

STATUTORY INSTRUMENTS

2024 No. 411

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024

<i>Made</i>	- - - -	<i>20th March 2024</i>
<i>Laid before Parliament</i>		<i>21st March 2024</i>
<i>Coming into force</i>	- -	<i>11th April 2024</i>

The Secretary of State for Levelling Up, Housing and Communities 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(1).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024.

(2) This Order comes into force on 11th April 2024.

(3) This Order extends to England and Wales.

(4) This Order applies to the land at Former RAF Airfield Wethersfield, Braintree, Essex CM7 4AZ, shown bounded externally by the outer edge of a bold red line on the Map (excluding land shown on the Map hatched red) (the “Order land”).

Commencement Information

II Art. 1 in force at 11.4.2024, see [art. 1\(2\)](#)

Interpretation

2.—(1) In this Order—

(1) 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 further amendments to sections 59 and 60 which are not relevant to this Order.

Changes to legislation: *The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“the 2015 Order” means the Town and Country (General Permitted Development) (England) Order 2015(2);

“adjoining owner or occupier” means any owner or occupier of any land adjoining the Order land;

“approved document” means any document listed in Schedule 1 (documents submitted by the Home Secretary), subject to sub-paragraph (2) of condition 19 (full OMP: establishment and review), or any document in respect of which the Secretary of State has given subsequent approval, and where the Secretary of State—

- (a) gives subsequent approval in respect of a replacement for an approved document, the approved document is the document in respect of which such subsequent approval was most recently given;
- (b) gives variation approval in relation to an approved document, the approved document is the version of that document that reflects the cumulative effect of all the amendments to it in respect of which the Secretary of State has given such approval,

and if both subsequent approval as described in paragraph (a) and variation approval have been given in relation to an approved document, the approved document is the document or version that reflects the cumulative effect of all approvals, of either kind, that have been given, and references to any particular approved document are to be construed according to the same principles;

“authorised development” has the meaning given in article 4(1) (grant of temporary planning permission);

“CEMP” means a construction and environmental management plan submitted and approved in accordance with condition 13 (construction and environmental management plan);

“construction” includes installation, provision, operation, maintenance, improvement or alteration, decommissioning or removal (demolition), or any other building or engineering operations, and “constructed” is to be construed accordingly;

“contamination expert” means a person—

- (a) with suitable knowledge, skills and experience in relation to the assessment and mitigation of relevant contamination risks, and
- (b) who is a registered Specialist in Land Condition(3), or holds another qualification indicating a similar level of expertise in relation to such risks;

“existing” means, in relation to anything on the Order land, that it was present on the Order land on 10th April 2024;

“full OMP” means an operational management plan submitted and approved in accordance with sub-paragraph (1) of condition 19;

“the Home Secretary” means the Secretary of State for the Home Department;

“initial OMP” means the initial operational management plan for the authorised development, which comprises the documents listed in Part 2 of Schedule 1;

“the Map” means the document numbered Figure 2 in Part 1 of Schedule 1;

“Multi-Agency Forum” means the group to be established by the Home Secretary under condition 25 (Multi-Agency Forum);

(2) S.I. 2015/596, amended by S.I. 2016/332, 2016/765, 2016/772, 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, 2022/278, 2023/747, 2023/1279, 2024/141.

(3) The register of Specialists in Land Contamination is administered by a Professional and Technical Panel. A list of those on the register may be obtained from <https://www.silc.org.uk/> or from Forum Court Associates Ltd, Office 2FF, Saphir House, 5 Jubilee Way, Faversham, Kent, ME13 8GD.

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“Order land” has the meaning given in article 1(4);

“reinstatement works” means development(4) for which planning permission is granted by article 4(1)(c);

“relevant contamination risk” means a risk to human health or the environment posed by hazardous substances including gases, vapour concentrations and radiological contamination in, on, under or over the Order land;

“relevant duty” means a duty imposed by an enactment (other than this Order) that applies to the Home Secretary when the Home Secretary carries out relevant functions;

“relevant functions” means providing, or arranging for the provision of, accommodation and support under section 4 (accommodation), section 95 (persons for whom support may be provided) or section 98 (temporary support) of the Immigration and Asylum Act 1999(5);

“relevant ordnance risk” means a risk to human health or the environment associated with the presence of unexploded ordnance in, on, under or over the Order land;

“relevant person” means a person who—

- (a) is male,
- (b) is at least 18 years old and no more than 64 years old,
- (c) has no dependants within the meaning of section 94(1) of the Immigration and Asylum Act 1999 (interpretation of Part VI)(6), and
- (d) is—
 - (i) an asylum-seeker within the meaning of that section, or
 - (ii) otherwise receiving accommodation or support under section 4 of that Act;

“relevant risk” means a relevant contamination risk or a relevant ordnance risk;

“remedial step” means any step, the taking of which by the Home Secretary secures compliance with a duty imposed on the Home Secretary, by an enactment (other than this Order) or a rule of common law, to prevent or mitigate a relevant risk;

“resident service user” means a service user who is accommodated on the Order land;

“the Secretary of State” means, except in the definition of “Home Secretary”, the Secretary of State for Levelling Up, Housing and Communities;

“service user” means a person in respect of whom the Home Secretary carries out relevant functions;

“site operator” means the person designated as such under condition 1 (site operator);

“subsequent approval” means the Secretary of State’s approval, after the date on which this Order is made, in respect of a plan, report, scheme or programme that this Order requires or permits the Home Secretary to submit for the Secretary of State’s approval, where—

- (a) the plan, report, scheme or programme is submitted for such approval for the first time, or

(4) As defined in section 55 of the Town and Country Planning Act 1990. Section 55 was amended by the Planning and Compensation Act 1991 (c. 34), sections 13(1) and (2) and 14, Schedule 6, paragraph 9, and Schedule 19, Parts 1 and 2, and by the Planning and Compulsory Purchase Act 2004 (c. 5), Schedule 6, paragraphs 1 and 2 and Schedule 9. There are further amendments which are not relevant to this Order.

(5) 1999 c. 33. Section 4 was amended by the Nationality, Immigration and Asylum Act 2002 (c. 41) (“the 2002 Act”), section 49; the Asylum, Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), section 10(1); the Immigration, Asylum and Nationality Act 2006 (c. 13), section 43(7); the Immigration Act 2016 (c. 19) (“the 2016 Act”), Schedule 11, paragraph 1; the Nationality and Borders Act 2022 (c. 36) (“the 2022 Act”), section 17(1) and (2). Section 95 was amended by the 2002 Act, section 50(1), and by the 2016 Act, section 61(1) and (2)(b) and Schedule 10, paragraphs 26 and 29. Section 98 was amended by the 2016 Act, section 66 and Schedule 11, paragraphs 5 and 12, and by the 2022 Act, sections 13(3) and (4).

(6) Section 94 was amended by the 2002 Act, sections 44, 60(2), 161 and Schedule 9, the 2022 Act, sections 17(1) and (3) and 49(5), and S.I. 2008/2833.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) approval is sought in respect of a replacement for such a plan, report, scheme or programme under sub-paragraph (3) of condition 2 (approved documents);

“unsuitability criterion” means any of the criteria specified, on pages 17 to 22 of the Home Office publication “Allocation of asylum accommodation policy”, version 11.0, dated 12th February 2024⁽⁷⁾, as making a person potentially unsuitable (either generally, or in certain circumstances) to be accommodated on an “ex-MoD site”, or to share a room;

“variation approval” means the Secretary of State’s approval in respect of an amendment, proposed by the Home Secretary, to the details of a matter set out in an approved document.

