any part that exceeds a height of 75 metres AGL or 117 metres AOD consists solely of attraction overlay	115 AGL 157 AOD
3.	Authorised works on or over land that is within an ERC expansion area	10 AGL 45.7 AOD
4.	Authorised works on or over land that is located within 20 metres outside of a boundary of a public road This height control does not apply to— (a) any part of a public road that runs through or beside land that was operational land of a railway undertaker at the date this Order is made; (b) any part of a public road or other transport route such as a railway that is part of a grade separated crossing; (c) authorised works to which height control 5 applies.	10 AGL 45.7 AOD
5.	Authorised works on or over land that is located within 30 metres to the south of the southern edge of the boundary of the proposed public road that is shown on the access and roadways plan, deviating to the south of, and then running approximately parallel to, the course of Manor Road at the date when this Order is made, along the northern edge of the Core Zone, as the boundary of that public road is set out in an endorsed detailed design This height control ceases to apply when one or both of the following conditions are met in respect of each dwelling that is present on the Order land on Manor Road at the date on which this Order is made— (a) the dwelling has been demolished; (b) a material change in the use of the dwelling has been made as referred to in article 4(2)(b) (grant of planning permission).	10 AGL 45.7 AOD
6.	Authorised works on or over land that is located within 20 metres inside any boundary of the ERC area This height control does not apply to a public road or to authorised works on or over land that was operational land of a railway undertaker at the date when this Order is made.	10 AGL 45.7 AOD
7.	Authorised works on or over land that is located within 45 metres of the edge of any area to which height control 4 or 5, height control 3 in Table 2, height control 2 in Table 3, or height control 2 in Table 4 applies	30 AGL 66.3 AOD

8.	Authorised works on or over land that is located between 30 and 75 metres south of the public road boundary described in height control 5, of which any part that exceeds a height of 30 metres AGL or 66.3 metres AOD— (a) consists solely of attraction overlay, and (b) is constructed after one or both of the following conditions are met in respect of each dwelling that is present in expansion area A, expansion area B, or expansion area C at the date on which this Order is made— (i) the dwelling has been demolished; (ii) a material change in the use of the dwelling has been made as referred to in article 4(2)(b) (grant of planning permission)	70 AGL 106.3 AOD
9.	Authorised works on or over land that is located within 100 metres of that part of the southern boundary of the ERC area that runs between Ordnance Survey National Grid reference point TL 02624 43206 and Ordnance Survey National Grid reference point TL 02069 43549	10 AGL 45.7 AOD
10.	Authorised works on or over land that is located between 100 and 145 metres north of the part of the southern boundary of the ERC area described in height control 9, of which any part that exceeds a height of 30 metres AGL or 66.3 metres AOD— (a) consists solely of attraction overlay, and (b) is constructed after one or both of the following conditions are met in respect of each dwelling that is present in expansion area D at the date on which this Order is made— (i) the dwelling has been demolished; (ii) a material change in the use of the dwelling has been made as referred to in article 4(2)(b) (grant of planning permission)	70 AGL 106.3 AOD
11.	Class 2 authorised works	25 AGL 67 AOD
12.	Authorised works on or over land in, on, under or over which a specified habitat has been, or is to be, created, enhanced or maintained, or land located within— (a) 7 metres outside of the boundary of a specified habitat, or part of a specified habitat, that is adjacent to a public road; (b) 20 metres outside of the boundary of any specified habitat or part of a specified habitat, that is not adjacent to a public road This height control does not apply to a grade separated crossing or to authorised works on or over land adjacent to a watercourse that is situated within 20 metres outside of the boundary of a specified habitat.	10 AGL 45.7 AOD
13.	Transport hub	30 AGL 66.3 AOD
14.	Surface vehicle parking area	10 AGL 46.3 AOD

15.	Multi-storey vehicle parking area	30 AGL 66.3 AOD
16.	Public road This height control does not apply to authorised works to which height control 17 applies.	15 AGL 59.6 AOD
17.	Authorised works in class 3(b)	22 AGL

