

Statement of Case

CROWN/2025/000002 Sevington Inland Border Facility

24th November 2025

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1. Introduction

- 1.1 This Statement of Case has been prepared by Jones Lang LaSalle ('JLL') on behalf of Department for Transport ('DfT'), Department for Environment, Food and Rural Affairs ('Defra') and His Majesty's Revenues and Customs ('HMRC') (collectively 'the Applicant').
- 1.2 The Applicant has submitted a planning application for Crown Development (ref: CROWN/2025/0000002) pursuant to section 293D of the Town and Country Planning Act 1990 (as amended) ('TCPA'), in respect to Sevington Inland Border Facility, Mersham, Sevington, Ashford, TN25 6GE ('the Site').
- 1.3 The proposals seek to secure full planning permission for the existing Sevington Inland Border Facility ('SIBF' or 'IBF'), including the Border Control Post ('BCP'), on the Site. Notwithstanding the temporary nature of the original planning permission through which the Site was developed and operated pursuant to relevant approvals, there remains a critical national requirement for the continuing operation of the IBF and BCP. Securing the continuation of the existing operations on the Site is of high strategic national importance in the public interest and would serve the critical purpose of border security in the national interest.
- 1.4 The proposal description of development ('Development') is:
- 'Buildings, Goods Vehicle parking spaces, entry lanes, refrigerated semi-trailers, staff car parking spaces, access, site infrastructure, utilities, hardstanding, landscaping and ancillary facilities and associated works; and ongoing use of the site for an Inland Border Facility and Border Control Post, operating 24 hours per day, seven days per week.'*
- 1.5 No further operational development is proposed under the application, and so in effect this is an application to authorise the continued retention of the development (both in terms of use and operational development) which is currently in place and benefits from the planning permission granted by The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 ('the SDO') and the relevant approvals under the SDO.

1.6 The application (ref: CROWN/2025/0000002) was submitted on 20th June 2025. It was confirmed that this Crown Development application conforms to statutory requirements and that the Secretary of State considers that the application is of national importance by way of notice dated 28th July 2025. Following statutory consultation, on 20th October 2025, the Inspector advised that the application will follow the inquiry procedure.

1.7 The purpose of this Statement of Case is:

- To set out the facts on which the Crown Development application is based;
- To outline the particulars of the case that the Applicant is advancing;
- To respond comprehensively to the Inspector's Statement of Matters; and
- To demonstrate why planning permission should be granted for the proposals at the Site.

1.8 This Statement of Case has been prepared in accordance with Rule 13 of The Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025 ('CDAR25'). As requested by the Inspector at paragraph 36 of the Pre-Inquiry Meeting ('PIM') Notes (which followed the PIM of 11th November), as part of this Statement of Case (at section 11), a response is provided to the Inspector's Statement of Matters which was issued on 21st October 2025. As also suggested at paragraph 36 of the PIM Notes, a series of Technical Notes, written by experts, has been appended to this Statement of Case (**Appendices 12-18**) which stand in the place of Proofs of Evidence. The Applicant confirms that should any expert who has produced a Technical Note be required to give oral evidence, they will be made available at the Inquiry. This Statement of Case and the supporting written submissions have been prepared in the interests of brevity, directness and succinctness, in accordance with the Inspector's requests at paragraphs 36 and 38 of the PIM Notes.

1.9 The scope of this Statement of Case is as follows:

- Section 2 – Factual Background describes the context of the Site, including the Site location, description, and planning history.
- Section 3 – Background to the Development summarises the pre-application consultation and engagement, key considerations for the approach to Environmental

Impact Assessment ('EIA'), and the consultation and engagement that have taken place following submission of the planning application.

- Section 4 – The Development describes the development for which planning permission is sought.
- Section 5 – National Importance details the reasons as to why the Development is of national importance.
- Section 6 – Planning Policy and Material Considerations outlines the context of the development plan and identifies other material considerations of relevance to the Development.
- Section 7 – Approach to Environmental Impact Assessment sets out the position in relation to the EIA for the Site.
- Section 8 – The Applicant's Case addresses the principle of development and technical topics and sets out the overall planning balance.
- Section 9 – Third Party Representations summarises the consultation responses submitted to the Planning Inspectorate ('PINS') during the statutory consultation period for the application (as well as late submissions accepted by the Inspector).
- Section 10 – Other Matters references the voluntary Statements of Common Ground which are being agreed between the Applicant, Ashford Borough Council ('ABC'), Rule 13 parties (and potentially other interested parties), and outlines the Applicant's position on planning conditions and planning obligations.
- Section 11 – Response to Matters tabularises a direct response to each of the questions raised in the Inspector's Statement of Matters.
- Section 12 – Conclusion summarises the Applicant's case.

2. Factual Background

Site Location and Description

- 2.1 A description of the Site and surrounding area is set out in section 2 of the Planning Statement. Key points are summarised herein.
- 2.2 The Site is situated just off Junction 10A of the M20, approximately 22 miles inland from the Short Straits. The Site is strategically located adjacent to a key Heavy Goods Vehicle ('HGV') route between the Port of Dover, Eurotunnel and the rest of the country, and this positioning allows for minimal diversion from the Strategic Road Network ('SRN') for vehicles requiring access to the Site. The Site is therefore in a critical strategic location to provide this nationally important infrastructure.
- 2.3 The Site comprises an area of approximately 43.4 hectares ('ha').
- 2.4 The Site was formerly known as 'Stour Park West', but for the purposes of this application is referred to as 'Sevington West'.
- 2.5 The Site comprises an operative IBF and BCP, developed and operated pursuant to temporary permission granted through the SDO and relevant approvals under the SDO.
- 2.6 The IBF serves as a location for checking of goods transiting to and from the UK. The Site includes parking areas for HGVs and other vehicles, as well as security measures and facilities to enable the checking of vehicles' contents and goods entering and exiting the Site. The Site consists largely of hardstanding, together with industrial type units / sheds, modular buildings, refrigerated semi-trailers, containers, staff car parking, access and estate roads, drainage ponds, soft landscaping and associated Site infrastructure.
- 2.7 Access to and egress from the Site for goods vehicles is facilitated via the A2070 and an access point on the Site's northern boundary. Access for staff cars is facilitated via Church Road and an access point on the Site's western boundary, connecting directly into the staff car park.
- 2.8 A Public Right of Way ('PRoW') (ref: AE639 (part), AE338 and AE337A) previously extended through the Site, but this was extinguished by Order dated 28th March 2023. New bridleways

(ref: AE672 and AE673) have been created around the Site in accordance with two Orders dated 28th March 2023.

2.9 A second parcel of land, comprising an approximate area of 42.3 ha and known as 'Sevington East', falls within the same land ownership as the Site. Pursuant to the approvals under the SDO, landscaping and biodiversity enhancements were approved across Sevington East. This application will secure Sevington East for biodiversity purposes. As no built development is proposed for Sevington East, it has been excluded from the red-line boundary of this application, but has been included within the blue-line boundary.

2.10 Figures 1 and 2 demonstrate the location and general layout of the Site.



Figure 1. Aerial view of the Site (Google Maps 2024)



Figure 2. Location of the Site within its context (Google Maps 2024)

Planning History

2.11 A description of the Site's planning history is set out in section 3 of the Planning Statement. Key points are summarised herein.

Temporary Permission granted under SDO

2.12 Temporary permission for the existing development and current operation at the Site was granted by the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 ('the SDO') and relevant approvals made under the SDO for the Site.

2.13 In accordance with article 4(1)(a) of the SDO, relevant approvals to commence development under the SDO were obtained by the Applicant from the Secretary of State for Ministry for Housing, Communities and Local Government ('MHCLG'), on 01st December 2020, 23rd December 2020, 24th November 2021 and 28th April 2022. Four separate relevant approvals were obtained in light of evolving operational requirements for the Site. In accordance with Site-specific condition 2 of the relevant approvals, each subsequent approval superseded the former.

2.14 Key parameters of the approved development (pursuant to the most recent relevant approval dated 28th April 2022) include the following:

- Up to 855 goods vehicle parking spaces;
- Capacity for 260 goods vehicles in 42 entry lanes;
- 357 staff car parking spaces;
- Formation of a new permanent access (main access to the M20 junction 10a link road) and an emergency access / small vehicle ejection point to the north, access off Church Road into the staff car park, emergency access points off Highfield Lane;
- Diversions and extinguishments to PRow;
- Erection of buildings and structures for border processing purposes of up to 34,500 square metres ('sqm') to a maximum height of 8.5 metres ('m');
- 24 (19 permanent and five reserved) refrigerated semi-trailers covering an area of approximately 870 sqm;
- Security fencing and noise attenuation bunds and fences to a combined maximum height of 5m;
- CCTV columns to a height of 8m;
- Lighting columns to a height of 12m;
- Drainage and all associated engineering;
- Site preparation works;
- Hard and soft landscape works; and

- Site-wide ancillary infrastructure.

2.15 In accordance with article 3(5) of the SDO and the most recent (fourth) relevant approval, approval for the temporary use and development under the SDO will expire on 31st December 2025.

2.16 Following cessation of use and development, under the SDO and relevant approval the Site would (absent any other permission) fall to be reinstated in accordance with a Reinstatement Plan to be approved by the Secretary of State for MHCLG. The draft Reinstatement Plan submitted to the Secretary of State in accordance with condition 5 and informative 5 of the current relevant approval, proposes the retention of strategic landscape mounding, biodiversity enhancements, screening, bunds, soft planting, surface water drainage facilities, Site accesses, access and circulation roadways, and the development platforms. The Reinstatement Plan was submitted to MHCLG, who had previously agreed the level of detail in advance of its submission, on 26th June 2025. MHCLG has advised that it is actively working to review the discharge of the condition governing the Reinstatement Plan. The purpose of the current Application is to obtain permission for the current use and development to continue (as addressed further below) and any such permission would consequently supersede any requirements of the Reinstatement Plan.

Stour Park West Outline Permission and Reserved Matters

2.17 It is relevant to note that the Site has a long-established history dealing with the principle of its development for permanent significant development. It formed part of an earlier outline permanent planning permission (ref: 14/00906/AS) obtained by Friends Life Limited on 13th September 2017 for Stour Park West (covering a 47.75 ha site area), for:

‘Development to provide an employment led mixed use scheme to, include site clearance, the alteration of highways, engineering works and construction of new buildings and structures of up to 157,616 sqm comprising: up to 140,000 sqm Class B8 (storage and distribution) use; up to 23,500 sqm of B1a/B1c Business (of which a maximum of 20,000 sqm of B1a); up to 15,000 sqm of B2 (general industry); up to 250 sqm of A1 (retail shops) and 5,500 sqm of Sui Generis to accommodate Kent Wool Growers together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping.’

2.18 The outline planning permission (ref: 14/00906/AS) for Stour Park West was granted subject to a Section 106 Agreement dated 13th September 2017 between ABC, Kent County Council ('KCC') and Friends Life Limited.

2.19 Reserved Matters Approval for Phase 1A (ref: 19/00579/AS) was granted on 05th July 2019, for:

'Approval of the appearance, landscaping, layout and scale of the 'Phase 1A works' being the works comprising the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space).'

2.20 A Certificate of Lawfulness of Existing Use or Development (ref: 19/01099/AS) was granted on 15th August 2019, confirming that development had commenced in relation to outline planning permission 14/00906/AS and associated Phase 1A works approved under reserved matters application reference 19/00579/AS. The suitability of the Site for, and the principle of, significant development is therefore already long-established.

2.21 An application was not submitted for Phase 1B (buildings, means of access within the site interior, and landscaping of individual building plots) and the development of the Site for nationally important infrastructure under the SDO took place instead.

Summary of Site Planning History

2.22 A summary of the planning history for the Site is set out in the following table.

Table 1. Site planning history

| Reference | Description | Decision & Date |
|-----------------------|--|--------------------|
| 14/00906/AS | Outline planning permission for Stour Park West, for an employment led mixed use scheme | Granted 13.09.2017 |
| 19/00579/AS | Reserved matters for Phase 1A, including estate roads, sustainable drainage & landscaping | Granted 05.07.2019 |
| 19/01099/AS | Certificate of Lawfulness, confirming that development had commenced in relation to Phase 1A | Granted 15.08.2019 |
| 'Relevant approval 1' | Relevant approval pursuant to the SDO for the IBF and BCP | Granted 01.12.2020 |

| Reference | Description | Decision & Date |
|-----------------------|---|--------------------|
| 'Relevant approval 2' | Relevant approval pursuant to the SDO for the IBF and BCP, accounting for evolving operational requirements | Granted 23.12.2020 |
| 'Relevant approval 3' | Relevant approval pursuant to the SDO for the IBF and BCP, accounting for evolving operational requirements | Granted 24.11.2021 |
| 'Relevant approval 4' | Relevant approval pursuant to the SDO for the IBF and BCP, accounting for evolving operational requirements | Granted 28.04.2022 |

Conclusion

2.23 The Site is Previously Developed Land ('PDL') in light of that history and the principle of its suitability for significant development has been long-established. Moreover, following cessation of the present approved temporary use and development, and even if no other permission were granted, it is intended to remain a brownfield site. This is because it is proposed that the development platforms and access roads will remain on the Site (in accordance with the requirements for the Site reinstatement pursuant to the most recent relevant approval and the SDO) which is consistent with the principle of development established by the original outline planning permission. Accordingly, the relevant approvals make plain that it is not intended that the Site would return to greenfield, agricultural use.

2.24 As noted above, in addition to the temporary permission under the SDO and relevant approvals, the established history of suitability to accommodate employment-led development can be seen from the outline planning permission for Stour Park West and Phase 1A Reserved Matters approval.

2.25 Moreover, before that grant of outline permission, the expectation for the Site to support employment-led development was established through its allocation as a Strategic Employment Site pursuant to the now-superseded Ashford Core Strategy (2008) ('Core Strategy') and Urban Sites and Infrastructure Development Plan Document (2012) ('DPD').