(2) A reference in this Order to a numbered “condition” is to the paragraph that is so numbered in Schedule 3 (conditions subject to which planning permission is granted).

(3) A reference in this Order to the height of a building or other structure is a reference to its height when measured from ground level, and in this paragraph “ground level” means—

- (a) the level of the surface of the ground adjoining the building or structure;
- (b) if the level of the surface of the ground where the building or structure is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

Commencement Information

I2 Art. 2 in force at 11.4.2024, see [art. 1\(2\)](#)

Application of the 2015 Order

3.—(1) Subject to the provisions of this Order, the 2015 Order applies to the Order land.

(2) Planning permission granted by article 3(1) of the 2015 Order (permitted development) does not apply to development carried out in, on, under or over the Order land during the period beginning with 11th April 2024 and ending with 10th October 2027, unless it is—

- (a) development of a class that is described as permitted development in Part 13 (water and sewerage), Part 15 (power related development) or Part 16 (communications) of Schedule 2 to the 2015 Order (permitted development rights);
- (b) the replacement of a window or door as part of refurbishment of a building or structure.

(3) Planning permission granted by article 3(1) of the 2015 Order for development of a type specified in Schedule 2 to this Order that was carried out on or before 10th April 2024—

- (a) ceases to apply on 11th April 2024;
- (b) applies again on and from 11th April 2027, but only if, and to the extent that, the planning permission granted for it by article 3(1) of the 2015 Order would not, but for this Order, have ceased before that date.

Commencement Information

I3 Art. 3 in force at 11.4.2024, see [art. 1\(2\)](#)

(7) See <https://assets.publishing.service.gov.uk/media/65c6483d14b83c000ca71658/Allocation+of+accommodation.pdf>. Hard copies are available from the Home Office, 2 Marsham Street, London SW1P 4DF.

Grant of temporary planning permission

- 4.—(1) Subject to the provisions of this Order, planning permission is granted for—
- (a) the making of any material change in the use of any buildings or other land of a type specified in paragraph 1 or 3 of Schedule 2;
 - (b) the carrying out of building, engineering or other operations of a type specified in paragraph 2 or 3 of Schedule 2;
 - (c) development comprised in—
 - (i) the cessation, decommissioning or removal of development within sub-paragraph (a) or (b);
 - (ii) the reversion of the Order land and any buildings in, on, under or over it to their previous lawful use
- (“authorised development”).
- (2) The planning permission granted by paragraph (1)—
- (a) is subject to—
 - (i) the conditions specified in Schedule 3;
 - (ii) such additional conditions as the Secretary of State may impose when giving subsequent approval or variation approval under article 6 (authorised development: decisions of the Secretary of State);
 - (b) includes, as regards paragraphs (1)(a) and (b), planning permission for the retention and continued operation, after 10th April 2024, of development of a type specified in Schedule 2 that was first carried out on or before 10th April 2024 under planning permission granted by article 3(1) of the 2015 Order.
- (3) The conditions referred to in paragraph (2)(a) apply to development within paragraph (2)(b) if and to the extent that it is retained and continues to operate after 10th April 2024, but they do not apply as regards its construction before that date.
- (4) Authorised development may only be carried out by or on behalf of the Home Secretary.
- (5) The planning permission granted by paragraph (1)(a) and (b) ceases at the end of 10th April 2027, and any development within those paragraphs must cease by that time.
- (6) The planning permission granted by paragraph (1)(c) ceases at, and reinstatement works must be completed by, the end of 10th October 2027.

Commencement Information

I4 Art. 4 in force at 11.4.2024, see [art. 1\(2\)](#)

Subsequent approval and variation approval

- 5.—(1) A replacement for an approved document has no effect for the purposes of this Order unless the Home Secretary has submitted it for subsequent approval under sub-paragraph (3) of condition 2, and the Secretary of State has given subsequent approval in respect of the replacement.
- (2) An amendment to an approved document has no effect for the purposes of this Order unless the Home Secretary has sought, and the Secretary of State has given, variation approval in respect of that amendment.
- (3) Where the Home Secretary submits a document for subsequent approval or seeks variation approval, the Home Secretary must make an application—

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) to the Secretary of State in writing, signed by the site operator on behalf of the Home Secretary;
 - (b) including a copy of any document that it is proposed should be an approved document following the giving of subsequent approval or variation approval as requested.
- (4) No subsequent approval or variation approval may be sought or given in respect of any replacement of, or amendment to, the Map.

Commencement Information

I5 Art. 5 in force at 11.4.2024, see [art. 1\(2\)](#)

Authorised development: decisions of the Secretary of State

6.—(1) When giving or declining to give subsequent approval or variation approval, the Secretary of State must give the Home Secretary a written notice of the Secretary of State’s decision on the application made under article 5(3) (subsequent approval and variation approval).

(2) The Secretary of State may give subsequent approval or variation approval either unconditionally, or subject to conditions set out in a notice given under paragraph (1).

(3) The Secretary of State must not give—

- (a) subsequent approval or variation approval;
- (b) any other consent or agreement provided for under this Order or an approved document in relation to the authorised development

(each a “relevant approval”), unless the condition specified in paragraph (4) or the condition specified in paragraph (5) is satisfied.

(4) The condition is that the Secretary of State has concluded that—

- (a) the giving of the relevant approval will not result in the authorised development having any impacts that are materially new, or materially different, as compared with the impacts that the Secretary of State took into account before making this Order,
- (b) the authorised development will not, as a result of the relevant approval, be EIA development as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017)(8) (the “2017 Regulations”), and
- (c) development carried out as a result of the relevant approval will not otherwise give rise to any significant environmental effect.

(5) The condition is that the Secretary of State has directed under regulation 63(1) of the 2017 Regulations (exemptions) that the authorised development is exempt from the requirements of those Regulations.

Commencement Information

I6 Art. 6 in force at 11.4.2024, see [art. 1\(2\)](#)

Documents to be made available by the Secretary of State

7.—(1) This paragraph applies to—

- (a) approved documents;

(8) [S.I. 2017/571](#), amended by [S.I. 2018/575](#), [2018/695](#); there are other amending instruments but none is relevant.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) notices given under article 6(1).
- (2) Subject to paragraph (4), the Secretary of State must arrange for a copy of each document to which paragraph (1) applies to be made available for inspection by the public—
 - (a) on a website maintained by or on behalf of the Secretary of State⁽⁹⁾;
 - (b) in person, upon giving reasonable notice to the Department for Levelling Up, Housing and Communities, at 2 Marsham Street, London SW1P 4DF.
- (3) This paragraph applies to information contained in a document to which paragraph (1) applies, where the Secretary of State is satisfied that that information relates to—
 - (a) matters of 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.
- (4) Where paragraph (3) applies—
 - (a) the Secretary of State may redact the information to which it applies from any copy of the document that is made available under paragraph (2);
 - (b) if the Secretary of State considers that it is appropriate, having regard to national security or other security considerations, to redact the entire contents of a document under subparagraph (a), the Secretary of State may make available a statement to that effect, identifying the document, instead of making available a copy of the document with the contents entirely redacted.

Commencement Information

I7 Art. 7 in force at 11.4.2024, see [art. 1\(2\)](#)

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Lee Rowley
Minister of State
Department for Levelling Up, Housing and
Communities

20th March 2024

⁽⁹⁾ This will be within www.gov.uk, and capable of being quickly located through its search page.