Table 2

Maximum height parameters for buildings or structures in the Lake Zone

Row	*Description of authorised works, within the Lake Zone, to which height control applies*	*Maximum height in metres*
1.	Authorised works to which none of height controls 2 to 13 applies	75 AGL 110.5 AOD
2.	Authorised works within ERC expansion area A, ERC expansion area B, or ERC expansion area C	10 AGL 39.5 AOD
3.	Authorised works on or over land that is located within— (a) 7 metres outside of a boundary of a public road where it is adjacent to a specified habitat or part of a specified habitat; (b) 20 metres outside of a boundary of a public road where it is not adjacent to a specified habitat or part of a specified habitat This height control does not apply to a grade separated crossing that forms part of or crosses such a public road.	10 AGL 39.5 AOD
4.	Authorised works on or over land located within 20 metres inside any boundary of the ERC area This height control does not apply to a public road or to authorised works on or over land that was operational land of a railway undertaker at the date when this Order is made.	10 AGL 39.5 AOD
5.	Authorised works on or over land that is located within 45 metres of the edge of any area to which height control 3, height control 4 or 5 in Table 1, height control 2 in Table 3, or height control 3 in Table 4 applies, measured moving away from such area.	30 AGL 65.5 AOD
6.	Authorised works on or over land in, on, under or over which a specified habitat has been, or is to be, created, enhanced or maintained	10 AGL 39.5 AOD
7.	Authorised works on or over land that is located within— (a) 7 metres outside of a boundary of a specified habitat, or part of a specified habitat, that is adjacent to a public road; (b) 20 metres outside of a boundary of any specified habitat or part of a specified habitat, that is not adjacent to a public road This height control does not apply to a grade separated crossing or to authorised works on or over land adjacent to a watercourse that is situated within 20 metres outside of the boundary of a specified habitat.	10 AGL 44 AOD
8.	Authorised works on or over land that is located north of Manor Road, east of Public Road B Segment 1 as identified on the access	20 AGL 55.3 AOD

	and roadways plan, and south of that part of the Order land that is identified by— (a) the notation "Drainage / Wetland Habitat Creation" on Figure 1 (Indicative Habitat Creation and Enhancement Plan) in reference document 11, or (b) a plan endorsed by the Secretary of State under condition 7 (habitat location plan) or condition 8 (habitat creation and enhancement plans), which includes that part of the Order land	
9.	Utility compound	20 AGL 55.5 AOD
10.	Class 2 authorised works	25 AGL 60.5 AOD
11.	Surface vehicle parking area	10 AGL 45.5 AOD
12.	Multi-storey vehicle parking area	30 AGL 65.5 AOD
13.	Public road	15 AGL 54 AOD

Table 3

Maximum height parameters for buildings or structures in the West Gateway Zone

Row	*Description of authorised works, within the West Gateway Zone, to which height control applies*	*Maximum height in metres*
1.	Authorised works located in the West Gateway Zone to which none of height controls 2 to 11 applies	75 AGL 111 AOD
2.	Authorised works on or over land that is located within— (a) 7 metres outside a boundary of a public road where it is adjacent to a specified habitat or part of a specified habitat; (b) 20 metres outside of a boundary of a public road where it is not adjacent to a specified habitat or part of a specified habitat This height control does not apply to a grade separated crossing.	10 AGL 43.7 AOD
3.	Authorised works on or over land that is located within 20 metres inside the boundary of the ERC area This height control does not apply to a public road or to authorised works on or over land that was operational land of a railway undertaker at the date when this Order is made.	10 AGL 43.7 AOD
4.	Authorised works on or over land that is located within 45 metres of the edge of any area to which height control 2 or height control 3 in Table 2 applies, measured moving away from such area.	30 AGL 67.5 AOD
5.	Authorised works on land in, on, under or over which a specified habitat has been, or is to be, created, enhanced or maintained, or land located within— (a) 7 metres outside of the boundary of a specified habitat, or part of a specified habitat, that is adjacent to a public road;	10 AGL 43.7 AOD

	(b) 20 metres outside of the boundary of any specified habitat or part of a specified habitat, that is not adjacent to a public road This height control does not apply to a grade separated crossing or to authorised works on or over land adjacent to a watercourse that is situated within 20 metres outside of the boundary of a specified habitat.	
6.	Class 2 authorised works	25 AGL 61 AOD
7.	Surface vehicle parking area	10 AGL 47.5 AOD
8.	Multi-storey vehicle parking area	30 AGL 67.5 AOD
9.	Eastbound off-slip of the A421 junction	25 AGL 68 AOD
10.	Any other public road This height control does not apply to authorised works to which height control 11 applies.	15 AGL 59.4 AOD
11.	Authorised works in class 3(b)	22 AGL

Table 4

Maximum height parameters for buildings or structures in the East Gateway Zone

Row	*Description of authorised works, within the East Gateway Zone, to which height control applies*	*Maximum height in metres*
1.	Authorised works located in the East Gateway Zone to which none of height controls 2 to 9 applies	10 AGL 47.5 AOD
2.	Authorised works on land located within— (a) 7 metres outside of the boundary of a public road where it is adjacent to a specified habitat or part of a specified habitat; (b) 20 metres outside the boundary of a public road where it is not adjacent to a specified habitat or part of a specified habitat This height control does not apply to a grade separated crossing.	10 AGL 47.5AOD
3.	Authorised works on land in, on, under or over which a specified habitat has been, or is to be, created, enhanced or maintained, or land located within— (a) 7 metres outside of the boundary of a specified habitat, or part of a specified habitat, that is adjacent to a public road; (b) 20 metres outside of the boundary of any specified habitat or part of a specified habitat, that is not adjacent to a public road This height control does not apply to a grade separated crossing or to authorised works on or over land adjacent to a watercourse that is situated within 20 metres outside of the boundary of a specified habitat.	10 AGL 47.5 AOD
4.	Authorised works on land located within 20 metres of any edge of	10 AGL

	the ERC area This height control does not apply to a public road or to authorised works on or over land that was operational land of a railway undertaker at the date when this Order is made.	47.5 AOD
5.	Class 3 authorised works This height control does not apply to transport hubs	22 AGL 59.5 AOD
6.	Transport hub	30 AGL 67.5 AOD
7.	Surface vehicle parking area	10 AGL 47.5 AOD
8.	Multi-storey vehicle parking area	30 AGL 67.5 AOD
9.	Public road This height control does not apply to authorised works to which height control 5 applies.	15 AGL 50.3 AOD

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants planning permission for development in, on, under or over certain land near Bedford (the "Order land"). The Order land is shown on a map, a copy of which is available for inspection, by appointment, at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF, and online from www.gov.uk.