3. Background to the Development

Pre-Application Consultation and Engagement

3.1 A comprehensive programme of pre-application consultation and engagement was undertaken in respect of this Application, as detailed in the Statement of Community Involvement and section 4 of the Planning Statement. Initially, this consultation was being carried out in anticipation of an application for planning permission being made to ABC as local planning authority.

3.2 Key pre-application consultation and engagement activities included:

- Pre-application meeting with ABC officers on 05th September 2024 (following an initial meeting on 24th July 2024) (these meetings related to what was then anticipated would be an application for planning permission to ABC, rather than a Crown Development application);
- EIA Scoping meetings with ABC officers on 27th September and 16th December 2024;
- Pre-application meetings with National Highways and KCC Highways officers on 17th and 24th September 2024, respectively;
- Two rounds of public engagement events – on 19th and 26th October 2024 and 17th and 18th January 2025;
- Meetings with a ward councillor in October 2024 and January 2025;
- Meeting with the Parish Councils in November 2024; and
- Regular meetings with the Planning Casework Unit at MHCLG throughout February – June 2025.

Post-Submission Consultation and Engagement

3.3 Following the coming into force of the Crown Development provisions of the TCPA, the application was progressed under this route, rather than as a local planning application, because of the national importance of the Development. The Applicant has continued proactively to engage with key stakeholders, following on from the close of the statutory

consultation period in relation to the Crown Development application on 12th September 2025, which was extended to 25th September for ABC.

3.4 Consultation with stakeholders has continued to the date of this Statement of Case, and will continue up to and during the Inquiry. Key post-submission consultation and engagement activities after September 2025 include:

- Meetings with ABC officers on 30th October and 10th November 2025;
- Meetings with KCC Highways and National Highways on 28th October, 07th November (KCC Highways only), 11th November, 17th November (National Highways only) and 19th November 2025;
- Meeting with KCC Drainage on 13th November and 20th November 2025; and
- Meeting with Sevington with Finberry Parish Council and Mersham Parish Council on 17th November 2025.

3.5 The engagements focused primarily around the matters raised in consultee comments, with the objective of agreeing appropriate mitigations, conditions and obligations, where possible. It is intended that the outcome of engagements with respective stakeholders will be reflected in Statements of Common Ground so far as practicable to be submitted pre-Inquiry, which set out where issues have been resolved, or otherwise remain outstanding.

4. The Development

4.1 Full planning permission is sought for the retention of the existing development and continued ongoing operation of the IBF (including the BCP) at the Site.

4.2 The Development is:

'Buildings, Goods Vehicle parking spaces, entry lanes, refrigerated semi-trailers, staff car parking spaces, access, site infrastructure, utilities, hardstanding, landscaping and ancillary facilities and associated works; and ongoing use of the site for an Inland Border Facility and Border Control Post, operating 24 hours per day, seven days per week.'

4.3 The proposals, at the time of the application submission, included:

- 984 goods vehicle parking spaces;
- Capacity for 240 goods vehicles in 42 entry lanes;
- 357 staff car parking spaces, including 14 accessible bays and three Electric Vehicle Charging ('EVC') spaces;
- Main access to the M20 junction 10a link road and an emergency access / small vehicle ejection point to the north, access off Church Road into the staff car park, emergency exit point onto Highfield Lane, additional pedestrian access points connecting to Highfield Lane and the two overflow HGV parking areas serving operational purposes;
- Buildings and structures comprising a total of 16,348 sqm Gross Internal Area ('GIA') / 17,277 sqm Gross External Area ('GEA');
- Space for 24 (19 permanent and five reserved) refrigerated semi-trailers;
- Security fencing and noise attenuation bunds and fences to a maximum height of 5m;
- CCTV columns;
- Lighting columns to a height of 12m;
- Drainage and all associated engineering;
- Hard and soft landscaping; and

- Site-wide ancillary infrastructure.

4.4 For clarity, the Development which is encompassed in this application simply represents the existing current-day development that has already been built out at the Site (under the relevant approvals pursuant to the SDO). Therefore, no further physical works would need to be carried out as part of this application.

4.5 With respect to goods vehicle parking spaces, it is clarified that the 984 spaces for which permission is sought reflects the emerging operational situation whereby 151 of these spaces are proposed to be made operationally available for the double-stacking of smaller vehicles (LGVs / vans) allowing flexibility for 'Romeo' and 'Tango' (emergency holding areas) to respond effectively to emergencies in respect to available capacity. For clarity, the existing (demarcated) number of lorry parking spaces on Site (including for 24 refrigerated vehicles) is 833. This operational flexibility for 151 of the goods vehicles spaces would not require any further physical (on-site) demarcation, rather it would simply reflect an operational allowance to double-stack smaller vehicles if required in the future. Notwithstanding this, since the submission of the planning application, the Applicant has reviewed the operational requirements of the Site and can confirm that a reduction in the proposed number of goods vehicle spaces, from the proposed 984 down to the actual 833 marked spaces, can be agreed.

4.6 Full details of the Development are shown in the following documents submitted as part of the application. As the Development has already been carried out under the SDO, these documents also set out the current state of the Site:

- Block Plan;
- As-Built Drawings;
- Ancillary Building Photosheets;
- Building Reference Plan;
- Site-Wide Cross-Sections;
- Off-Plan Area Measurement Report;
- Design and Access Statement; and
- Planning Statement.

4.7 Details of the proposed landscape scheme are provided in the following documents submitted as part of the planning application:

- Landscape Masterplan & Detailed Planting Plans;
- Landscape Maintenance and Management Plan ('LMMP');
- Landscape Environmental Management Plan ('LEMP') 2020 (for the Site) (Appendix C of the LMMP); and
- LEMP 2023 (for Sevington East) (Appendix C of the LMMP).

4.8 Both LEMPs (2020 and 2023) were produced by Mott MacDonald as part of the relevant approvals under the SDO, and the full implementation of both LEMPs (across the Site and Sevington East) is proposed to be continued under this application.

4.9 For this application, the LEMPs have been reviewed, and additional areas of planting have been proposed (shown in the submitted Detailed Planting Plans). A LMMP has also been produced to provide a 10-year programme for maintenance and management, aimed at supporting the successful establishment of the landscape that is to be delivered in accordance with the LEMPs and additional Detailed Planting Plans.

4.10 The Applicant is committed to the full implementation of the LEMPs, additional planting and LMMP, which could be secured via an appropriately worded planning condition.

4.11 Further, it is proposed to secure the delivery, management and maintenance of biodiversity enhancements across Sevington East for a 30-year period, to be secured through a Unilateral Undertaking ('UU'). A signed UU has been submitted as part of the application.

5. National Importance

- 5.1 It is critical to note that the proposal in question is necessarily of national importance, as has already been determined by the Secretary of State for MHCLG via email correspondence from PINS dated 28th July 2025. The Applicant considers that the national importance of the Development should be afforded very substantial weight.
- 5.2 The criteria for development to be considered of national importance are set out in the Written Ministerial Statement ('WMS') made by Matthew Pennycook as Minister of State for Housing and Planning on 13th February 2025. The WMS expressly points to border infrastructure as being of national importance.
- 5.3 The Development is for the ongoing operation of critical national infrastructure, specifically border infrastructure, which has been required for border security in the national interest since the UK's exit from the European Union ('EU'). The Site remains strategically vital to facilitate border security checks, including documentary and physical checks taking place on goods entering and exiting the UK, alongside sanitary and phytosanitary ('SPS') checks at the BCP, to provide protection in respect to the UK's biosecurity and public health. It is in a strategic location to perform that critical role of national importance in the public interest.
- 5.4 Indeed the Sevington IBF and BCP together currently cover approximately a third of EU trade, including almost all the trade passing through the Short Straits and will continue to do so under the permission sought.
- 5.5 The Short Straits is a nationally significant trade corridor, facilitating £166bn of UK trade in 2024 (16% of total UK trade value), including £154bn of UK-EU trade (31% of total UK-EU trade). A large proportion of this trade is highly time-sensitive and crucial to many sectors including critical goods such as medicine and fresh food, alongside highly integrated supply chains where Short Straits traffic is vital for UK manufacturing. In 2024, the Short Straits handled 31% of all UK trade in food and live animals, 20% of manufactured goods, and 17% of machinery and transport goods. These categories include perishable goods and goods that depend on just-in-time logistics, which are particularly sensitive to delays or diversion. The Short Straits also accommodates the vast majority of UK roll-on roll-off freight, accounting for 84% of all accompanied road goods vehicles ('RORO') in 2024.

- 5.6 Security checks are carried out at the Port of Dover by Border Force and Animal and Plant Health Agency ('APHA') on traffic as it exits the ferries, however, these are not the same checks as are done at Sevington IBF and BCP. There is also a very small commercial BCP at Dover Western Docks that undertakes SPS checks on plants arriving via the deep sea terminal.
- 5.7 Whilst the maximum capacity to handle RORO at other UK ports is not known, it is considered that there would not be sufficient spare capacity at other sites to accommodate all 84% of the RORO in the UK market quite apart from the fact that such capacity would not be appropriately located to deal with the Short Straits traffic. Sevington BCP is unprecedented in its size and the volume of trade it has been set up to check. The other BCPs in the UK have been built to specifically service their port or airport and would not be allowed under EU Official Control Regulations to service another port. As such, to facilitate entry of the Short Straits trade into Great Britain without a Short Straits BCP would mean the trade would have to shift to alternate trade routes. This would be detrimental as the disruption on the EU side of the channel would be significant. In addition, shifting trade routes would increase costs to companies who would either pass on those costs to the public, fuelling inflation, or cease trading with the UK altogether.
- 5.8 Any closure or interruption of Short Straits traffic due to lack of IBF capacity or inability to operate due to planning issues would inevitably lead to substantial non-movement of goods, diversion to slower and less efficient modes (e.g. load-on, load-off) and significant economic and supply chain disruption which would be contrary to the national public interest.
- 5.9 If Sevington IBF / BCP were to cease operation, there would be a major risk of very significant disruption to trade (delays, large cost increases as markets adjust to more expensive and less efficient approaches, and almost certainly loss of trade) culminating in much wider economic, social and international impacts. In addition to potential disruption to trade, there would be a significant and unknown risk to national biosecurity. It is therefore difficult to overstate the national importance of the continued presence of this development in this strategic location and the weight that this national importance should carry in relation to any planning balance.

6.Planning Policy and Material Considerations

6.1 A more detailed overview of planning policies and other relevant material considerations for this application is provided in section 6 of the Planning Statement. Specific policy references are contained in the response to the Inspector's Statement of Matters in section 11 below.

6.2 In summary, the development plan for the Site comprises:

- ABC Local Plan 2030 (adopted February 2019) ('the Local Plan'); and
- Kent Minerals and Waste Local Plan as amended by the Early Partial Review (2020) ('Minerals and Waste Local Plan').

6.3 Pursuant to the Local Plan, the Site is subject to the following designations:

- Landscape Character Area;
- Grade 2 Agricultural Land;
- Mineral Safeguarding Area;
- Archaeological Potential;
- Wharves and Rail, affecting the southern part of the Site adjacent to the railway line;
and
- Affordable Housing Viability Zone.

6.4 The Site is not currently the subject of any Site Allocation for any particular purpose under the Local Plan, but the Site was previously allocated as a Strategic Employment Site pursuant to the now-superseded Core Strategy and DPD. . This previous allocation is consistent with the outline permission that was granted for employment-led development at Stour Park West.

6.5 ABC's emerging Local Plan is at a very early stage, with Regulation 18 consultation having been conducted from 18th August to 13th October 2025 (post submission of this application). Given the early stage of the emerging Local Plan, it attracts very limited weight for this application.

6.6 Policies from the Minerals and Waste Local Plan are not considered to be of particular relevance for this application.

6.7 Other material considerations for the planning application include:

- Written Ministerial Statement ('WMS') made by Matthew Pennycook as Minister of State for Housing and Planning on 13th February 2025;
- National Planning Policy Framework (2024) ('NPPF');
- National Planning Policy Guidance ('NPPG'); and
- ABC's Supplementary Planning Documents ('SPDs').

6.8 There are no Neighbourhood Plans for the Site.

7. Approach to Environmental Impact Assessment

7.1 The Development is Schedule 2 development (category 10b urban development projects of more than one hectare) under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regs'), for which EIA is required if a development is likely to have significant effects on the environment by virtue of factors such as its nature, size and location.

7.2 The Applicant has progressed an EIA in order to assess robustly whether the Development is likely to have significant effects on the environment. An Environmental Statement ('ES'), technical appendices and Non-Technical Summary have been prepared.

Scoping Opinion

7.3 The EIA Scoping exercise was undertaken at the local level, through engagement with ABC, in advance of the publication of guidance or secondary legislation on the application of the TCPA to Crown Land.

7.4 Following submission of an EIA Strategy and request for a Scoping Opinion, two meetings were held with ABC officers and ABC's third-party reviewer, Temple Group, on 27th September and 16th December 2024, in advance of the Applicant being issued with the Scoping Opinion on 19th December 2024. ABC'S Scoping Opinion confirmed agreement with the EIA Scoping Report Review dated 19th December 2024 by Temple Group.

7.5 The ES was prepared in accordance with the scope set out in the EIA Scoping Report Review, including with respect to the approach to the baseline (as set out further under the following subheading).

Agreed Baseline

7.6 On a precautionary basis, the EIA has adopted a pre-development baseline, consistent with the approach taken by Mott MacDonald in the 2020 application pursuant to the SDO. This baseline reflects the Site prior to IBF construction, with just the Phase 1A works for Stour Park West (ref: 19/00579/AS) in place, including estate roads, sustainable drainage systems, and landscaped open space designed for ecological enhancement.

7.7 The construction phase has been scoped out of the EIA, as the IBF has already been built under temporary approval, and the associated environmental effects were previously assessed under the submission pursuant to the SDO.

7.8 The EIA baseline approach was agreed by Temple Group (on behalf of ABC) in its EIA Scoping Report Review dated 19th December 2024, which was adopted by ABC as their formal Scoping Opinion, by notice dated 19th December 2024.