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SCHEDULE 1

Article 2(1)

Documents submitted by the Home Secretary

Part 1– Map and plans

Commencement Information**18** Sch. 1 Pt. 1 in force at 11.4.2024, see [art. 1\(2\)](#)

<i>Number</i>	<i>Title</i>	<i>Scale</i>	<i>Paper size</i>
Figure 2	The Map – Figure Title: Existing Site Plan	1:7,000	A3
Figure 3a	Proposed site plans – Access / Egress Points	1:7,000	A3
Figure 3b	Proposed site plans – Proposed Fencing	1:7,000	A3
Figure 3e	Proposed site Plans – Proposed Site Uses	1:7,000	A3

Part 2 – Initial operational management plan

Commencement Information**19** Sch. 1 Pt. 2 in force at 11.4.2024, see [art. 1\(2\)](#)

<i>Title</i>	<i>Version or issue number (if applicable)</i>
Wethersfield Large Accommodation Site: Operational Management Plan (OMP)	Version 3.3
OMP Annex C: Standard Operating Procedure: Access and Egress Control	V1
OMP Annex D: Wethersfield Infectious Diseases Management Plan	Version 1
OMP Annex E: ClearSprings (Management) Ltd Occupancy Agreement	
OMP Annex F: Clearsprings Ready Homes Ltd: Business Continuity Plan for Wethersfield – Essex	Issue 1 / Version 1
OMP Annex G: Wethersfield Contingency / Emergency Evacuation Plan	
OMP Annex H: Clearsprings Group Wethersfield Local Emergency Process Chart Fire Emergency Identified on Site	Version 3
OMP Annex I: Clearsprings Group Local Emergency Process Charts 999 Emergency Actions	Version 1
OMP Annex R: CRH Wethersfield Accommodation Centre Health and Safety Policy – Arrangements	Version 1
OMP Annex U: Staff Training Plan / Syllabus	

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Title</i>	<i>Version or issue number (if applicable)</i>
OMP Annex Y: Clearsprings Ready Homes Child and Vulnerable Adult Safeguarding Framework Safeguarding Statement	Issue 1
OMP Annex Z: Clearsprings Group CRH Safeguarding and Reporting Protocol	Issue 1 / Version 1
OMP Annex CC: Wethersfield (SOP) Standard Operating Procedure Wethersfield: Suitability Assessment on site	
OMP Annex DD: Wethersfield Accommodation Site: Full Security SOP	Version 1.0
OMP Annex KK: Induction Briefing Wethersfield	Version 2
OMP Annex PP: Confirmation of Suitability / Unsuitability	
OMP Annex QQ: Wethersfield Outflow process	
OMP Annex RR: Guidance Allocation of asylum accommodation policy (accessible)	Version 11.0

SCHEDULE 2

Article 4(1)(a) and (b)

Development for which planning permission is granted

1. The making of material changes in the use of any buildings in, on, under or over the Order land, or of any other part of the Order land, in connection with the carrying out, in relation to resident service users, of relevant functions, or functions incidental or ancillary to such functions, including the provision, by making such a change in use, of—

- (a) living accommodation;
- (b) catering or dining facilities;
- (c) toilet or washing facilities;
- (d) laundry facilities;
- (e) indoor or outdoor sport and recreation facilities;
- (f) education facilities;
- (g) worship and religious observance facilities;
- (h) retail facilities;
- (i) parking for vehicles;
- (j) warehousing or storage;
- (k) office or administrative facilities;
- (l) medical facilities, including accommodation for those being treated in isolation for infectious diseases;
- (m) facilities for providing legal and other advice to resident service users;
- (n) facilities for those carrying out police and security activities.

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Commencement Information

I10 Sch. 2 para. 1 in force at 11.4.2024, see [art. 1\(2\)](#)

2. Building, engineering or other operations, in, on, under or over the Order land, in connection with the carrying out, in relation to resident service users, of relevant functions, or functions incidental or ancillary to such functions, comprising the construction of—

- (a) buildings or structures to be used in providing any accommodation or other facility of a kind referred to in paragraph 1, including any works of refurbishment to a building or structure, where planning permission is required for the refurbishment;
- (b) any artificial surfacing, including—
 - (i) surfacing that is permeable or porous;
 - (ii) surfacing in the form of paths or pavements;
 - (iii) maintenance, repair or replacement of existing internal access roads, but excluding any other construction of roads;
- (c) hard landscaping, including seats, refuse bins and barriers to control the movement of people or vehicles;
- (d) lighting and signage;
- (e) gates, fences, walls or other means of enclosure, including where these are erected to provide protection for existing buildings or structures on the Order land, or screening between the Order land and adjacent land;
- (f) gatehouses;
- (g) mains, sewers, drains, pipes, conduits, cables, electrical substations or other apparatus, for the provision of water, gas, electricity, or other services, including breaking open any land to enable their construction;
- (h) foul water and surface water drainage, including any apparatus or machinery associated with their provision;
- (i) soft landscaping;
- (j) ancillary security measures;
- (k) closed-circuit television and development ancillary to closed-circuit television;
- (l) works required in connection with—
 - (i) the production or supply of any form of energy;
 - (ii) the storage of fuel or other substances,to be used for the benefit of resident service users or persons involved in the carrying out of relevant functions;
- (m) other plant or machinery.

Commencement Information

I11 Sch. 2 para. 2 in force at 11.4.2024, see [art. 1\(2\)](#)

3. The making of material changes in the use of a building in, on, under or over the Order land, or of any other part of the Order land, or the construction of any building or structure, including any works of refurbishment to a building or structure, where planning permission is required for the refurbishment, to provide—

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- (a) indoor or outdoor training and education facilities;
- (b) parking space for vehicles,

to be used in connection with the carrying out of any of the Home Secretary's functions.

Commencement Information

I12 Sch. 2 para. 3 in force at 11.4.2024, see [art. 1\(2\)](#)

SCHEDULE 3

Article 4(2)(a)(i)

Conditions subject to which planning permission is granted

Part 1 – General

Site operator

1.—(1) The Home Secretary must ensure that, during the whole period beginning with 11th April 2024 and ending with the date on which reinstatement works are completed in accordance with this Order, a named member of the Senior Civil Service in the Home Secretary's department is designated in writing as the principal point of contact for the Secretary of State in the Home Secretary's department on all matters connected with this Order (the "site operator").

(2) The Home Secretary may designate different persons as the site operator at different times within the period referred to in sub-paragraph (1).

(3) Whenever a person is designated as the site operator, the Home Secretary must promptly inform the Secretary of State, in writing, that that person has been so designated.

Commencement Information

I13 Sch. 3 para. 1 in force at 11.4.2024, see [art. 1\(2\)](#)

Approved documents

2.—(1) The authorised development must be carried out in accordance with each of the approved documents, and in particular—

- (a) where an approved document provides for anything to be constructed, it must be constructed, remain, and be maintained, in the location specified, and as provided for, in any approved document that relates to its construction, maintenance or location;
- (b) where an approved document—
 - (i) sets out, in relation to the construction or operation of the authorised development—
 - (aa) a policy, procedure or standard to be applied;
 - (bb) a step to be taken, arrangement to be made, or measure to be adopted,
 - (ii) refers to—
 - (aa) an activity to be undertaken;
 - (bb) a facility or service to be made available,

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in connection with the authorised development under or by virtue of a provision of this Schedule,

the construction or operation of the authorised development must be carried out, the activity undertaken, or the facility or service made available, in a manner that is consistent with such policy, procedure, standard, step, arrangement or measure;

(c) any requirements set out in an approved document for the validation, verification or approval of work carried out in accordance with that document must be complied with.