The Order has been made to enable an entertainment resort complex to be constructed and operated on the Order land ("the ERC"). As the ERC is expected to evolve continuously over time, the permission granted is for classes of development, described in Schedule 2, which between them cover the range of facilities and infrastructure that would be comprised in an ERC.

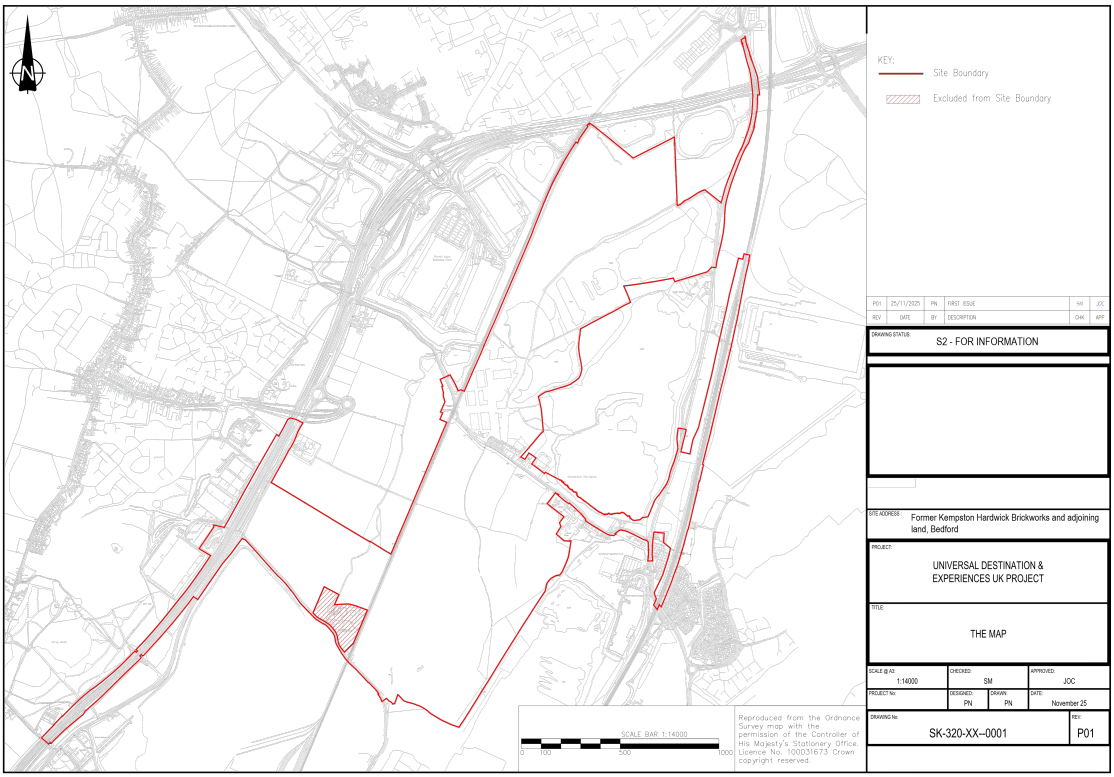
Each class of development permitted covers both material changes in the use of buildings or other land, and a wide range of building, engineering and other operations carried out in relation to specified categories of "works", including buildings, structures, facilities, infrastructure and spaces that result from development.

Planning permission granted by the Order is subject to conditions set out in Schedule 3, which are supplemented by a series of controls on the height of works set out in Schedule 4. A number of the conditions in Schedule 3 refer to documents submitted to the Secretary of State before the making of the Order ("reference documents"), which are listed in Schedule 1), or provide for documents to be submitted for subsequent approval or validation ("endorsement") by the Secretary of State (as "submission documents") before certain development can be carried out.

When endorsed, submission documents become "controlling documents", which must be complied with in respect of the development authorised by the Order. When endorsing submission documents, or endorsing amendments or variations to, or replacements of controlling documents or reference documents ("modifications"), the Secretary of State may impose further conditions. The procedure for endorsement is set out in articles 6 and 7. Article 8 provides for reference documents and controlling documents to be made publicly available.

A full regulatory impact assessment has not been produced for this instrument: as the instrument does not regulate business activity, it is not in the scope of the Government's Better Regulation Framework.

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



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