7.9 Topic-specific baseline summaries are provided under the following subheadings.

Socio-Economic Baseline

7.10 ABC, through its EIA Scoping Opinion, recommended the use of a 2021 baseline to ensure alignment with the most recent Census data. This approach provides a more accurate representation of local socio-economic conditions than earlier datasets from 2019 / 2020, which relied on the 2011 Census. The 2021 baseline reflects conditions prior to the construction of the IBF and is used to inform the ES.

Traffic and Transport Baseline

7.11 Assessment of likely traffic flows associated with the completed and operational IBF was informed by observed traffic data collected in October 2024 and forecast data from the 2022 Transport Assessment (Mott Macdonald) supporting the application pursuant to the SDO.

7.12 For the purposes of establishing a pre-development baseline, the year 2022 was selected, consistent with the temporary approval. The year 2026 was used to model both 'without development' and 'with development' scenarios, representing the anticipated first year of permanent operation under the current application.

Air Quality Baseline

7.13 To establish baseline air quality conditions at and around the Site, reference was made to ABC's 2024 Air Quality Annual Status Report, published under the Local Air Quality Management ('LAQM') regime. This included a review of historical monitoring data to ensure a comprehensive understanding of local air quality trends.

7.14 Traffic flow data for the relevant local road network was provided by the transport consultant (Waterman) to support the assessment.

7.15 The year 2019 was selected as the baseline year, representing the most recent set of representative air quality monitoring data available prior to the construction and operation of the IBF. For the purpose of scenario modelling, the year 2026 was used to assess both 'without development' and 'with development' conditions, aligning with the anticipated commencement of permanent operations.

Noise Baseline

7.16 The baseline year of 2022 was selected to inform the noise assessment for two key reasons: it avoids distortion from reduced traffic volumes during the COVID-19 pandemic, and it reflects the fully operational status of M20 Junction 10a and its associated infrastructure.

7.17 Baseline noise conditions for 2022, representing a 'without IBF' scenario, were established using noise modelling software. Road traffic noise, identified as the dominant source, was modelled using traffic data from surrounding roads. The model also incorporates noise contributions from the Channel Tunnel Rail Link (HS1) to the south of the Site, based on measurements taken in 2024 and considered representative of 2022 rail noise emissions.

7.18 A baseline noise survey was undertaken in November 2024 to capture prevailing ambient and background sound levels. These measured values were compared with modelled 2022 ambient noise levels to derive representative background sound levels for 2022, ensuring a robust and credible baseline for EIA purposes.

Built Heritage Assessment Summary

7.19 The assessment focuses exclusively on the built heritage (above-ground) implications of the Development. Archaeological matters were excluded, except where buried elements of built heritage assets may be affected.

7.20 To establish the historic context of the IBF, data was gathered from the Kent Historic Environment Record ('HER') and the Historic England National Heritage List for England ('NHLE'), covering a 500m radius around the Site. Additional heritage assets beyond this area were also considered where they share a visual or historical relationship with the Grade I listed Church of St Mary.

7.21 The baseline and assessment were further informed by a comprehensive review of relevant documentary and cartographic sources, including historic maps and plans, and was supported by a Site walkover conducted on 24th October 2024.

Biodiversity Assessment Summary

7.22 The 2020 Biodiversity Assessment (Mott MacDonald) was informed by baseline ecological data gathered from surveys conducted between 2019 and 2021, alongside a Site walkover undertaken in May 2020. Following implementation of the IBF, monitoring surveys were carried out as a condition of the planning permission and relevant approvals, with the most recent surveys completed in 2025, however it was the data up to 2023 that informed the ecological baseline and current assessment as presented in the ES. The surveys completed in 2025 included reptile monitoring, landscape monitoring and a Natural England dormouse licence return in 2025. As these were provided subsequently, they did not inform the ES.

7.23 The baseline adopted for the assessment reflects pre-development conditions, with estate roads, sustainable drainage systems, and landscaped open space—designed for ecological enhancement—already established. To verify Site conditions, an ‘Extended’ UK Habitat Assessment Survey was conducted in November 2024. Additionally, an updated ecological data search was undertaken to identify records of statutory and non-statutory designated sites, as well as protected and notable species of flora and fauna within a minimum 2km radius of the Site.

7.24 For clarity with respect to the Site boundaries, the LEMPs were based on the red-line boundary for the SDO approval (which included the bund east of Highfield Lane), whilst the red-line boundary is different for the current Crown Development application (and excludes the eastern bund). For the purpose of calculating BNG, this was based on the SDO habitat enhancements, but the calculation was adjusted to reflect the application red-line boundary.

Landscape and Visual Baseline

7.25 Baseline views from the 2020 Landscape and Visual Impact Assessment (‘LVIA’) (Mott MacDonald) were unavailable. Following agreement with ABC, baseline views from the earlier outline planning application (ref: 14/00906/AS) were adopted as the most representative of pre-development conditions in 2019. The viewpoint locations from the outline application closely corresponded with those used in the 2020 LVIA.

7.26 To verify the appropriateness of these viewpoints and to capture the current operational context of the IBF, a Site survey was conducted in December 2024.

8. The Applicant's Case

Topics

Principle of Development

- 8.1 The operation of the IBF and BCP at the Site continues to be of critical strategic national importance (as outlined above).
- 8.2 Securing the continuation of the existing operations on the Site is of high strategic importance and would serve the critical purpose of border security in the national interest. The Site and its ideal location remains strategically vital to facilitate border security checks, including documentary and physical checks taking place on goods entering and exiting the UK, alongside SPS checks at the BCP, to provide protection in respect to the UK's biosecurity and public health.
- 8.3 The national importance of border infrastructure is set out in the WMS. This is a material consideration for the application which should be afforded very substantial weight. Indeed, it is difficult to overstate the national importance and consequential weight that should be attached to securing the continued presence of this critical piece of national infrastructure in any planning balance.
- 8.4 The Site also serves a role in Kent's resilience and emergency planning, through provision of capacity to accommodate vehicles off the SRN during emergency situations and to assist in addressing freight disruption. This is a significant wider public benefit associated with the Development.
- 8.5 As well as being of critical importance to the nation's border security, the IBF represents a major investment locally and is also a major employment generator for Ashford. The economic benefits of the Development to which significant weight should also be attached are summarised below.
- 8.6 Accordingly, the proposals align with ABC's strategic objectives (Local Plan Policies SP1 (Strategic Objectives) and SP3 (Strategic Approach to Economic Development)) by creating a range of employment opportunities and providing investment within the Borough. Through its significant employment generating capacity, the Development also supports the general

thrust of Local Plan Policy EMP1 (New Employment Uses), which conveys support for employment uses. Through retention of the IBF at the Site, the proposals support Local Plan Policy EMP2 (Loss or Redevelopment of Employment Uses and Premises), which resists the loss of existing employment uses.

8.7 At the national level, NPPF paragraph 85 requires that significant weight should be placed on the need to support economic growth and productivity, and at paragraph 8 recognises that an objective of planning is to help build a strong, responsive and competitive economy. Pursuant to paragraph 87, planning decisions should recognise and address the specific locational requirements of different sectors, which in this instance means border-related infrastructure. Accordingly, the NPPF provides strong policy support for the Development on the basis of its economic benefits and its role as infrastructure necessary for the national economy.

8.8 By allowing the operation of the Site to continue, the utilisation of existing infrastructure and efficient use of brownfield land would also be supported. This aligns with Local Plan Policy SP1 (Strategic Objectives) and NPPF paragraph 124, which requires planning decisions to make the most effective use of land, including by making as much use as possible of previously-developed or brownfield land. In this context it is important to note that the Reinstatement Plan submitted pursuant to the 2022 relevant approval under the SDO proposes the retention of the Site access and circulation roadways, plus the development platforms would remain. As such, the Site would otherwise in large part be brownfield in any event.

8.9 Accordingly, the principle of securing the continued operation of the IBF (including BCP) on the Site, as an employment-generating use and form of major economic investment on previously developed land, is fully supported at the national and local levels.

Economic and Social Benefits

8.10 The economic and social benefits generated by the Development to which significant weight should be attached are outlined as follows:

- The IBF is a major employment generator for Ashford, supporting 941 direct jobs (819 Full Time Equivalent ('FTE')), and a further 205 across an active supply chain. With 59% of staff living locally within 10 miles, it is estimated that approximately 433 staff (377 FTE) are resident within ABC.

- Direct and indirect (supply chain) jobs are together estimated to generate £38.1M in Gross Value Add ('GVA') per annum.
- Approximately £13.4M per annum in wages are received by residents within the administrative boundary of ABC.
- The IBF also supports local apprenticeships to support further professional development, including in the areas of leadership and operational department management.
- The operator of the IBF has established links with the community, through a range of programmes delivering local social value initiatives. A Community Good Fund supports local societal and environmental priorities, and over the 2023-2024 year, 148 volunteer hours and £1,700 were contributed to local communities and good causes.
- The IBF supports small and medium size enterprises ('SMEs') within the local community, reflected in a 2023-2024 spend of around £2.38M across 37 SMEs throughout the supply chain, producing a £637,769 social value return on investment.
- Mentorship programmes have been established with local suppliers, seeking to help mentee organisations break through inequalities and potential barriers, and a Training Suite has been established in order to provide training to over 55 SMEs and Voluntary, Community and Social Enterprises ('VCSEs') in the 2023-2024 year.
- Initiatives have been focused within the employee community, including around diversity and inclusion, mental health and wellbeing, training opportunities (including for disadvantaged groups), and carbon literacy.

Landscape

8.11 The Landscape Visual Impact Assessment ('LVIA') (2025) concludes that the Development in general would be in keeping with the wider landscape setting, as it would act as an extension of the urbanised and industrial use at the edge of Willesborough. There are expected to be minor effects to the wider rural landscape in terms of reduction of arable land, but as noted already the principle of development of the Site from arable land is well-established. With consideration to the building heights, to the lighting infrastructure over the

night-time and the screening mitigation measures, the Development should be able to integrate well in the wider area.

- 8.12 A further landscape study was undertaken on 10th and 11th November 2025 in clear weather conditions. Photography for viewpoint 12 was retaken and further photography taken from eight additional viewpoints. The assessment was revised based on the methodology included within the LVIA, which follows Landscape Institute Guidance.
- 8.13 In reviewing viewpoint 12 and the additional viewpoints, at worst the Magnitude of Change would be negligible as opposed to no change which was stated in the LVIA. This would result in a negligible Significance of Effect, meaning the Development would cause no easily discernible change to visual amenity and key views. As such, there would still be no significant effects on the Kent Downs National Landscape ('KDNL').
- 8.14 Within four out of the eight additional viewpoints there would be no visibility of the Development and, therefore, no significant effects on the KDNL.
- 8.15 The night-time views from viewpoints 12 and 12B show lighting is visible within the view. However, this is seen in conjunction with the lighting from the nearby urban areas of Ashford and Willesborough and, as such, is read in the context of these.
- 8.16 Further details are provided in the appended Technical Note (**Appendix 12**).

Heritage

- 8.17 The ES identifies a limited number of designated heritage assets with potential for indirect (setting) effects. Of these, only the Grade I listed Church of St Mary, Sevington, experiences a significant moderate adverse effect, equating to less than substantial harm in NPPF terms. The Applicant judges this to lie within the mid-range of the less-than-substantial spectrum. All other identified designated assets experience minor, non-significant effects, and no impacts are identified to non-designated heritage assets.
- 8.18 Mitigation measures, comprising landscaped bunds, structural planting, timber fencing and the retention of a viewing corridor between the Grade I listed churches at Sevington and Mersham, reduce the influence of IBF operations on the surrounding landscape. Interpretive features within the landscape strategy, including the reconstructed barrow and information boards, support understanding of the historic environment.

- 8.19 Moreover, through the previous grant of outline planning permission for the Stour Park employment scheme development, it was accepted that planning permission should be granted notwithstanding the impact of development on Grade 1 listed Church of St Mary and the associated less than substantial harm.
- 8.20 Archaeological impacts were fully mitigated during construction of the temporary facility through evaluation, excavation and recording under agreed Written Schemes of Investigation ('WSIs'). No further below-ground impacts arise from the permanent operation of the IBF. The Royal Observer Corps ('ROC') monitoring post is retained in situ with no considered change to its condition or legibility.
- 8.21 The consultation responses from Historic England, ABC and KCC have been addressed. The heritage and archaeological effects of the IBF remain limited, localised, and focused principally on the setting of St Mary's Church.
- 8.22 Further details are provided in the appended Technical Note (**Appendix 17**).

Biodiversity and Ecology

- 8.23 An ecological impact assessment of current IBF operations was undertaken in line with current British Standards, guidance and good practice without prejudice or bias. The results demonstrate that the ecological impacts are not considered to result in any significant adverse effects on Important Ecological Features as defined by the Chartered Institute of Ecology and Environmental Management ('CIEEM'), 2024. Furthermore, The Habitats Regulations Assessment has been informed by sufficient available information such that it is Natural England's view that the findings do not necessitate any further appropriate assessment stages. The Site is, therefore, compliant with the requirements of the NPPF (paragraphs 192 to 195).
- 8.24 As there is no habitat loss, the application is exempt from Biodiversity Net Gain ('BNG') due to the 'de-minimis' exemption (BNG PPG Paragraph: 003 Reference ID: 74-003-20240214). Notwithstanding this, the voluntary (non-mandatory) and retrospective BNG assessment completed indicates >10% BNG (+65.35% for habitats and +58.49% for hedgerows) can be achieved for the permanent IBF, across both the Site and Sevington East. This conservative assessment has been based on the pre-SDO baseline (i.e. a site dominated by arable land) and the post-intervention status of the Site and Sevington East, being that

presented in the LEMPs (2020 covering the Site and 2023 covering the adjacent Sevington East). It is important to note that the BNG baseline is different from that applied to the ecological impact assessment and the Habitats Regulations Assessment. This is to demonstrate the non-mandatory BNG that can be attributed to the complete Site development from arable fields to permanent IBF.