(2) The accommodation and other facilities referred to in the document numbered Figure 3e in Part 1 of Schedule 1, other than those that are referred to as being used, or to be used, for any purpose referred to in paragraph 1(j) or paragraph 3 of Schedule 2, must be in place and fully operational while any service users are accommodated on the Order land.

(3) The Home Secretary may submit for subsequent approval a replacement for any approved document other than the Map, provided that, in the case of a plan, report, scheme or programme provided for in this Schedule, the proposed replacement plan, report, scheme or programme complies with the relevant provisions of this Schedule.

Commencement Information

I14 Sch. 3 para. 2 in force at 11.4.2024, see [art. 1\(2\)](#)

Height of buildings and other structures

3.—(1) Subject to sub-paragraphs (2), (3) and (4), the height of any building or structure constructed as part of the authorised development must not exceed 4.5 metres.

(2) The height of any gate, fence, wall or other means of enclosure erected or constructed must not exceed 2.4 metres.

(3) Where plant or machinery (other than plant or machinery that is required for the purposes of constructing the authorised development) is erected or extended on the Order land, its height (when its erection or extension is completed) must not exceed—

- (a) if it replaces existing plant or machinery, the height of any plant or machinery that it replaces;
- (b) if it does not replace existing plant or machinery, 8.5 metres.

(4) A building or structure that comprises development of a type specified in paragraph 3 of Schedule 2 must not, except with the prior written consent of the Secretary of State, exceed a height of 6.5 metres.

Commencement Information

I15 Sch. 3 para. 3 in force at 11.4.2024, see [art. 1\(2\)](#)

Floorspace of certain buildings and structures

4.—(1) The combined floorspace of all buildings or structures—

- (a) that are erected or installed as part of the authorised development, and
- (b) whose construction is development of a type specified in paragraph 2 of Schedule 2,

must not exceed the baseline by more than 4,631 square metres.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) For the purposes of this paragraph, the baseline is the total amount of floorspace of all buildings or structures that were on the Order land on 17th April 2023.

(3) Construction of a building or structure of a type specified in paragraph 3 of Schedule 2 may not commence until the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, plans showing its design, dimensions and location.

Commencement Information

I16 Sch. 3 para. 4 in force at 11.4.2024, see [art. 1\(2\)](#)

Artificial lighting and its impacts

5.—(1) Any exterior artificial lighting installed on or after 17th April 2023 must be arranged so that the main beam angle of each installation is directed—

- (a) downward and away from the closest boundary of the Order land so as to minimise light spill;
- (b) away from the windows of any sleeping accommodation on the Order land, so as to minimise any potential disturbance to those occupying it.

(2) The windows of any sleeping accommodation must be fitted with blackout blinds or blackout curtains.

Commencement Information

I17 Sch. 3 para. 5 in force at 11.4.2024, see [art. 1\(2\)](#)

Drainage and drinking water

6.—(1) There must be no net increase in the rate or volume of surface water discharge from the Order land as a result of the authorised development.

- (2) No more than 580 service users may be accommodated on the Order land unless—
- (a) the Home Secretary has submitted to the Secretary of State a foul and surface water drainage systems report in respect of the authorised development, identifying what measures, if any, it is necessary to adopt and maintain in relation to such systems before more than 580, and up to 1,700, service users are accommodated on the Order land;
 - (b) the Secretary of State has approved the report;
 - (c) any measures identified in the approved report as necessary to be adopted before more than 580, and up to 1,700, service users are accommodated have been implemented.
- (3) No more than 580 service users may be accommodated on the Order land unless—
- (a) the Home Secretary has submitted to the Secretary of State a potable water report in respect of the authorised development, identifying what steps, if any, must be taken to ensure that there is an adequate supply of potable water to the authorised development before more than 580, and up to 1,700 service users are accommodated on the Order land;
 - (b) the Secretary of State has approved the report;
 - (c) any steps identified in the approved report as necessary to be taken before more than 580, and up to 1,700, service users are accommodated have been taken.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I18 Sch. 3 para. 6 in force at 11.4.2024, see [art. 1\(2\)](#)

Storage of fuel and hazardous substances

7. Any storage for fuel or other hazardous substances installed on or after 17th April 2023 must be so arranged as to ensure that—

- (a) it is located on an impervious base and graded to drain to a sump or collector, or surrounded by impervious walls to form a bunded compound;
- (b) all filling points, vents, gauges and sight glasses are located on an impervious base and the drainage system sealed, with no discharge to any watercourse, land or underground strata;
- (c) any associated pipe work is located above ground and protected from accidental damage;
- (d) all filling points and tank overflow pipe outlets are designed to discharge into a sump, collector or bunded compound.

Commencement Information

I19 Sch. 3 para. 7 in force at 11.4.2024, see [art. 1\(2\)](#)

Removal of trees, hedges and existing buildings

8.—(1) Subject to sub-paragraph (2), no—

- (a) tree or hedge may be removed from the Order land;
- (b) existing building or structure on the Order land may be demolished,

as part of the authorised development unless the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, a plan for that removal or demolition.

(2) The Home Secretary may, without a plan having been submitted to or approved by the Secretary of State under sub-paragraph (1)—

- (a) cut down, uproot, top or lop a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm;
- (b) demolish a building or structure that is at risk of imminent collapse or otherwise poses an immediate threat to safety.

Commencement Information

I20 Sch. 3 para. 8 in force at 11.4.2024, see [art. 1\(2\)](#)

Fencing

9. No service users may be accommodated on the Order land as part of the authorised development unless privacy mesh screening is installed between the Order land and properties in Sculpins Lane that are immediately adjacent to the Order land.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I21 Sch. 3 para. 9 in force at 11.4.2024, see [art. 1\(2\)](#)

Travel plan

10. The Home Secretary must, before 11th July 2024, submit to the Secretary of State for approval a plan setting out how the use of private cars by those travelling to the Order land—

- (a) to work on, or visit, the authorised development; or
- (b) to provide services to, or in respect of, resident service users,

will be minimised.

Commencement Information

I22 Sch. 3 para. 10 in force at 11.4.2024, see [art. 1\(2\)](#)

Noise

11. Any building services or other plant installed on the Order land must be so located and installed as to ensure that—

- (a) between the hours of 11 p.m. and 7 a.m., internal ambient noise levels in sleeping accommodation do not exceed 30dB LAeq, 8 hours and 45dB LAFmax more than 15 times per night, assessed in accordance with British Standard BS 8233:2014(**10**);
- (b) plant noise levels, calculated by reference to any point where the following intersect—
 - (i) the boundary between the Order land and the nearest residential premises that are noise sensitive receptors, and
 - (ii) a straight line drawn between the plant and the nearest façade of those premises,do not exceed 30dB LAr, Tr, assessed in accordance with British Standard BS 4142:2014+A1:2019(**11**).

Commencement Information

I23 Sch. 3 para. 11 in force at 11.4.2024, see [art. 1\(2\)](#)

Fruit and vegetables

12. No fruit or vegetables may be grown on the Order land unless the Secretary of State gives prior written consent to their being grown.

Commencement Information

I24 Sch. 3 para. 12 in force at 11.4.2024, see [art. 1\(2\)](#)

(10) 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.