8.25 In summary, the results of the collective ecology and BNG assessments demonstrate that the continuation of the IBF, would not result in any new significant adverse ecological effects or exacerbate any identified as part of the relevant approvals pursuant to the SDO, as there are no new significant impacts and the current inherent mitigation is adequate. The lack of full establishment of the habitat creation and habitat enhancement in the LEMPs (2020 and 2023) to date has resulted in the potential ecological benefits not yet being fully realised. With long term management secured as part of this full planning permission, these benefits are expected to be achieved in accordance with the requirements attached to the original SDO relevant approvals.

8.26 In conclusion, the proposals deliver significant ecological enhancements and BNG across the combined area of the Site and adjacent Sevington East, which should attract significant weight in the planning balance.

Highways

8.27 The effect of the Development on the local traffic network has been addressed in the context of the specific questions relating to 'Local traffic network and / or highways' at Matters 66 to 74 of the Inspector's Statement of Matters. In particular, the Applicant acknowledges that there are existing capacity constraints at M20 Junction 10a. A preliminary mitigation scheme has been identified, in consultation with National Highways and KCC, to further mitigate the impact of the Development upon M20 Junction 10a, comprising widening of the A20 eastbound approach, and signalisation of the A20 westbound approach and corresponding section of the circulatory carriageway at the junction. Through the implementation of the proposed junction improvements, it is considered that the impact of development traffic upon M20 Junction 10a can be appropriately mitigated, and that the Development can continue to be accommodated without adverse impact upon the safety and

capacity of the highway network, where no existing accident patterns are identified through the analysis of historic accident data presented within the Transport Assessment.

8.28 The Applicant will consider appropriately worded conditions relating to the provision of an updated signage strategy, and updated staff Travel Plan, in line with KCC and National Highways comments. The Applicant acknowledges that the resurfacing of the Public Right of Way (located south-west of the staff car park entrance) and provision of surface water drainage in this location, may assist in mitigating the issue which has been raised in that regard. Discussions are continuing with statutory authorities in order to work towards resolving outstanding holding objections.

8.29 It has been demonstrated that the impact of the Development can be appropriately mitigated and will not have an adverse impact upon the safety and capacity of the highway network. In consideration of the guidance set out in the NPPF, it is considered that the Development should not be prevented or refused on transport grounds as the residual cumulative impacts of the Development, following mitigation, are not 'severe'.

8.30 Further details are provided in the appended Technical Note (**Appendix 14**).

Noise

8.31 A noise and vibration assessment of current Site operations was undertaken in line with current British standards, guidance and good practice. The results demonstrate that all the IBF rating levels are predicted to be below the daytime background sound level and less than 5dB above the night-time background with negligible change predicted in the ambient noise level at most receptors, meaning the noise impact is not 'significant adverse' as defined by BS4142. The Site is therefore compliant with the requirements of NPPF paragraph 198.

8.32 Key to a BS4142 assessment is the level difference between representative background sound level (LA90) and the rating level (sound from the Site at receptor location adjusted for acoustic character in accordance with BS4142). Context also needs to be taken into account in terms of the assigned level of effect, which includes consideration of the absolute level of IBF noise at receptor location, inherent mitigation measures on the Site, residual noise level (noise level without the IBF), time of day and the character of the neighbourhood (amongst others).

8.33 A level difference of $\geq LA_{90} + 10\text{dB}$ is equivalent to a Significant Observed Adverse Effect Level ('SOAEL'). This aligns with Section 11 b) of BS4142 which states 'A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on context.' This also aligns with the 'Noticeable and disruptive' example outcomes as presented in Planning Practice Guidance ('PPG') Paragraph: 005 Reference ID: 30-005-20190722 - Noise Exposure Hierarchy Table. A level difference at or above the SOAEL magnitude is not predicted to occur during either the day or night-time periods.

8.34 In summary, the results of the noise assessment demonstrate that operational noise emissions from the Site do not give rise to any significant adverse effects, and that current noise mitigation for the operational Site is adequate. It is appreciated that provision of secondary or enhanced mitigation could provide further reductions in noise emissions (albeit such further reductions are not required).

8.35 Further details are provided in the appended Technical Note (**Appendix 15**).

Lighting

8.36 An External Lighting Assessment and Light Survey Report were submitted as part of the planning application and contained recommendations for mitigations to reduce lighting impacts. Operational mitigations have been implemented on-Site since June 2025, and an updated Light Survey Report (Appendix A of the appended Lighting Technical Note (**Appendix 13**)) has been prepared to document these measures and assess the associated impacts.

8.37 Further to the mitigations which had previously been put in place (including installation of baffles to 16 luminaires in the most sensitive locations adjacent to residential property boundaries, and switching-off of 'Romeo' and 'Tango' when not in use operationally), the newly implemented measures include switching off lighting in areas not essential to Site operations (including large areas of the swim lanes) and dimming lux levels to lowest levels feasible whilst balancing operational safety requirements.

8.38 These measures have significantly reduced visible glare and light spill, as confirmed by Site observations, photographic evidence and lux level measurements, showing clear improvement as a result of the implemented mitigations when compared to the initial surveys.

8.39 Given the operational safety requirements of the Site, and in light of the recently deployed lighting mitigations, it is concluded that the lighting is acceptable. Notwithstanding, the Applicant has agreed draft condition wording with ABC on the submission for approval of a lighting mitigation and management plan.

Air Quality

8.40 An Air Quality Assessment was undertaken in accordance with the most recent applicable guidance and legislation to support the application.

8.41 The assessment of the potential impacts to air quality from the Development was established in accordance with published guidelines and best practice. The methodology and baseline data was agreed prior to the assessment with ABC during the scoping consultation process. Baseline conditions were established at and around the Site from use of publicly available data including ABC's Air Quality Annual Status Reports and monitoring data. The data indicates there are no exceeding pollutant concentrations (NO₂, PM₁₀, PM_{2.5}) within the area and pollutant concentrations are anticipated to decrease in future years. Site specific monitoring was not undertaken as baseline pollutant levels were not anticipated to be of concern.

8.42 A detailed modelling exercise was undertaken to assess likely effects on local air quality associated with changes to road traffic from the Development. The modelling indicates levels of nitrogen dioxide and particulates would not exceed nationally accepted limits at any of the nearby residential properties in 2026 (the first planned opening year of the Development). It is concluded that the effect of the Development on levels of nitrogen dioxide and particulates would be Negligible (Not Significant). The cumulative assessment of the potential air quality effects of the cumulative schemes and the Development during operation shows that the potential air quality effects would remain Negligible (Not Significant) as per the assessment of the Development in isolation. It is, therefore, considered the Development would be in adherence to local and national planning policy and the Development is considered acceptable from an air quality perspective. It is noted that no air quality concerns have been raised in respect of SIBF.

8.43 Further details are provided in the appended Technical Note (**Appendix 16**).

Flood Risk and Drainage

8.44 Although no new development is to be carried out, in response to the KCC holding objection, a further review is being undertaken of the Drainage Strategy submitted for the temporary application in 2021 and the associated drainage modelling developed to support this strategy. In parallel, the as-built drainage information is being reviewed to ascertain whether the constructed drainage conforms to the proposed strategy. This includes an assessment of attenuation volumes, discharge rates, SuDS features and drainage catchments. The principles that were approved for the drainage strategy in 2021 will also be reviewed against current policies and standards.

8.45 A hydraulic model will then be built that represents the constructed system (subject to the accuracy of the as-built survey information), and today's design standard rainfall and rainfall scenarios will be applied within the modelling to determine the appropriateness of the drainage system and whether any upgrade measures are required.

8.46 The above approach has been discussed in detail with KCC's Drainage Team and regular discussions have been held to ensure the correct steps are taken to provide KCC with confidence in the constructed drainage system.

8.47 A Technical Note will be prepared for submission to KCC that covers the assessment carried out and the findings. If this Note requires any modifications to the drainage strategy, these will be submitted to KCC for approval.

Other Main Issues

8.48 The other issues articulated in the Inspector's main issues, set out at paragraph 36 of the Statement of Matters dated 21st October 2025, have been responded to in section 11 of this Statement of Case.

Planning Balance

8.49 This section sets out the benefits and other considerations that weigh in favour of the application proposals, as well as any potential adverse effects, and attributes a weight to each. This allows for a balanced assessment of the proposals in accordance with the NPPF, the development plan and other material considerations.

Harms to be Weighed in the Balance

Heritage

8.50 The heritage assessment (ES chapter 10 and Heritage Statement within the technical appendices) concludes that the proposals will result in less than substantial harm, towards the middle of the scale, to Grade 1 listed Church of St Mary, and less than substantial harm (with no scale assigned) to six Grade II listed buildings. Historic England suggested that the level of harm to Grade 1 listed Church of St Mary would be less than substantial, towards the upper end of the spectrum. As a matter of principle, great weight is afforded to heritage harm in accordance with NPPF paragraph 212.

8.51 The Heritage Statement concludes, however, that the strong breadth of public benefits outweigh the perceived less than substantial harm to Grade 1 listed Church of St Mary and six Grade II listed buildings (having given the requisite weight to that harm in accordance with paragraph 212 of the NPPF).

8.52

Dark Skies

8.53 It is acknowledged that the proposals result in some level of impact on dark skies in the context of Local Plan Policy ENV4 (Light Pollution and Promoting Dark Skies).

8.54 Lighting from the Site is viewed in the context of surrounding illumination associated with Ashford, and not in isolation within an area of dark skies.

8.55 The level of harm has sought to be reduced through implementation (since June 2025) of operational mitigations to reduce lighting impacts, involving dimming lux levels and switching off areas of luminaires within the Site when not in use for operational purposes.

8.56 It is considered that the proposals result in a moderate level of harm to dark skies against Local Plan Policy ENV4, and that this should be afforded **moderate weight**.

Landscape and Visual

8.57 It is acknowledged that, under s.85(A1) of the Countryside and Rights of Way Act 2000, public bodies have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

8.58 It is acknowledged that the development would have some impact in the landscape, however the effect to the wider rural landscape is considered to be minor. The development acts as an extension of the urbanised and industrial use at the edge of Willesborough, including in views from the Kent Downs National Landscape. Landscape screening mitigations, upon maturation of planting, would help to integrate the development into the area.

8.59 In the night-time period, the Site is visible in the landscape, including from the Kent Downs National Landscape, but this is also seen in conjunction with lighting from the nearby urban areas of Ashford and Willesborough and, as such, is read in the context of these.

8.60 It is considered that the proposals result in a moderate level of harm in respect of landscape and visual impacts, and that this should be afforded **moderate weight**.

Best and Most Versatile Agricultural Land

8.61 The Site was formerly Best and Most Versatile Agricultural Land ('BMVAL'). However, the Site no longer serves as agricultural land, having been comprehensively developed.

8.62 The *permanent* loss of agricultural land was previously envisaged by the Site's allocation as a Strategic Employment Site pursuant to the now-superseded Core Strategy and DPD in the previous Local Plan and accepted under the relevant approvals pursuant to the SDO (as set out at section 3.5 of the Analysis of the Likely Environmental Effects of the Development reports ('ALEEDs') which supported the 2020 and 2022 approvals) and the outline planning permission for Stour Park (as set out in chapter 19 of the ES supporting that application).

8.63 As a result of these previous consents for the Site, BMVAL had already been lost on a permanent basis. As the BMVAL has already been lost, there is no loss being caused as a result of this application, and no need for further assessment, mitigation or reinstatement. Crucial to note, Informative 5 attached to the 2022 relevant approval under the SDO, provides for the reinstatement of the Site, including the retention of the Site access and circulation roadways, plus the development platforms. The Site will therefore be in large part brownfield in perpetuity and there is no expectation of it being returned to agricultural use.

8.64 Accordingly, **no harm** is recorded in terms of the loss of BMVAL arising from this application.

Highways

- 8.65 The transport assessment (ES chapter 7, Transport Assessment within the technical appendices, and appended Technical Note (**Appendix 14**)) has demonstrated that the impact of the Development can be appropriately mitigated and will not have an adverse impact upon the safety and capacity of the highways network.
- 8.66 In consideration of NPPF paragraph 116, the Development should not be prevented or refused on highways grounds as the residual cumulative impacts, following mitigation, are not 'severe'.
- 8.67 Accordingly, with mitigation, **no adverse weight** should be afforded to any highways impacts.
- 8.68 Without mitigation, the scale of increase in delay at M20 Junction 10a due to the development is low – medium (in EIA terms) and 'severe' in the context of NPPF paragraph 116 (as the development exacerbates the existing constraints). The impact on the remainder of the network is not considered to be severe.

Noise

- 8.69 The results of the noise assessment (ES chapter 9, Noise Assessments within the technical appendices, and appended Technical Note (**Appendix 15**)) indicate that effects of operational road traffic noise are negligible on all road links except on the A2070 east of the Site access where minor adverse effects are predicted. The predicted increase in road traffic on this section of the A2070 is considered to be 'not significant' at sensitive receptors due to the contribution of road traffic noise from the M20. As operational noise emissions from the Site give rise to no significant adverse effects, it has been demonstrated that current inherent mitigation is adequate.
- 8.70 As the proposals result in a negligible level of harm in respect of noise impacts, this should be afforded **negligible weight**.

Design and Appearance

- 8.71 Buildings, Site infrastructure and Site layout have been designed in accordance with the operational requirements of the IBF and BCP, and the design continues to support the functional requirements of the Site's ongoing operation as a secure Government Site.

8.72 The visual quality of the Site is proposed to be enhanced through the implementation of a comprehensive scheme of landscaping which, once planting matures, will help to screen views towards the Site and soften the appearance of hardstanding and built infrastructure.

8.73 It is considered that the proposals result in a moderate level of harm in respect of design and appearance, which should be afforded **moderate weight**.

Benefits to be Weighed in the Balance

National Importance

8.74 As set out in section 5 of this Statement of Case, the proposals are of national importance, in accordance with the WMS.

8.75 The Site has been required for border security in the national interest since the UK's exit from the EU and remains strategically vital to facilitate border security checks and protect the UK's biosecurity and public health.

8.76 If Sevington IBF / BCP were to cease operation, there would be a major risk of very significant disruption to trade (delays, large cost increases as markets adjust to more expensive and less efficient approaches, and almost certainly loss of trade) culminating in much wider economic, social and international impacts.

8.77 In addition to potential disruption to trade, there would be a significant and unknown risk to national biosecurity.

8.78 **Very substantial weight** should be afforded to the national importance of the Site and proposals.

Economic Growth and Employment Generation

8.79 The proposals generate significant employment generation and economic benefits.

8.80 The IBF supports 941 direct jobs (819 FTE), and a further 205 across an active supply chain.

8.81 Direct and indirect (supply chain) jobs are together estimated to generate £38.1M in GVA per annum.

8.82 Approximately £13.4M per annum in wages are received by residents within the administrative boundary of ABC.

8.83 The full suite of economic benefits generated by the development are set out at paragraph 7.10 above.

8.84 The economic benefits exist at a national, regional and local level, and align with development plan policies and the Government's priorities to support economic growth and productivity (NPPF paragraph 85 requires significant weight to be placed on the need to support economic growth and productivity).

8.85 **Significant weight** should be attributed to these economic benefits.

Biodiversity Enhancements

8.86 The proposals deliver significant ecological enhancements and BNG across the combined area of the Site and adjacent Sevington East (within the same landownership), totalling a gain of +65.35% for habitats and +58.49% for hedgerows.

8.87 BNG has been secured on a voluntary basis (as the de-minimis exemption is considered to apply), for a 30-year period, via the submitted signed UU.

8.88 **Significant weight** should be afforded to these biodiversity enhancements.

Safeguard Against Coalescence

8.89 The proposals deliver a safeguard against the coalescence of neighbouring settlements, in accordance with Local Plan Policy SP7 (Separation of Settlements).

8.90 This safeguard is secured by legally securing Sevington East for biodiversity purposes for a 30-year period.

8.91 **Significant weight** should be afforded to this safeguard against coalescence.

Kent Resilience

8.92 The use of the Site as part of Kent resilience to absorb vehicles from the SRN during emergency situations, supports a wider public benefit.

8.93 **Moderate weight** should be afforded to this role in supporting Kent resilience.

Social Benefits

8.94 Social benefits associated with the development are set out at paragraph 7.10 above.

8.95 These include local apprenticeships, support for SMEs, local social value initiatives, mentorship programmes with local suppliers, and employee initiatives.

8.96 **Moderate weight** should be afforded to these social benefits.

Overall Planning Balance

8.97 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise, and this statutory duty is emphasised at NPPF paragraph 2.

8.98 On balance, the scheme is in accordance with the development plan when read as a whole.

8.99 The benefits and considerations which weigh in favour of the development include:

- National importance – **Very Substantial**.
- Economic growth and employment generation – **Significant**.
- Biodiversity enhancements – **Significant**.
- Safeguard against coalescence – **Significant**.
- Kent resilience – **Moderate**.
- Social benefits – **Moderate**.

8.100 Potential adverse impacts have been identified, and should be afforded the following degrees of weight:

- Harm to heritage assets – **Great weight to the less than substantial harm**.
- Harm to dark skies – **Moderate**.
- Harm to landscape and visual – **Moderate**.
- Loss of BMVAL – **No harm**.
- Highways – **No adverse weight (with mitigation)**.
- Noise – **Negligible**.
- Design and appearance – **Moderate**.

- 8.101 All other impacts associated with the development can be mitigated or addressed through planning conditions or obligations.
- 8.102 The Applicant has demonstrated that, on balance, the Development would accord with the development plan when read as a whole, given the significant employment generation and economic benefits, ecological enhancements and BNG, and protection against coalescence. As such, it is considered that the proposals should be strongly supported.
- 8.103 In addition, although outside of the development plan, it is a clear material consideration that that the proposals are of national importance, and this should carry very substantial weight.
- 8.104 The identified benefits undoubtedly clearly and demonstrably far outweigh the harms resulting from the development.
- 8.105 Accordingly, planning permission should be granted.

9. Third Party Representations

9.1 The Applicant acknowledges the representations submitted by statutory consultees and interested parties in respect of the application. This includes representations from the following parties which the Applicant has summarised for convenience:

- ABC (including from ABC's Environmental Protection Team) – No in-principle objection, subject to inclusion of planning conditions and obligations.
- KCC (Highways and Drainage) – Holding objection, requiring discussion around potential planning conditions and obligations on Junction 10A mitigation and drainage assessment.
- Archaeological Advisor to KCC and ABC – Emphasises the importance of the ongoing post-excavation reporting work, and the provision of archaeological interpretation boards.
- KCC (Public Rights of Way) – No in-principle objection but would like to see reinstatement of the former footpath through the Site.
- KCC Ecological Advice Service – No objection, subject to a condition relating to a lighting scheme.
- National Highways – No in-principle objection, subject to inclusion of planning conditions and obligations. (It is clarified that National Highways do not have a holding objection to the application).
- Sevington with Finberry Parish Council – Concerns around noise, HGVs and impacts on local roads, lighting, landscaping, footpaths, litter, and Site aesthetics.
- Mersham Parish Council – Concerns around lighting, litter, the future of Sevington East ('the High Field'), footpaths, landscaping, and traffic control.
- Smeeth Parish Council – Concerns around lighting and traffic issues.
- Brabourne Parish Council – Supports the concerns raised by Sevington with Finberry and Mersham Parish Councils.

- Wye with Hinxhill Parish Council – Objection on the basis of lighting impacts.
- The Village Alliance – Emphasises the importance of securing the long-term protection of Sevington East, and expresses concerns around landscaping, HGVs on local roads, signage, lighting, and noise.
- Kent Downs National Landscape – Identifies harm to the Kent Downs National Landscape and recommends mitigations to help reduce the level of harm.
- CPRE – No in-principle objection, subject to mitigations around Site aesthetics, lighting, transport impacts on local roads, signage, and waste management.
- Environment Agency ('EA') – No objection, but recommendations for clarifications / additional information on the topic of waste management.
- Historic England – Recommendations to mitigate the level of less than substantial harm to Grade 1 listed Church of St Mary.
- Canterbury Diocesan Board of Finance Ltd – Emphasises the importance of securing the financial contribution to the church works, as set out in the UU.
- Natural England – No objection, subject to securing mitigation measures.
- The Ramblers – Emphasises the importance of retaining the current PRoWs and suggests that a pledge should be honoured to transfer Sevington East to ABC.
- Active Travel England – Content with the application.
- Southern Water – Standard consultation response on SuDs.
- UK Power Networks ('UKPN') – Standard consultation response on development in proximity to UKPN substations.
- 29 additional representations from interested parties – Concerns generally reflect those communicated by the Parish Councils.

9.2 The Applicant has comprehensively reviewed and considered all representations, and the conditions now proposed for agreement (refer to section 10 of this Statement of Case and the appended draft Conditions Schedule (**Appendix 19**), which is under discussion with ABC and may be subject to change), represent the Applicant's direct response to the matters raised.

10. Other Matters

Statements of Common Ground

- 10.1 The intention is to agree Statements of Common Ground with ABC, KCC and the Rule 13 Parties. The purpose of providing Statement of Common Ground is to assist the Inspector by confirming which issues have been agreed (including through appropriately worded conditions and obligations), and which issues remain outstanding.
- 10.2 The intention is to progress Statements of Common Ground for submission in advance of the Inquiry.

Planning Conditions and Planning Obligations

- 10.3 The Applicant has undertaken a comprehensive review of the consultation responses from statutory consultees and other interested parties. Based on these responses, the Applicant has compiled an extensive list of potential planning conditions and obligations, which has formed the basis for proactive engagement with ABC, KCC, National Highways and the Parish Councils.
- 10.4 A schedule of the proposed conditions is under discussion with ABC as the Local Planning Authority ('LPA') and is appended at **Appendix 19** (this may be subject to change).
- 10.5 The agreement of the relevant parties with the respective conditions, will be confirmed within Statements of Common Ground, to be submitted in advance of the inquiry where practicable to do so.
- 10.6 Where planning obligations, rather than conditions, have been considered appropriate, these are currently under discussion.

Submitted and Signed Unilateral Undertaking

- 10.7 A draft UU was submitted with the planning application, and the UU was subsequently signed and resubmitted on 07th October 2025, following PINS' Procedural Guidance for Section 293D Crown Development Applications (01st May 2025).

10.8 In order to address some of the issues raised by statutory consultees and other interested parties in their consultation responses, the Applicant is discussing potential additional planning obligations.

10.9 It is anticipated that an updated or new UU will be submitted during the course of the inquiry.

CIL Compliance

10.10 In accordance with paragraphs 26-28 of the Inspector's Statement of Matters, a CIL Compliance Statement has been prepared (**Appendix 21**) to demonstrate how the submitted obligations comply with the CIL tests, as set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 ('CIL Regs') and NPPF paragraph 58.

11. Response to Matters

11.1 Please refer to the table overleaf, which has been updated subsequent to the preliminary submission on 21st November 2025.

| Inspector's Matters | Applicant's Response |
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| History of the Site / general questions | |
| <p>1 The applicants are DfT, DEFRA and HMRC; however they are not listed as the 'owners of the land' on Box 23 of the submitted Application form.</p> <p>It is unclear as to how the s106 may operate in terms of other parties owning it, but it not being clear in terms of the realistic provision of biodiversity for example on the blue line area. Indeed, who owns this?</p> | <p>Whilst the three departments are joint applicants, the landowner of the Site is DfT. To clarify, Defra and HMRC do not have a proprietary interest in the land.</p> <p>For this reason, DfT, and not Defra or HMRC, has been listed as the owner of the land on the Application Form, and is the sole signatory of the UU.</p> <p>Given DfT is the owner of the land within the blue line area, and biodiversity on this land is secured via the UU of which DfT is the sole signatory, the UU is considered to be an effective mechanism of legally securing biodiversity in the blue line area.</p> |
| <p>2 Copies of the previous four (4) temporary planning permissions under the Special Development Order 2020 do not appear to have been provided – could these be supplied? This should include a site layout of what was approved under each permission.</p> | <p>Technically speaking, the grant of planning permission that covers the existing development on the Site throughout the relevant period is set out in article 3 of the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 ('SDO'). To commence the development granted planning permission by article 3(1) of the SDO, the border department must seek the relevant approval from the Secretary of State under article 4. It is assumed that the request is for copies of the four relevant approvals that have been given by the Secretary of State pursuant to Article. Copies of the documentation relating to each of the four relevant approvals, together with the corresponding site layout plans are appended (Appendix 1a, b, c, d, e, f & g).</p> |

| | Inspector's Matters | Applicant's Response |
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| 3 | In relation to these four temporary planning permissions, what s106 TCPA and/or legal agreements, and related obligations, do these earlier permission(s) secure/require? | As noted above, it is assumed that this is a reference to the four relevant approvals under article 4 of the SDO. No s106 or other form of legal agreement was secured pursuant to the four relevant approvals. Negotiations between the Applicant and ABC, with respect to a voluntary s106 agreement, were progressed from c.2021, albeit final agreement could not be achieved. The principles of this voluntary s106 agreement were pursued to honour the contributions which would have been paid to ABC in association with the previous (now part lapsed) outline planning permission (ref: 14/00906/AS) for 'Stour Park', had it been developed out. The financial contributions set out in the voluntary draft s106 agreement, have now been integrated into the submitted UU. |
| 4 | Are these planning permissions all extant and/or built out, or is it the most recent temporary planning permission which is the scheme as it appears today? | Each temporary relevant approval under the SDO superseded the previous one, in accordance with Site-specific condition 2 of the relevant approvals which, in the most recent temporary approval states: 'The development authorised by this relevant approval shall not commence prior to 1 June 2022. Following this date, no use or operations shall take place under any other relevant approval given previously at the site pursuant to article 4 of the Order.' As such, the development has been built out in line with the most recent temporary relevant approval (SDO(4)). |
| 5 | The CDAO25 sets out in Article 1, that <i>'this Order applies to all land in England, but where land is the subject of a special development order this Order applies to that land only to such</i> | The Applicant does not agree that the 2020 SDO limits the scope of the permissions that may be granted under the Crown Development route in the way suggested. |

| Inspector's Matters | Applicant's Response |
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| <p><i>extent and subject to such modifications as may be specified in the special development order.'</i></p> <p>The SDO remains extant. Therefore, any planning permission granted under the Crown Development Application route, (as under s293 TCPA, CDAO25), must be within the extent of the SDO as it has not been rescinded or revoked.</p> <p>The SDO provides the ability of the SoS to grant temporary planning permission for specified development (Article 3(1)), that these permissions are subject to conditions set out in schedule 2 of the SDO (Article 3 (2)), that a border department may carry out reinstatement works specified in a reinstatement plan approved by the SoS until 31 December 2026; and in respect of all other development, the planning permission granted ceases on 31 December 2025.</p> <p>The SDO also sets out the conditions in Schedule 2, which include that 'development...must cease by the dates specified' (as above), and that 'the site operator must submit a reinstatement plan to the SoS on or before 30 June 2025...' and 'the reinstatement works must not be commenced until the SoS has approved the reinstatement plan' and 'the reinstatement works must be carried out and completed in accordance with the approved reinstatement plan'.</p> <p>Therefore, it is clear that any permission granted before 31 December 2025 (subject to the application being acceptable), could only be granted to cease on 31 December 2025. That is</p> | <p>The 2020 SDO and the Crown Development route (as well as the grant of planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and the procedure for granting planning permission under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO)) simply provide different routes to the grant of planning permission. It is well-established that more than one planning permission may be granted and exist for a site at any one time, and the existence of planning permission (e.g. under permitted development rights) does not prevent another planning permission being granted and subsequently being used (e.g. through a standard application for planning permission under the DMPO).</p> <p>It is standard for general development orders like the CDAO25, the GPDO and the DMPO¹ to state that they have effect subject to anything more specific stated in a special development order. This is what is set out in article 1(3) of the CDAO25. It is in materially the same terms as article 1(3) of the section 62A PO, and in similar terms to article 1(2) of the GPDO and article 1(3) of the DMPO, both of which similarly provide:</p> <p><i>This Order applies to all land in England, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order applies to that land only to such extent and</i></p> |