(11) Methods for rating and assessing industrial and commercial sound (ISBN 978 0 539 02069 4), published by the British Standards Institution on 30th June 2019.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Part 2 – Construction and related matters

Construction and environmental management plan

13.—(1) No works of construction for which planning permission is required, and is granted by article 4(1) (“construction work”), may—

- (a) commence, or
- (b) having commenced under planning permission granted by article 3(1) of the 2015 Order, continue,

until the Home Secretary has submitted a construction and environmental management plan for the authorised development to the Secretary of State and the Secretary of State has approved it.

(2) The plan submitted under sub-paragraph (1) must comprise details of policies, procedures or standards, to be complied with in connection with construction work, in relation to—

- (a) the hours within which construction work may take place, including the setting of times when particular activities may not be carried out in particular places;
- (b) engagement with adjoining owners or occupiers, including keeping them informed about construction work in so far as it may reasonably be expected to affect them, and explaining how and with whom they may raise concerns or complaints about it;
- (c) application of best practicable means to minimise—
 - (i) in so far as they arise from the carrying out of construction work and associated vehicle movements—
 - (aa) noise, including the setting of limits not to be exceeded generally or at certain times and in certain places;
 - (bb) vibration and emissions to air, including dust, and any other adverse impact on air quality on or around the Order land;
 - (ii) the adverse effects of lighting on the amenity of adjoining owners and occupiers, and ecological receptors;
- (d) sourcing, placing, managing and storing of construction materials;
- (e) ensuring the safety of—
 - (i) resident service users;
 - (ii) those visiting the authorised development;
 - (iii) those working on its construction or otherwise on the Order land, while construction work is being carried out;
- (f) management of waste in accordance with the waste hierarchy;
- (g) preventing or controlling any contamination or pollution that may arise from construction work;
- (h) preventing damage to trees or hedges that are—
 - (i) to be retained on the Order land, or
 - (ii) immediately adjacent to any part of the Order land where construction work is to be carried out;
- (i) management of construction traffic, including measures to prevent the deposit of mud and construction materials on the highway;
- (j) assessing and managing risks associated with unexploded ordnance;
- (k) management of invasive species;

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (l) provision of awareness training to contractors in relation to contamination, unexploded ordnance and other risks that may be associated with construction work;
 - (m) arrangements for the appointment and retention of a suitably qualified archaeologist, arboriculturist, ecologist, ordnance specialist or contamination expert, to carry out, supervise or verify any work in relation to the construction of the authorised development to which their expertise is relevant.
- (3) A copy of the CEMP must be kept on the Order land at all times.
- (4) The CEMP must be kept up to date during any period in which construction takes place in relation to the authorised development.

Commencement Information

I25 Sch. 3 para. 13 in force at 11.4.2024, see [art. 1\(2\)](#)

Land contamination: site control measures

14. No service users may be accommodated on the Order land unless the following are in place, and the Home Secretary has provided the Secretary of State with evidence that they are in place—

- (a) measures to ensure that obstruction to the ventilation of the authorised development does not increase relevant contamination risks, in particular as a result of—
 - (i) space underneath structures being enclosed with materials that restrict airflow, or
 - (ii) non-decorative air-bricks being obstructed or not maintained,which may include the installation of metal mesh screens to enclose the void beneath any modular building;
- (b) signage and other materials (including materials for use in the induction of service users when they are first accommodated on the Order land) that are intelligible to users and those working on and visiting the Order land, encouraging good hygiene procedures such as hand washing or sanitation before eating.

Commencement Information

I26 Sch. 3 para. 14 in force at 11.4.2024, see [art. 1\(2\)](#)

Land contamination: monitoring programme and intrusive investigation

15.—(1) The Home Secretary must carry out a programme of intrusive ground investigations to assess relevant contamination risks in accordance with British Standard BS 10175:2011⁽¹²⁾, comprising—

- (a) shallow soil sampling and analysis;
- (b) installation of gas monitoring wells;
- (c) groundwater sampling, analysis and monitoring

(the “investigations programme”).

(2) In the period before the investigations programme has been completed, the Home Secretary must, at least once in each period of two weeks, with the first such period beginning on 11th April

⁽¹²⁾ Investigation of potentially contaminated sites – Code of practice (ISBN 978 0 580 98996 4), published by the British Standards Institution on 31st December 2017.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

2024, monitor for indoor ground gas and vapours in each building or structure on the Order land that is used, or to be used, to provide any accommodation or other facility of a kind referred to in paragraph 1 of Schedule 2.

(3) The results of the investigations programme, and any remedial steps, must be set out in a report prepared for the Home Secretary by, or under the supervision of, or verified by, a contamination expert.

(4) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (3);
- (b) a notice setting out—
 - (i) the remedial steps that the Home Secretary has decided to take, or
 - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

(5) No more than 580 service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (4)(b)(ii), or
- (b) a report, prepared by a contamination expert for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (4)(b)(i).

Commencement Information

I27 Sch. 3 para. 15 in force at 11.4.2024, see [art. 1\(2\)](#)

Radiological walkover survey

16.—(1) No service users may be accommodated on the Order land until—

- (a) a radiological walkover survey of the Order land, carried out in accordance with British Standard BS 10175:2011, has been completed;
- (b) a report for the Home Secretary, setting out the findings of that survey and any remedial steps, has been prepared by, or under the supervision of, or verified by, a contamination expert.

(2) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (1)(b);
- (b) a notice setting out—
 - (i) the remedial steps that the Home Secretary has decided to take, or
 - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

(3) No service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (2)(b)(ii), or
- (b) a report, prepared by a contamination expert for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (2)(b)(i).

Commencement Information

I28 Sch. 3 para. 16 in force at 11.4.2024, see [art. 1\(2\)](#)

Changes to legislation: *The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Unexploded ordnance

17.—(1) No service users may be accommodated on the Order land until—

- (a) a non-intrusive survey has been carried out to determine whether, and if so, where, unexploded ordnance is present on the Order land, including in any building or structure;
- (b) a report for the Home Secretary, setting out the findings of that survey and any remedial steps, has been prepared by, or under the supervision of, or verified by, an ordnance specialist.

(2) When the Home Secretary has decided what remedial steps, if any, to take, the Home Secretary must send to the Secretary of State—

- (a) a copy of the report prepared under sub-paragraph (1)(b);
- (b) a notice setting out—
 - (i) the remedial steps that the Home Secretary has decided to take, or
 - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

(3) No service users may be accommodated on the Order land until the Secretary of State has received—

- (a) a notice from the Home Secretary under sub-paragraph (2)(b)(ii), or
- (b) a report, prepared by an ordnance specialist for the Home Secretary, confirming that the Home Secretary has taken the steps set out in a notice under sub-paragraph (2)(b)(i).

Commencement Information

I29 Sch. 3 para. 17 in force at 11.4.2024, see [art. 1\(2\)](#)

Relevant risks identified unexpectedly

18.—(1) If a relevant risk that has not been identified as a result of work undertaken in compliance with a policy, procedure or standard under sub-paragraph (2)(g) or (j) of condition 13, or another condition in this Part, is identified during the construction or operation of the authorised development—

- (a) any activity that may exacerbate the relevant risk, in particular by causing contamination or pollution to spread, or unexploded ordnance to explode, must be suspended;
- (b) an investigation and risk assessment in respect of the relevant risk and the relevant contamination risks or relevant ordnance risks associated with it must be carried out;
- (c) if the relevant risk is a relevant contamination risk, a report for the Home Secretary must be prepared by, or under the supervision of, or verified by, a contamination expert, setting out the results of the assessment and any remedial steps;
- (d) if the relevant risk is a relevant ordnance risk, a report for the Home Secretary must be prepared by, or under the supervision of, or verified by, an ordnance specialist, setting out the results of the assessment and any remedial steps;
- (e) the activity suspended under paragraph (a) must not be resumed until the Home Secretary has determined—
 - (i) what remedial steps, if any, to take in relation to the relevant risk, and has taken them, or
 - (ii) that there is no need to take remedial steps in relation to the relevant risk.