¹ See also the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (SI 2013/214) (**the section 62A PO**).

| Inspector's Matters | Applicant's Response |
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| <p>a specific condition (or extent) imposed by the SDO. As such, in order to provide the Applicants with the permanent permission sought (subject to the application being acceptable in all other respects), 'permanent' planning permission could only be granted after 31 December 2025 under the Crown Development Application route.</p> <p>With regard to the reinstatement element and SDO imposed condition, it is unclear as to how this would operate within the extent set out in the SDO and its applicability with regard to the Crown Development Application route. Clarity on this from the Applicants would be helpful.</p> <p>In particular, does the requirement for reinstatement as set out in the SDO – and by 31 December 2026; which is the extent to which planning permission could be granted under the Crown Development Application route – still apply after the 31 December 2025. Put another way, if planning permission was granted on 1 January 2026 for example, would this be required to contain a condition requiring the reinstatement of the site by 31 December 2026?</p> <p>Consideration has been given to factors such as changing conditions attached to planning permissions under s73 TCPA. However, as the conditions in this case are set out in the SDO, it is not possible to amend the conditions set out in legislation as set out in the SDO.</p> | <p><i>subject to such modifications as may be specified in the special development order.</i></p> <p>The terms of this provision simply explain that the relevant Order (be it a permitted development order or a development management procedure order) applies to all land in England, but where land is subject to an SDO, the relevant Order will apply only to such extent and subject to modifications as may be specified in the SDO. This leaves it open for an SDO to make particular provision, or to make modification as to the application of the relevant Order to SDO land.</p> <p>There is therefore nothing unusual in finding this provision in the CDAO25 in relation to the Crown development planning permission route, as it mirrors the provision that applies to any planning application under the DMPO (or indeed the GPDO and section 62A PO). The CDAO25, like the DMPO and GPDO, simply clarifies that it takes effect in respect of all land in in England unless particular different provision is made in an SDO.</p> <p>In this context, it is important to bear in mind that the 2020 SDO not only applies to the site, but to all the land in the 29 local authority areas listed in Schedule 1 to the SDO (amounting to over 42,000 square kilometres), unless that land benefits from specified environmental or heritage protections. That is all 'order land' for the purposes of the 2020 SDO and any limitations to the application of the general development orders apply across the whole of it.</p> |

| | Inspector's Matters | Applicant's Response |
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| | | <p>As it happens, the 2020 SDO does not, however, contain any contrary specification as to how general development orders apply to the land identified in Schedule 1 to the 2020 SDO, and so those other general development orders apply to that land as well.</p> <p>This can be contrasted with, for instance, the TCP (Napier Barracks) SDO 2021², the TCP (Former RAF Scampton) (Accommodation for Asylum-Seekers etc) SDO 2024³, the TCP (Former RAF Airfield Wethersfield) (Accommodation for Asylum Seekers, etc.) SDO 2024⁴, and the TCP (Northwood Headquarters) SDO 2025⁵, all of which clearly set out the limits that they impose on other development orders.</p> <p>Given the breadth of land covered by the 2020 SDO, absent any special provisions about the application or modification of general development orders, the 2020 SDO does not limit or modify the application of those other general development orders, including the CDAO25.</p> <p>This is plainly how article 1(2) of the GPDO and article 1(3) of the DMPO have been interpreted and applied since the 2020 SDO was made: the general permitted development rights in the GPDO continue to have effect for all land in England, including all the local authority areas in Schedule 1 to the SDO and planning permissions have been applied for and granted under the procedures set out in the DMPO across the 29 local</p> |

² SI 2021/962
³ SI 2024/412
⁴ SI 2024/411
⁵ SI 2025/37

| | Inspector's Matters | Applicant's Response |
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| | | <p>authority areas affected. There is, of course, no suggestion (for example) that permitted development rights or grants of planning permission in those areas are temporary and require reinstatement by 31 December 2026.</p> <p>There is no basis for treating the CDAO25 differently, whether generally or in relation to this site specifically. The 2020 SDO grants planning permission for the specified development identified in the 2020 SDO for all land specified in Schedule 1, which planning permission is subject to the conditions and limitations specified and can be taken up through the process of required approvals under article 4. However, the existence of such permission granted in respect of all the land specified in the 2020 SDO does not displace the existence of other planning permissions, whether granted before or after the 2020 SDO came into force, and whether granted by the GPDO or by application under the DMPO or, now, under the CDA025 (if such permission were to be granted). A landowner is entitled to implement any extant planning permission which is capable of being implemented (subject to the well-known <i>Pilkington</i> principles). The application site is no different in that respect.</p> <p>Article 1 of the CDAO25 therefore does not prohibit or otherwise prevent a planning permission being granted which is different from that already granted by the SDO. Any such application sought under the CDA025 has to be determined on its merits. If granted, then its implementation is a matter for the landowner.</p> <p>If permission is granted for the current application, it would not need to be subject to a condition requiring reinstatement by 31</p> |

| | Inspector's Matters | Applicant's Response |
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| | | <p>December 2026, as the use as Border facilities is intended to continue beyond that date and the application is for a permanent permission. Further if the new permission is granted, and the landowner chooses to implement that permission, then the 2020 SDO reinstatement condition would be superseded and the development on the application site would be regulated by the new permission.</p> |
| 6 | <p>Can the Applicants provide an update on the status of the discharge/approval of the reinstatement condition set out in Schedule 2, Part 4 of the SDO?</p> | <p>The Reinstatement Plan was submitted to Ministry for Housing, Communities and Local Government ('MHCLG') on 26th June 2025. The level of detail required for the Reinstatement Plan had been agreed with MHCLG in advance of submission.</p> <p>MHCLG has advised it is actively working to review the discharge of the condition.</p> |
| 7 | <p>What is the planning status of the St Mary's Church, Sevington, car park? This is shown on the submitted drawings, and on the legal agreement for the s106 2017 – is this where it obtained planning permission?</p> | <p>The car park for St Mary's Church was delivered pursuant to the s106 for the 'Stour Park' outline permission (ref: 14/00906/AS).</p> <p>On 24th November 2020, a car park plan was submitted to ABC, and via notice dated 25th November 2020, ABC confirmed that the drawing was approved in accordance with Schedule 2, paragraph 11.1 of the s106 (dated 13th September 2017).</p> <p>Subsequently, on 28th January 2021, a revised layout drawing was submitted to ABC, and via notice dated 01st February 2021, ABC confirmed that the revised drawing was approved in accordance with Schedule 2, paragraph 11.1 of the s106.</p> <p>Copies of the approval notices are attached for reference (Appendix 2 a & b).</p> |

| | Inspector's Matters | Applicant's Response |
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| | | <p>To clarify, this land remains within the sole ownership of DfT, and DfT retains rights of access for the purposes of Site maintenance of SuDs ponds and landscaping. The car park was included within the red-line boundary for the purposes of this application given it may be occasionally used to facilitate maintenance access (i.e. ancillary to the main use for which permission is sought). No works to the car park are proposed as part of this application, nor is the car park used for operational, or parking purposes associated with the Inland Border Facility ('IBF') / Border Control Post ('BCP').</p> |
| 8 | <p>The Environmental Statement indicates that <i>'Should the full planning application for the permanent continued use and operation of the Sevington IBF not be granted, then the operation of the IBF would cease, and the Application Site would be reinstated. In this case, the reinstatement would not encompass the complete reinstatement of the Application Site to its former use. The reinstatement would involve the removal of all built infrastructure on the Application Site as permitted under Article 3(1) of the SDO, including all buildings, cabins, fencing (including acoustic and security fencing) and lighting. The only elements that would be retained on the Application Site would be the development hardstanding plot areas, the drainage system, including all SuDs ponds, and the landscaping, including all bunds and the habitats created within the Eastern Land offsite.'</i></p> <p>Can the Applicants please provide a copy of the reinstatement plan, as required by the Special Development Order 2020, and by the various temporary planning permissions related to this?</p> | <p>A copy of the submitted Reinstatement Plan is appended for reference (Appendix 3). The level of detail required for the Reinstatement Plan was agreed with MHCLG in advance of submission.</p> |

| | Inspector's Matters | Applicant's Response |
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| 9 | <p>In terms of the number of HGV spaces sought by this application; which is for a new planning permission – what is the correct figure?</p> <p>The submitted Planning Statement, at page 14 of 57, indicates 855 goods vehicles spaces and capacity for 260 goods vehicles in 42 entry lanes. However, at page 22 of 57, at paragraph 5.2, it indicates 984 goods vehicle spaces and 240 goods vehicles in 42 entry lanes.</p> | <p>On p.14, the Planning Statement sets out the scope of development <i>consented</i> pursuant to the most recent temporary approval under the SDO (being up to 855 goods vehicle spaces and capacity for 260 goods vehicles in 42 entry lanes) (as set out in the description of development of SDO 2022 approval of details).</p> <p>On p.22, the Planning Statement sets out what is <i>proposed</i> pursuant to this application, which reflects the emerging operational situation whereby some areas of the Site can be used <i>flexibly</i> when required for operational purposes, by double-stacking Light Goods Vehicles ('LGVs') and vans in a single demarcated HGV parking space, in order to accommodate additional vehicle capacity when required in emergency situations.</p> <p>The existing (demarcated) number of lorry parking spaces on Site (including for 24 refrigerated vehicles) is 833. However, 151 of these spaces are proposed to be made operationally available for the double-stacking of smaller vehicles (LGVs / vans) allowing flexibility for 'Romeo' and 'Tango' (emergency holding areas) to respond effectively to emergencies in respect to available capacity. This application for permanent permission sought to regularise this position through the seeking of permission for 984 goods vehicle spaces. This operational flexibility for 151 of the spaces would not require any physical (on-Site) demarcation, rather an operational allowance to double-stack smaller vehicles if required in the future.</p> |

| | Inspector's Matters | Applicant's Response |
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| | | <p>Notwithstanding, since the application submission, the Applicant has discussed further the ongoing requirement for some spaces to be informally sub-divided into two. The Applicant can confirm now that a reduction of the proposed 984 goods vehicles spaces, to the actual marked out spaces of 833, is what is sought.</p> |
| 10 | <p>What capacity is being used on the site? What is this in terms of per year and percentage terms? Is this the same for both parts of the site (i.e. IBF and BCP)?</p> | <p>We note the Inspector's kind clarification in respect to Matter 10 (e-mail dated 13th November 2025) (Appendix 4a).</p> <p>There are no definitive records that establish the operational capacity of the Site at a given specific point in time. However, the Applicant has provided records of the number of vehicles that have entered the Site over the two-year period from 01st January 2024 to 12th November 2025 (Appendix 4b). The Applicant has dissected this data into days, months and years. This data evidences the throughput of vehicles and helps to illustrate the broader Site capacity requirements, in light of the upper end number of 3,946 vehicles accessing the Site on a single day (as recorded over the most recent two-year period). Operational capacity requirements are inherently dynamic and influenced by multiple variables, including ferry arrival schedules, day of the week, and seasonal demand.</p> <p>Furthermore, operational capacity is subject to disruption in exceptional circumstances such as system failures, planned IT maintenance or on-Site emergencies (for example, a munitions incident, fire, or fuel spillage), which can significantly impair throughput and overall performance and require emergency measures including the use of 'Romeo' and 'Tango'. See</p> |

| | Inspector's Matters | Applicant's Response |
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| | | <p>Appendix 4c for details of the use of Romeo and Tango over 2024 and 2025.</p> <p>The Site, at the scale that it exists, offers optimal flexibility to cater for a range of scenarios. Given the nationally important function of the Site as a border control facility, there cannot be any risk of capacities being stretched to a point of not being able to operate effectively.</p> |
| 11 | <p>How has any need for the IBF and BCF, and associated facilities, in this location rather than any other, been demonstrated?</p> <p>Within the <i>ES, Volume 1, Chapter 5, Alternatives</i>, it indicates that:</p> <p><i>Inland border facilities were built in the UK, all under the SDO granting temporary consent (sic). Two facilities were built in Kent: one at Waterbrook and the other at Sevington...The Sevington IBF currently serves the Port of Dover and Eurostar Hub (sic) (short straits portals). Owing to confidentiality, specific details regarding site selection cannot be provided...</i></p> <p><i>Whilst other temporary inland border facility sites were provided at other locations across the UK, no alternative sites have been pursued as a permanent IBF, which would serve the South-East, given the Application Site's strategic and efficient location.'</i></p> <p>Observations have been made by a number of interested parties in terms of the need for the IBF and BCP in this location. Given this, it would appear to be material that the details of site</p> | <p>DfT, HMRC and Defra undertook a Site selection exercise to consider the suitability of potential locations for an IBF. A strategic Site sifting exercise was carried out to identify sites that could accommodate the required capacity for a strategic Site to serve the South East Ports and Euro Tunnel.</p> <p>The initial Site search used the following main criteria as follows:</p> <ul style="list-style-type: none"> • Strategic Location: Accessible for Heavy Goods Vehicles ('HGVs') and near to a Strategic Port and associated Strategic Road Network ('SRN') • Suitable Size and Topography: A Site of 50 hectares plus • Use: Capable of accommodating multiple Government Department Use • Duration: The Site can be available for 3 years plus • Developable: Capable of being delivered by 1st January 2021 |