(2) When the Home Secretary has decided what remedial steps, if any, to take, and taken them, the Home Secretary must send to the Secretary of State—

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) a copy of the report prepared under sub-paragraph (1)(c) or (d);
- (b) a notice setting out—
 - (i) the remedial steps that the Home Secretary has taken, or
 - (ii) that the Home Secretary has decided that no remedial steps require to be taken.

Commencement Information

I30 Sch. 3 para. 18 in force at 11.4.2024, see [art. 1\(2\)](#)

Part 3 – Operation and related matters

Full OMP: establishment and review

- 19.—(1) No more than 580 service users may be accommodated on the Order land until—
- (a) the Home Secretary submits for approval by the Secretary of State an operational management plan—
 - (i) whose contents comply with condition 20 (full OMP: contents);
 - (ii) compliance with which will assist the Home Secretary to comply, in carrying out relevant functions in relation to resident service users, with relevant duties;
 - (b) the Secretary of State approves that plan.
- (2) The initial OMP is not an approved document for the purposes of this Order in respect of any construction or operation of the authorised development that occurs after the Secretary of State has given approval under sub-paragraph (1)(b).
- (3) Unless the Home Secretary submits a plan for approval under sub-paragraph (1)(a) on or before 11th May 2024 or such later date as the Secretary of State agrees in writing before that date (the “deadline”), accommodation of service users on the Order land must cease within the period of four weeks beginning with the deadline, and may not resume until there is a full OMP.
- (4) If a document covers matters set out in condition 20 and other matters, only that part of the document that covers matters set out in condition 20 requires the Secretary of State’s approval under sub-paragraph (1)(b), or forms part of the full OMP if such approval is given.
- (5) For as long as service users are accommodated on the Order land under the planning permission granted by article 4(1) a copy of—
- (a) once there is a full OMP, the full OMP;
 - (b) until there is a full OMP, the initial OMP,
- must be kept on the Order land.
- (6) The Home Secretary must—
- (a) keep the operation of the authorised development under review throughout the period for which planning permission is granted by article 4(1)(a) and (b), carrying out at least one review of its operation in each period of 12 months beginning with 11th April 2024, 11th April 2025, or 11th April 2026, and having regard in carrying out such reviews to—
 - (i) relevant duties;
 - (ii) the requirement for the operation of the authorised development to comply with the full OMP (or, if applicable, the initial OMP);
 - (b) within one month of completing a review under paragraph (a)—

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) submit to the Secretary of State a report on the review;
- (ii) where the review identifies a need to—
 - (aa) amend the details of any matter set out in an approved document, or
 - (bb) replace an approved document under sub-paragraph 3 of condition 2,make the necessary application for variation approval or subsequent approval.

Commencement Information

I31 Sch. 3 para. 19 in force at 11.4.2024, see [art. 1\(2\)](#)

Full OMP: contents

- 20.** The full OMP must include policies, procedures or standards relating to—
- (a) identifying—
 - (i) among resident service users, or those whom it is proposed to accommodate on the Order land, persons who meet an unsuitability criterion;
 - (ii) resident service users who may require to be removed from the Order land under sub-paragraph (3) of condition 22 (accommodation on the Order land);
 - (b) explaining to resident service users—
 - (i) that they must not leave the Order land on foot otherwise than by the main gate, which is indicated as such in the document numbered Figure 3a in Part 1 of Schedule 1;
 - (ii) the need to take care when walking along roads in the vicinity of the Order land that have no dedicated footway;
 - (c) preventing and mitigating the outbreak and spread of infectious diseases on the Order land, including by a programme of immunisation against such diseases;
 - (d) compliance with—
 - (i) sub-paragraphs (1) and (3) of condition 22;
 - (ii) condition 24 (core facilities and services to be provided);
 - (e) ensuring the safety and security of those accommodated or working on, or visiting, the Order land, including measures for—
 - (i) managing the impact of disturbances, protests or demonstrations taking place on or in the vicinity of the Order land;
 - (ii) responding to emergencies on the Order land;
 - (iii) managing, reporting and monitoring crimes or incidents of anti-social or violent behaviour involving resident service users that occur on the Order land;
 - (iv) recording and monitoring crimes or incidents of anti-social or violent behaviour involving resident service users that occur elsewhere, and of which the Home Secretary becomes aware;
 - (f) providing cultural orientation to resident service users;
 - (g) explaining to resident service users, in a format and language that they can understand—
 - (i) the services that resident service users can expect to receive;
 - (ii) the location of amenities in the vicinity of the Order land;

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (iii) details of recreational, educational or voluntary sector activities on or near the Order land in which resident service users can participate;
- (iv) details of the standards of behaviour expected of resident service users in relation to—
 - (aa) harassment or threat of harassment, or displays of prejudice or hostility towards any person, on the grounds of race, religion or belief, sex, sexual orientation, gender reassignment, age or disability;
 - (bb) acts that result in physical or other harm to any person;
 - (cc) the rights of other persons to respect for their private and family life;
 - (dd) noise and disruption or other behaviour likely to result in a nuisance to, or justified annoyance on the part of, adjoining owners or occupiers;
 - (ee) littering;
 - (ff) areas where children are present;
- (h) providing information about the operation of the authorised development to persons affected, or likely to be affected, by it, and handling complaints about it from them.

Commencement Information

I32 Sch. 3 para. 20 in force at 11.4.2024, see [art. 1\(2\)](#)

Phasing scheme

21.—(1) No more than 580 service users may be accommodated on the Order land until a phasing scheme has been submitted by the Home Secretary and approved by the Secretary of State, that sets out—

- (a) the phases in which the facilities and services that are to be made available to service users under this Schedule will be delivered;
- (b) how any arrangements that are required to be made in relation to such facilities or services under any approved document will be adjusted,

so as to ensure that the provision made for the needs of resident service users at any given time is such that relevant duties are complied with in carrying out relevant functions, taking account in particular of any material actual or anticipated changes in the number or proportion of resident service users that meet an unsuitability criterion.

(2) Where a scheme approved under sub-paragraph (1) indicates that particular steps are to be taken before the number or proportion of resident service users that meet an unsuitability criterion increases to or by a certain amount, the Home Secretary must, before that increase occurs, provide to the Secretary of State written confirmation that those steps have been taken.

Commencement Information

I33 Sch. 3 para. 21 in force at 11.4.2024, see [art. 1\(2\)](#)

Accommodation on the Order land

22.—(1) A service user must not be accommodated on the Order land unless—

- (a) the service user is a relevant person, and

Changes to legislation: *The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) the service user—
 - (i) does not meet any of the unsuitability criteria, or
 - (ii) meets an unsuitability criterion, but the Home Secretary determines that that service user is nevertheless suitable to be accommodated on the Order land.
- (2) This sub-paragraph applies where the Home Secretary concludes that—
 - (a) a service user—
 - (i) is not a relevant person;
 - (ii) meets an unsuitability criterion and is unsuitable to be accommodated on the Order land;
 - (b) accommodating a service user on the Order land is inappropriate for another reason.
- (3) Where sub-paragraph (2) applies, a service user in respect of whom the Home Secretary reaches a conclusion under sub-paragraph (2)(a) or (b)—
 - (a) must not be accommodated on the Order land for longer than 48 hours after the Home Secretary reaches such a conclusion, except as a means to avoid or mitigate a risk that may otherwise be expected to arise to any person’s welfare;
 - (b) must, while the service user remains accommodated on the Order land—
 - (i) be accommodated separately from other resident service users;
 - (ii) be treated in a way that takes due account of any matter that makes accommodation on the Order land unsuitable for that service user.
- (4) Where the Home Secretary makes a determination of the kind referred to in sub-paragraph (1)(b)(ii), the Home Secretary must keep a written record of that determination.
- (5) The Home Secretary must send the Secretary of State a report—
 - (a) no more than seven days before each 10th April and 10th October that falls between 11th April 2024 and 11th April 2027;
 - (b) covering the period—
 - (i) in the case of the first such report, beginning with 11th April 2024 and ending on a date in October 2024, earlier than 10th October 2024, that is specified in the report;
 - (ii) in any other case, since the end of the period covered by the previous such report;
 - (c) setting out the average and maximum numbers of resident service users meeting each unsuitability criterion in each month of the period covered by the report.

Commencement Information

I34 Sch. 3 para. 22 in force at 11.4.2024, see [art. 1\(2\)](#)

General limit on number of resident service users

- 23.**—(1) The Home Secretary must—
- (a) keep an accurate and up to date record of the number of resident service users;
 - (b) make that record available whenever requested to do so by the Secretary of State.
- (2) No more than 1,700 service users may be accommodated on the Order land at any time.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I35 Sch. 3 para. 23 in force at 11.4.2024, see [art. 1\(2\)](#)

Core facilities and services to be provided

- 24.**—(1) No service users may be accommodated on the Order land unless—
- (a) the Home Secretary has made arrangements for the facilities specified in sub-paragraphs (2) and (3) and the services specified in sub-paragraphs (4) to (6) to be available, free of charge at the point of use, to or in respect of resident service users;
 - (b) those arrangements remain in place.
- (2) The facility is a medical isolation facility for resident service users, with at least 28 isolation beds and access to sufficient nursing staff to provide care to those who may be accommodated in it.
- (3) The facility is a medical centre for resident service users on the Order land—
- (a) staffed by an on-site medical team comprising at least—
 - (i) a health care assistant;
 - (ii) a mental health nurse;
 - (iii) a general nurse;
 - (iv) an advanced nurse practitioner;
 - (v) a general practitioner (that is, a person whose name is contained in the General Practitioner Register as defined in section 34C (general practitioner register) of the Medical Act 1983⁽¹³⁾ or a fully registered person, as defined in section 55 of that Act (interpretation)⁽¹⁴⁾);
 - (b) where resident service users may—
 - (i) register with a general practitioner;
 - (ii) book and attend appointments with on-site medical staff;
 - (iii) book appointments to receive other services specified in sub-paragraph (4);
 - (iv) be treated for minor injuries and illnesses.
- (4) The services are the following—
- (a) medical health screening of service users when they first arrive at the authorised development;
 - (b) immunisation against diseases;
 - (c) a system that enables them to collect medicine that has been lawfully prescribed for them;
 - (d) a low-level trauma-informed mental health support service;
 - (e) confidential health advice;
 - (f) emergency dental care provided by a person registered in the register kept under section 14 (dentists register and registrar) of the Dentists Act 1984⁽¹⁵⁾;
 - (g) eye tests, to be provided by a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 (registers of opticians)⁽¹⁶⁾.

⁽¹³⁾ 1983 c. 54. Section 34C was inserted by S.I. 2010/234.

⁽¹⁴⁾ Section 55 was amended by S.I. 2000/3041, 2006/1914, 2007/3101, 2008/1774, 2019/593; there are other amendments but none is relevant.

⁽¹⁵⁾ 1984 c. 24. Section 14 was amended by S.I. 2005/2011, 2007/3101, 2019/593.

⁽¹⁶⁾ 1989 c. 44. Section 7 was amended by S.I. 2005/848.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) The service is that suitably trained security personnel are stationed on the Order land at all times.
- (6) The service is the provision of—
- (a) a regular free shuttle bus service for resident service users from the Order land to Braintree, Colchester and Chelmsford, with—
 - (i) buses departing for and arriving from each of these destinations at least three times a day;
 - (ii) each bus having the capacity to seat at least 16 service users;
 - (b) such other transport services as are necessary to enable resident service users to access the services specified in sub-paragraph (4), or hospital appointments.

Commencement Information

I36 Sch. 3 para. 24 in force at 11.4.2024, see [art. 1\(2\)](#)

Multi-Agency Forum

- 25.**—(1) The Home Secretary must establish a group of persons (the “Multi-Agency Forum”)—
- (a) nominated by the persons and bodies specified in sub-paragraph (2) to represent them, in response to an invitation to each of them from the Home Secretary;
 - (b) to meet—
 - (i) for the purpose specified in sub-paragraph (3);
 - (ii) regularly, and in any event not less than once in every two calendar months, throughout the period in which the Order land is used to accommodate service users.
- (2) The persons and bodies to be represented on the Multi-Agency Forum are—
- (a) each of the following that have functions in respect of the Order land or part of it—
 - (i) a fire and rescue authority (as defined in section 1 of the Fire and Rescue Services Act 2004) (fire and rescue authorities)(**17**);
 - (ii) a local planning authority;
 - (iii) in so far as they are not within sub-paragraphs (i) or (ii), a county council, district council, or parish council;
 - (iv) an integrated care board established under section 14Z25 of the National Health Service Act 2006 (duty to establish integrated care boards)(**18**);
 - (v) a chief officer of police;
 - (b) the UK Health Security Agency;
 - (c) the Office for Health Improvement and Disparities;
 - (d) East of England Strategic Migration Partnership;
 - (e) a voluntary or charitable organisation providing information and assistance to service users;

(17) 2004 c. 21. Section 1 was amended by the Policing and Crime Act 2017 (c. 3), Schedule 1, Part 1, and Schedule 2, paragraphs 110 and 111; the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraphs 10(1) and (2); the Levelling-up and Regeneration Act 2023 (c. 55), Schedule 4, paragraph 157.

(18) 2006 c. 43. Section 14Z25 was inserted by the Health and Care Act 2022 (c. 31), section 19. NHS England has made the Integrated Care Boards (Establishment) Order 2022, which is published at <https://www.england.nhs.uk/wp-content/uploads/2022/05/B1770-integrated-care-boards-establishment-order-2022.pdf>, under section 14Z25.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(f) any other person or body that the Home Secretary considers it appropriate to invite to be represented on the Multi-Agency Forum.

(3) The purpose of the Multi-Agency Forum is to facilitate the exchange of information and views between the Home Secretary and the persons and bodies represented on the Multi-Agency Forum about interactions between the performance of their functions and the Home Secretary's performance of relevant functions in relation to resident service users.