| Inspector's Matters | Applicant's Response |
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| <p>selection is provided in this case, given that it is for a scheme which has been identified as of national importance.</p> <p>Could the Applicants please provide these 'confidential' details? If it is not possible to provide this and for it to be published, full reasons should be given as to why it is not in the public interest to provide such information and recognition that the decision maker would have to determine the application in the absence of this information.</p> | <ul style="list-style-type: none"> • Proximity to Sensitive Environmental Sites: Not within close proximity to sensitive environmental sites • Planning Designations: compatible with Local Planning Designations <p>With respect to the process, HMRC's Estates team identified 51 sites, which were then reviewed with cross-Government partners (Defra, Food Standards Agency, DfT, Border Force, etc.). Additional sites were suggested by other departments and Network Rail, but the majority were discounted for reasons such as size, access, lease terms, or environmental issues. A full audit trail was kept outlining why sites were discounted. The Applicant is unable to share publicly the specific information pertaining to specific alternative sites originally considered.</p> <p>Sites in Kent were prioritised due to:</p> <ul style="list-style-type: none"> • Proximity to Dover and Channel ports and Euro Tunnel: Essential for managing inbound and outbound traffic, especially for customs and border readiness checks. • Capacity: The need to accommodate large volumes of HGVs and provide space for multiple agencies (HMRC, Defra, DfT). • Strategic location: Ashford and surrounding areas were seen as critical for both traffic management and customs compliance, with the ability to serve as contingency for main sites in emergencies. |

| | Inspector's Matters | Applicant's Response |
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| | | <p>Sites were chosen based on their ability to meet operational needs quickly, their suitability for customs and agency checks, and their deliverability within tight timelines.</p> <p>Sevington (Ashford) was chosen due to its strategic location near key Channel ports, with access to the SRN via the M20 junctions 10 and 10a, with 10a being adjacent to the Site. The location of the Site on the M20 approximately 50-miles southeast of London and 19-miles west of Dover therefore provides direct connectivity to the Port of Dover and Eurotunnel.</p> <p>The size of the Site means it can accommodate the multi-Government Department use and meet the required capacity needs.</p> <p>The Site was available and was considered to be suitable for rapid development, and to have ability to meet the operational requirements of multiple Government agencies within the required timeframe.</p> <p>As the Site has now been in use for 5 years, the creation of a new Site at any of the alternative locations considered in 2020 would not be a reasonably comparable alternative to making the current Site permanent.</p> <p>The financial viability of relocating to an alternative site, if one existed that was available, developable and capable of being operational at the point of cessation of the planning permission granted under SDO, which there is not, would be wholly prohibitive. The original purchase of the land and capital costs to build were approximately £175m-£200m. Significant</p> |

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| | | <p>investment was made into the Site to purchase and develop it originally (£175m-£200m), and there would be further costs to reinstate the Site to permanently dispose of it. It is expected that developing the infrastructure at a similar scale elsewhere would require further costs within a similar range.</p> <p>The Applicants do not agree that the details of the site selection process are material to the case for permission. In particular, they do not affect the question of whether the development is “of national importance”. The criteria for development to be considered of national importance is set out in the Written Ministerial Statement (‘WMS’) made on 13th February 2025. In this case, the development is of national importance because it “contributes towards the provision of national public services or infrastructure”, namely “border infrastructure”. The Applicants submitted a statement of national importance in accordance with the requirements of article 4(1)(c)(iii) of the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025. In response, the Secretary of State decided under s.293D(5) that the development is of national significance and it was permitted to proceed down the Crown Development procedure. Under s.293F(1) that decision is final.</p> |
| 12 | How does the site operate in practical terms, given that it is about 15 – 22 miles from the entry/exit point to the UK? | Before reaching the Port of Dover / Eurotunnel, commercial vehicles are contacted and advised to attend the Site for checks. This is via Goods Movement Reference (‘GMR’) or arrival screens for ferries at Dover. On exports, drivers are informed by .gov and various trade bodies on their obligations to attend the Site before leaving the UK. On imports, drivers are |

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| | | <p>advised by various IT systems on their obligations to complete customs paperwork at the Site.</p> <p>Having been contacted, it is a legal requirement for the driver to attend the Site. If a driver does not attend the Site, their consignment will be unauthorised and would not have the required clearance. The response to that is for the relevant authorities.</p> |
| 13 | <p>How would the site be used as part of Operation Brock/TAP and/or any other similar situation or emergency?</p> <p>What would be the frequency and length of 'emergency' use?</p> <p>What facilities would be provided on site to accommodate Kent Resilience operations and/or emergency situations? (for example toilets and other amenity facilities).</p> <p>How has this use been demonstrated?</p> <p>How does this use relate to the scheme as a whole being determined as of 'national importance' by the SoS MHCLG?</p> | <p>Sevington IBF is a site available to the Kent and Medway Resilience Forum as part of its 'Operation Fennel' for traffic management, with 300 spaces available to park HGVs. Sevington IBF (and Ashford International Truck Stop) would be considered for use as part of these measures when Operation Brock (Alpha) reaches 75% capacity. It would only be used if traffic to both Eurotunnel and the Port of Dover were disrupted (Brock Alpha holds two queues of c.1000 HGVs for both). If deployed, traffic marshals and signage would be used to direct HGVs from the front of the Brock Alpha queue to either Euro Tunnel ('ET') or Traffic Assessment Project ('TAP') / Port of Dover ('PoD').</p> <p>Sevington IBF would be used for Traffic Management for as long as the disruption lasted or until this ended at one of Eurotunnel or Port of Dover.</p> <p>When deployed, Sevington IBF would have limited additional facilities, including portable toilets.</p> <p>There has been limited use of Sevington IBF for traffic management as part of Operation Brock. However, the Site has often been stood up as part of contingency plans for Kent. It</p> |

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| | | <p>was stood up in Easter 2023 to provide a potential capacity for coaches following significant disruption at the Port of Dover. It was also stood up in Summer 2023 and Summer 2025, with toilet facilities and staff resources prepared for potential disruption events.</p> <p>Sevington was brought into use in January 2021 when the French border was closed. It served as a site for enforcing the Kent Access Permit requirements and was also used by the military to carry out COVID-19 testing for hauliers.</p> <p>The Site was also used during Storm Eunice in 2022 when the Ports were closed. Storm Eunice was a severe Atlantic storm that struck parts of Western Europe on 18th February 2022. On 17th February, the Met Office issued a rare Red Alert warning for the western coasts of Southwest England and Wales. The storm caused widespread disruption across Kent and the wider country. Both Eurotunnel and the Port of Dover were temporarily closed, causing significant delays. To manage the disruption, the Sevington Site was stood up to accommodate HGVs.</p> <p>For clarity, the use of the Site during emergency situations as part of Kent resilience is not, alone, considered to be of national importance. Rather, the ability for the Site to absorb vehicles from the SRN during emergency situations, is a wider public benefit. As set out in the submitted Statement of National Importance, the national importance of the scheme is based on it providing critical national infrastructure, specifically border</p> |

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| | | <p>infrastructure, which is required for border security in the national interest.</p> <p>For clarity, Romeo and Tango are also used in the instance of on-Site emergencies. In 2024, Romeo was utilised a total of 42 times, and Tango 5 times. In 2025, Romeo was utilised a total of 47 times, and Tango 2 times.</p> <p>See Appendix 4c for details of the use of Romeo and Tango over 2024 and 2025.</p> |
| 14 | <p>In terms of the maintenance of the Public Right of Way (PRoW), and concerns raised over it washing away and the provision of litter/dog waste bins; could the Applicants provide clarity on this?</p> <p>Have all the necessary extinguishments referred to in the temporary planning permissions now occurred?</p> | <p>Clarification has been provided by KCC, confirming that there is only one section of the footpath where water flows across during heavy rain, and this is located to the south-west of the staff car park entrance, to the north-west of the pond.</p> <p>KCC have advised that the path remains usable in this location, although it may be more difficult for pushchairs or mobility scooters.</p> <p>The Applicant acknowledges that the resurfacing of the Public Right of Way ('PRoW') and provision of surface water drainage in this location, could serve to mitigate this issue. Discussions are continuing with statutory authorities.</p> <p>With respect to matters around litter, it is clarified that, outside of the Site boundary, the maintenance of bins and litter removal fall within the responsibility of ABC / KCC.</p> <p>The Applicant considers that to the extent it is able to manage litter, it would be appropriate for a condition to be imposed requiring the submission of a litter maintenance & management</p> |

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| | | <p>plan, to be agreed with ABC. The Applicant is discussing a potential condition with ABC.</p> <p>The necessary extinguishment of the former PRoW which passed through the Site has been confirmed by Notice from KCC dated 28th March 2023. Two further Notices from KCC dated 28th March 2023 confirm the new PRoWs extending around the Site. Copies of these notices are appended in Appendix 5 a, b & c.</p> |
| 15 | <p>There is reference to a 'pledge' to hand land over to ABC at Land east of Highfield Lane by the 'government' from interested parties.</p> <p>Could the Applicants provide clarity on this?</p> | <p>It is understood that this reference to a 'pledge' was provided in the comments from an interested party on behalf of The Ramblers.</p> <p>Whilst there have been conversations with ABC around the possibility of ABC taking over responsibility for maintenance of Sevington East (which is the land east of Highfield Lane), there has been no commitment made by either party.</p> <p>Irrespective of this, the application proposes to secure Sevington East for the purpose of biodiversity for a 30-year period, which is secured through the UU (which has been submitted as part of the application).</p> |
| 16 | <p>Where is the power infrastructure referred to by UK Power Networks, located in relation to the application site – is it on/near to the site?</p> <p>How might it be affected by the application scheme?</p> | <p>The location of the UK Power Networks ('UKPN') substation is shown in the image below, adjacent to the staff car park within the Site boundary.</p> <p>Given no further development is being proposed on-Site, there will be no impact upon the UKPN substation.</p> |

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| <p>17</p> | <p>A holding objection has been submitted by Kent County Council (KCC) in its capacity as the Lead Local Flooding Authority (LLFA). This raises concerns that it has not been demonstrated that the current drainage network complies with the latest required standards.</p> <p>What observations are there from the Applicants on this point?</p> | <p>No changes are proposed to the existing drainage system, which the on-Site experience suggests being appropriately functional, with no issues recorded.</p> <p>Notwithstanding that, technical work is currently being undertaken by Waterman, to review the existing drainage system and assess it against the relevant standards. The Applicant is engaging with KCC on this matter and working to resolve the holding objection in advance of the inquiry.</p> |
| <p>Character and appearance (some matters also relate to other issues, such as landscape)</p> | | |

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| 18 | <p>How has the scheme, which was originally granted permission under a temporary planning permission, designed to integrate with the area?</p> <p>How does this accord with Paragraph 88 of the Framework, where planning decisions should enable the sustainable growth of all types of business in rural areas...through...well-designed, new buildings?</p> <p>How does the scheme accord with Paragraph 96 of the Framework which sets out that <i>'Planning policies and decisions should aim to achieve healthy, inclusive and safe places...'</i>?</p> <p>Paragraph 102 of the Framework, sets out that <i>'the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications...'</i></p> <p>How has this been achieved in the scheme here?</p> <p>Paragraph 135 of the Framework sets out that:</p> <p><i>Planning policies and decisions should ensure that developments:</i></p> <p><i>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></p> <p><i>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</i></p> <p><i>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not</i></p> | <p>It is acknowledged that the Site was originally developed under a temporary approval, and that there are no changes to the buildings proposed as part of this application for permanent permission. Whilst no 'new' buildings are proposed, through effectively re-using existing buildings, the proposals support significant employment in the area, in accordance with NPPF paragraph 88(a). If Sevington IBF was to cease operation, this would be to the detriment of hundreds of jobs, which would be contrary to the aims of Paragraph 88.</p> <p>Paragraph 89 acknowledges that sites to meet local business needs in rural areas may have to be found adjacent to existing settlements. In these circumstances, the use of previously developed land ('PDL'), and sites that are physically well-related to existing settlements should be encouraged. Given the Site is PDL and is physically well-related to existing settlements, and importantly for the purposes of specific operational requirements, to the SRN, the Site is considered suitable and appropriate for the proposed border facility operation. The Site is considered PDL noting its existing (albeit temporary) status and the expectation that any reinstatement would retain Site access and circulation roadways, plus the development platforms (see SDO 2022, informative 5).</p> <p>Whilst the Site is a secure Government Site into which access must be restricted, areas to the perimeter of the Site promote healthy and safe communities. The scheme accords with Paragraph 96 by proposing significant on-Site and off-site Biodiversity Net Gain ('BNG') enhancements (including securing BNG across Sevington East for 30-years), enhanced</p> |

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| <p><i>preventing or discouraging appropriate innovation or change (such as increased densities);</i></p> <p><i>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</i></p> <p><i>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</i></p> <p><i>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</i></p> <p>How has the scheme addressed the requirements of this national policy?</p> | <p>landscaping, being safe and secure through suitable and appropriate lighting and fencing given the nature of the operation, delivery of enhanced PRowS (to bridleways) for walking and cycling, whilst promoting social and community interaction through the provision of secure employment, apprenticeships, community programmes and social value initiatives, support for small-medium businesses, and mentorship programmes established with local suppliers (all as explored further in the Applicant response to Matter 93 below).</p> <p>In respect to NPPF paragraph 102, the layout and design of the development is set within the context of a secure Site that, out of operational necessity, is self-contained. The layout and design of the development have been secured to ensure the safe operation of a border facility, also taking into full account potential threats based on the broader operational knowledge and understanding by multi-Governmental agencies.</p> <p>The buildings were designed in light of operational requirements, and their design continues to support the functional requirements of the Site's ongoing operation, in accordance with NPPF paragraph 135(a) which requires that developments will function well over the lifetime of the development. The enhanced landscaping schemes, once fully implemented and matured, will add to the overall quality of the area.</p> <p>The siting of the buildings within the central region of the Site setback from Site boundaries, reduces the visual prominence of the buildings in views from the surrounding highways network, PRowS and residential properties, and creates</p> |