Commencement Information

I37 Sch. 3 para. 25 in force at 11.4.2024, see [art. 1\(2\)](#)

Local services programme

26.—(1) In this paragraph—

“local service impact” means any material adverse impact that the accommodation of service users on the Order land may be expected to have on relevant local services;

“local services programme” means a programme that sets out arrangements made by the Home Secretary—

- (a) in connection with relevant local services;
 - (b) that are designed to avoid or mitigate local service impacts,
- and stating the period of time that those arrangements cover;

“local service provider” means a person or body that is—

- (a) represented on the Multi-Agency Forum, and
- (b) responsible for the provision of a relevant local service;

“relevant local service” means any service that is provided locally, on a statutory basis and at public expense, to persons living in the vicinity of the Order land, and on which the accommodation of service users on the Order land may reasonably be expected to have a material adverse effect, including—

- (a) health care, including acute care, other in-patient hospital care, physiotherapy, diagnostics, and ambulance transport;
- (b) policing, including policing on and in the immediate vicinity of the Order land;
- (c) social care for children;
- (d) public health services and control of the spread of infectious diseases.

(2) A local services programme must take account of, and describe arrangements that are consistent with, the phasing scheme approved under condition 21 (phasing scheme).

(3) Subject to sub-paragraph (4), no service users may be accommodated on the Order land during a period that is not covered by arrangements set out in an approved local services programme that the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved.

(4) Unless otherwise provided under or by virtue of another provision of this Schedule, up to 580 service users may be accommodated on the Order land during the period that begins with 11th April 2024 and ends with 1st April 2025.

(5) When submitting a local services programme for approval, the Home Secretary must also send to the Secretary of State a report that summarises—

- (a) the views of local service providers regarding—
 - (i) local service impacts;

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) the effectiveness of any arrangements already made by the Home Secretary to avoid or mitigate local service impacts;
- (b) the steps taken by the Home Secretary to engage with local service providers, including—
 - (i) the information provided by the Home Secretary to local service providers about the authorised development and when it was provided to them;
 - (ii) the period in which they were able to make representations about local service impacts to the Home Secretary, being not less than 14 calendar days and beginning with the date on which they were invited to make such representations;
 - (iii) the outcomes of such engagement.

(6) When approving a local services programme, the Secretary of State may, having regard to the report provided under sub-paragraph (5) and any other relevant considerations, give written notice to the Home Secretary of the maximum number of service users (being no more than 1,700) that may be accommodated on the Order land during the whole or a specified part of the period covered by the arrangements set out in that programme.

Commencement Information

I38 Sch. 3 para. 26 in force at 11.4.2024, see [art. 1\(2\)](#)

Part 4 – Reinstatement

Reinstatement plan

27.—(1) In this condition, “reinstatement plan” means a plan detailing reinstatement works, including a method statement and timetable for carrying them out.

(2) A reinstatement plan may detail any aspect of the reinstatement works by referring to, annexing, or otherwise incorporating, material from the CEMP.

(3) Reinstatement works must not be commenced until the Home Secretary has submitted to the Secretary of State, and the Secretary of State has approved, the reinstatement plan.

(4) The site operator must submit a reinstatement plan to the Secretary of State for the Secretary of State’s approval on or before—

- (a) 11th February 2027, or
- (b) such later date proposed by the Home Secretary as the Secretary of State may agree in writing before 11th February 2027.

(5) A reinstatement plan need not contain details of any reinstatement works in respect of authorised development, to the extent that planning permission has been granted for it to be retained otherwise than under or by virtue of this Order.

(6) The site operator must notify the Secretary of State when reinstatement works have been completed.

Commencement Information

I39 Sch. 3 para. 27 in force at 11.4.2024, see [art. 1\(2\)](#)

Changes to legislation: *The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants temporary planning permission for development at the former RAF Airfield Wethersfield relating to the provision of accommodation and other forms of support to single adult male asylum-seekers and failed asylum-seekers, and Home Office education, training and parking facilities.

The land to which the Order applies is shown on a map, a copy of which is available for inspection from the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London, SW1P 4DF, and online from www.gov.uk.

The development permitted consists of the material change in the use of buildings or other land, building and other operations, and reinstatement works. The specific types of development permitted by the Order are set out in article 4 and Schedule 2 and further detail is given in the documents listed in Schedule 1.

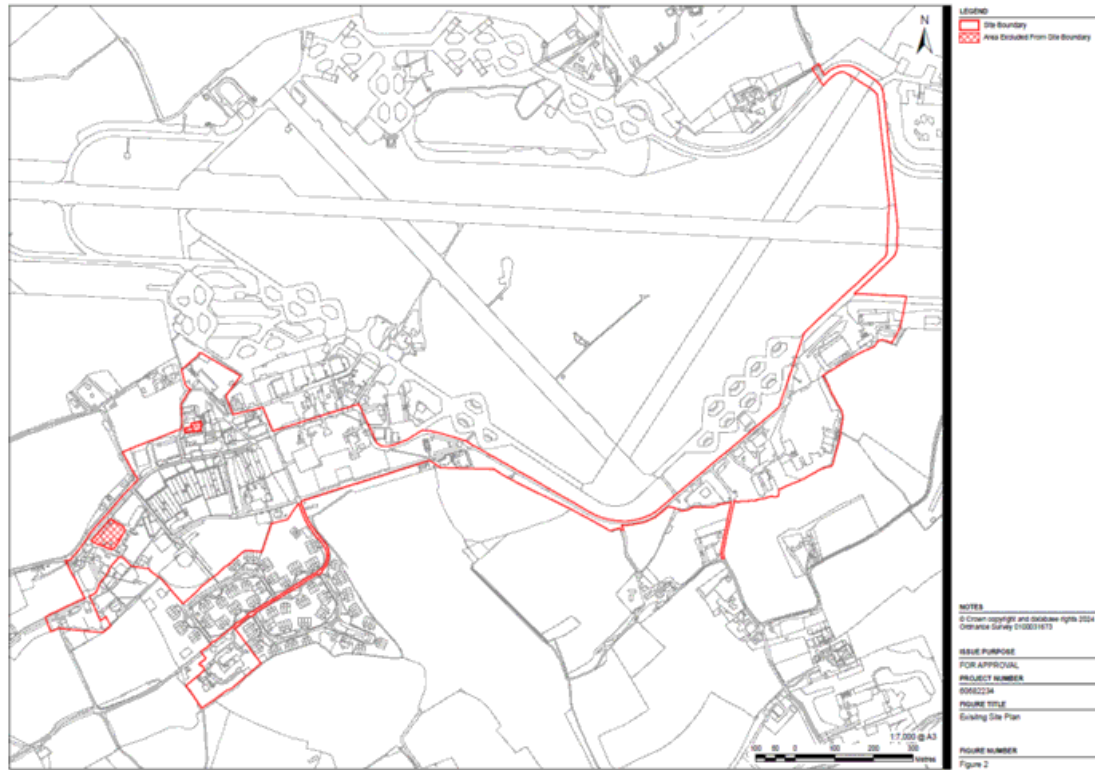
The permission granted under the Order ceases at the end of 10th October 2027.

Planning permission granted by the Order is subject to conditions set out in Schedule 3, as well as any further conditions the Secretary of State may impose when approving a document that is required to be approved under the Order, or a variation to such a document (or to a document listed in Schedule 1). The procedure for such approvals is set out in articles 5 and 6; article 7 provides for relevant documents to be made publicly available, and how they are 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.

Changes to legislation: The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Changes to legislation:

The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 is up to date with all changes known to be in force on or before 16 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 2(1) words substituted by [S.I. 2024/991 Sch. para. 30\(2\)](#)
- art. 7(2)(b) words substituted by [S.I. 2024/991 Sch. para. 30\(3\)](#)