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| | | <p>opportunity for meaningful landscaping to be provided around the Site perimeter which, once established and mature, will provide additional visual screening. Accordingly, the layout and landscaping have been designed in consideration of NPPF paragraph 135(b) and aim to enhance the visual attractiveness of the Site.</p> <p>The landscape design, in particular, is key to integrating the Site into its context and responding to local character. Extensive planting adjacent to the Site boundaries and around SuDs ponds will help to screen views and create an attractive environment for users of the surrounding PRoW network and local residents. Although there are constraints adjacent to 'Tango' which mean that in some areas planting is limited to low maintenance amenity grassland, the proposals provide native species tree and shrub, native species hedgerow, native species shrub and ground cover, as well as three trees, adjacent to the western boundary of Tango. Details are shown in the submitted Landscape Environmental Management Plan ('LEMP').</p> <p>A key aspect of the Site layout is the retention of a viewing corridor free from built form or hardstanding, running through the central region of the Site. This is an important response to local character and heritage interests, and through planting (including a wildflower meadow) in the viewing corridor, will enhance the visual amenity of the Site for Site-users (staff and visitors (drivers)), alongside those utilising the upgraded PRoW around the Site and across Sevington East. This responds</p> |

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| | | <p>successfully to NPPF paragraph 135(c) by demonstrating a sympathetic response to local character and history.</p> <p>Safety and security are key informants of the Site design and ongoing operations. Security fencing around the Site perimeter and access control measures are essential to ensuring community safety by preventing unauthorised persons from entering the Site and persons / goods from leaving the Site in an unauthorised manner. This is further supported by CCTV surveillance, external lighting, security patrols and proactively monitored Site ingress and egress points. The Site access points have been designed in accordance with technical requirements to support driver and pedestrian safety. Within the Site, the internal layout (including configuration of vehicle and pedestrian routes), lighting design and operational management, are all instrumental to supporting pedestrian safety and minimising risk of pedestrian-vehicular conflict. Collectively, all of these measures aim to promote safety for Site-users, the local community and the general public, in accordance with NPPF paragraphs 96(b), 102 and 135(f).</p> |
| 19 | <p>What certainty is there that the landscaping proposed (both hard and soft) can be secured and delivered, given that there are examples of failed landscaping arising from the temporary planning permission schemes?</p> | <p>Some of the planting implemented as part of the temporary relevant approvals has failed.</p> <p>In response, a third-party landscape architect was engaged (BCA), to review the previous landscape proposals and LEMPs (for both the Site and adjacent Sevington East), and advise on updated landscape proposals and long-term maintenance and management. This is detailed in the submitted Landscape Maintenance & Management Plan ('LMMP') and detailed planting plans, which can be secured via a condition requiring</p> |

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| | | <p>full implementation of landscape proposals and ongoing management and maintenance for the 10-year period set out in the LMMP. As part of the reinstatement of failed planting and new additional planting, the Applicant intends to implement a comprehensive programme of weed eradication, soil testing (and any required improvement measures based on the results of testing), and re-review of the LEMPs to identify any required changes based on the results of testing. It is important that timing limitations are not imposed by condition, that would restrict the opportunity for such necessary steps to be implemented and for planting to be carried out in the correct planting season.</p> |
| 20 | <p>What certainty is there that the town of Ashford would not coalesce with hamlet/villages such as Sevington, Mersham, etc?</p> | <p>The Applicant has agreed to safeguard Sevington East (the land parcel to the east of the Site and west of Mersham village) for biodiversity purposes for a 30-year period, which is secured through the submitted UU.</p> <p>This safeguard against development would provide certainty against coalescence of adjacent villages and demonstrates a policy-compliant response to Local Plan Policy SP7.</p> |
| 21 | <p>How does the soft and hard landscaping help integrate what would be a permanent facility, into the surrounding landscape?</p> | <p>Once the LEMPs are established there will be maturing natural stand-offs from boundaries including tree screening, habitats and SuDs. This will help to 'green' views into the Site from the surrounding PRow network, residential properties and adjacent highways.</p> <p>As noted in response to Question 18, adjacent to the western boundary of Tango the proposals provide native species tree and shrub, native species hedgerow, native species shrub and</p> |

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| | | <p>ground cover, and three trees. Details are shown in the submitted LEMP.</p> <p>There are extensive areas of hardstanding across the Site, which are required for operational purposes, and limited views of these, together with buildings, are just visible in longer distance views from higher topographies (including the National Landscape). However, given the distance of 2.5km to 5km, the development will visually coalesce with the adjoining Ashford International Truck Stop and other commercial built development to the west of the Site and to the southeast of Ashford. The Site would not be viewed as a singular, isolated development parcel. The proposed perimeter landscaping, as well as landscaping within the central viewing corridor, will break up and soften the hardscape, and will be complemented by the significant scheme of biodiversity to be secured across the parcel to the east.</p> |
| 22 | <p>What consideration has been given to the colour of the buildings so that their visual impact within the immediate and wider area (including the National Landscape) is minimised?</p> | <p>In advance of the buildings being developed pursuant to the SDO, there was consideration of the colour of the buildings and the impact on the wider environment.</p> <p>A green (or darker colour) palette could be more intrusive visually, particularly if viewed from the local area such as the setting of the surrounding listed buildings, and in particular the impact on the Grade I listed church and surroundings.</p> <p>From the evidence set out in the Landscape Visual Impact Assessment ('LVIA'), the SIBF is not clearly distinguishable as a single development, as it is part of the wider development, including commercial big box development and infrastructure,</p> |

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| | | <p>on the southern edge of Ashford. In the images (Fig. 30 and Fig. 31, LVIA) captured in the daytime, it is very difficult to determine the colour of the buildings. In the night-time image of the SIBF (Fig. 31, LVIA), the impact of the operational lighting is clear, but the colour of the buildings is not. It can be concluded that the colour of the buildings has little to no impact on the Kent Downs National Landscape ('KDNL').</p> <p>With reference to Kent Downs Guidance, based on the palettes it would seem that a grey, neutral tone can be appropriate in particular settings.</p> <p>As the Applicant has experienced the Site throughout the seasons, it has noted that the existing palette remains the most appropriate for the development.</p> |
| 23 | <p>With regard to the site fencing, which includes palisade fencing with razor tops, how was this designed so as to integrate with the wider rural setting?</p> <p>Why is it required to appear as it does; with razor fencing tops? Is this to keep something within the site (and if so what), or prevent access to the site (in which case why does it require razor style fencing, why would people being trying to get into the site unlawfully or incorrectly)?</p> | <p>The SIBF is a secure Site. The anti-climb measures put into place are an operational requirement given the nature of the checks which are carried out at the Site. Due to security requirements and for the safety of the public, users and staff working at the Site, it is operationally necessary to have the fencing.</p> <p>It is important the SIBF benefits from the most appropriate and effective fencing, and the Applicant accepts that given the operational requirements, it is difficult to design such security fencing to be sympathetic to the wider rural setting.</p> <p>As planting adjacent to the Site boundaries matures (following replacement where necessary), this will help to screen fencing and improve the associated visual impact.</p> |

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| | | <p>The anti-climb product that is installed on top of the palisade fencing was an additional measure fitted in response to a single clandestine incident shortly after operation of the site began.</p> <p>HMRC have carried out a security risk assessment report which provides a detailed analysis of on the implications associated with the removal of the anti-climb feature from the site's 2.1-meter palisade perimeter fence. HMRC have concluded that eliminating this security measure would significantly elevate the risk of unauthorized access, potentially lead to operational disruptions affecting critical government functions, and require increased allocation of security resources. HMRC have taken into consideration Centre for the Protection of National Infrastructure ('CPNI') guidance to ensure the continued security and uninterrupted operation of this 24/7/365 government site. The anti-climb feature was adopted as it was considered less visually intrusive and a safe deterrent whilst still being effective for security requirements.</p> |
| 24 | <p>What commitment and certainty is there that the land East of Highfield Lane would be preserved and maintained as a green buffer to ensure that there is no further coalescence of the settlements of Ashford, Sevington, Finberry, and / or Mersham?</p> | <p>The Applicant has agreed to safeguard Sevington East (the land parcel to the east of the Site and west of Mersham village) for biodiversity purposes for a 30-year period, which is secured through the submitted UU.</p> |
| 25 | <p>How does the application scheme comply with Policy SP7 of the Ashford Local Plan 2030? This sets out:</p> | <p>The safeguard noted in response to Q24 above would actively prevent coalescence with adjacent villages demonstrating a policy-compliant response to Local Plan Policy SP7.</p> |

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| <p>Policy SP7 - Separation of Settlements</p> <p>Proposals for built development on non-allocated sites outside the built up confines of settlements shall be permitted only where its impact, individually or cumulatively, would not result in the coalescence or merging of two (or more) separate settlements, or the significant erosion of a gap between settlements resulting in the loss of individual identity or character.</p> <p>Proposals for outdoor sports and recreational uses will be permitted subject to there being no overriding conflict with other policies and the wider objectives of the Plan. Any related built development should be kept to the minimum necessary to enable the functioning of the associated use, be sensitively located and of a high quality design.</p> | |
| <p>Local landscape, including on the Wye Downs National Landscape (formerly Area of Outstanding Natural Beauty (AONB))</p> | |
| <p>26 How does the application consider the duty under s245 of the <i>Levelling-Up and Regeneration Act 2023</i> (LURA) and the 'Duty' in respect of Areas of Outstanding Natural Beauty (AONB) / National Landscape?</p> <p>This sets out that:</p> <p><i>'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'</i></p> | <p>The amended duty was considered in the cases of <i>New Forest National Park Authority v SSHCLG</i> and <i>R(CPRE Kent) v SSHCLG</i>. In <i>New Forest</i>, Mould J confirmed that, while the duty is 'strengthened', it is expressed in qualified terms and there is no duty necessarily to fulfil the statutory purposes: the duty is to <u>seek</u> to further, not necessarily to achieve that furthering of the statutory purposes.</p> <p>'Furthering' the statutory purposes requires a decision-maker to do more than merely weigh a development's effect on the purposes in the overall planning balance. To discharge a duty a relevant authority, may, once it has reached a view as to whether a development is consistent with furthering statutory purposes, consider whether a decision is justified. A decision may include mitigation or compensation secured by planning conditions and obligations.</p> <p>In <i>CPRE Kent</i>, Mould J confirmed that the principles in <i>New Forest</i> remained applicable. Further, he rejected the claimant's construction of the duty which would oblige a planning authority</p> |

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| | | <p>to refuse permission whenever any harm was found. This <i>“would result in a radical shift in the planning authority’s performance of its statutory functions...replacing an essentially evaluative determination with a single determinative factor”</i> – a change that was not properly borne by the language of the strengthened duty.</p> <p>In this case, the development is located 2.6km from the boundary of the KDNL. The LVIA identifies no significant adverse impacts on the KDNL, as based on the view from viewpoint 12 the facility cannot be seen during the daytime.</p> <p>A further Site visit has been carried out, revisiting viewpoint 12 (including nighttime photography), with additional photography taken from eight additional viewpoints within the KDNL (including within Appendix A of the appended Landscape Technical Note (Appendix 12)). As shown in the revisited viewpoint 12 and eight additional viewpoints, there is very limited visibility of the development on the long-range views with no visibility from the closest viewpoint locations to the Site. The Applicant has considered the impact that retaining the development would have on the setting of and long-distance views from the Kent Downs National Landscape and determined that, with the full implementation and maturing of landscaping proposed across the Site and the adjacent Sevington East Off-Site BNG Land, alongside an effective lighting mitigation strategy. The proposed development blends with the urbanised characteristics of the adjacent Ashford International truck stop and with the various commercial uses on the edge of the Ashford urban area to the west of the site.</p> |

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| 27 | <p>What mitigation has been proposed to specifically mitigate the impact of users of the Kent Downs National Landscape (KDNL)? This includes night-time views when the site is illuminated.</p> | <p>Lighting mitigation has been implemented, as detailed in the appended Lighting Technical Note (Appendix 13) and the updated Lighting Survey Report attached to that. This includes switching off lighting in areas of the Site when not required operationally, and dimming lux levels to the lowest levels feasible whilst maintaining operational safety.</p> <p>The impact of the implemented lighting mitigations on night-time views from the KDNL, has been demonstrated in the night-time photography contained in the appended Landscape Technical Note (Appendix 12).</p> <p>During the daytime, the full implementation and maturing of landscaping proposed across the Site and adjacent Sevington East, would help to mitigate the impact of users of the KDNL. Further to this, even currently, the further assessment (as set out in the appended Landscape Technical Note (Appendix 12)) of additional viewpoints within the KDNL demonstrates that there is very limited visibility of the development on the long-range views with no visibility from the closest viewpoint locations to the Site.</p> |
| 28 | <p>The LVIA, page 21/28, Fig 32 Light pollution, and Para 7.20 Planning statement indicates that associated lighting impacts on the AONB are in the external lighting assessment – where can these be found?</p> | <p>External lighting impacts in views from the KDNL are demonstrated in the night-time photography contained in the LVIA.</p> <p>Additional night-time viewpoints from within the KDNL are shown within the appended Landscape Technical Note (Appendix 12).</p> |
| 29 | <p>Is the LVIA accurate in terms of its assessment of the impacts on the KDNL/AONB?</p> | <p>Based on the conditions during the Site survey and the distance from the Site (~5Km) there was no perceivable visibility of the</p> |

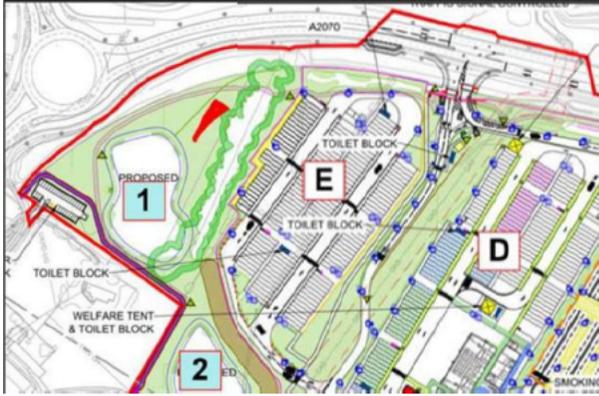
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| <p>The Kent Downs National Landscape Team have set out that, in their view; <i>'The assessment of the LVIA, as set out at Table 41 that "Due to the distance of this viewpoint to the Development and the dense tree and hedge coverage within the wider landscape the recreational users of North Downs Way will experience no views of the Development" is factually incorrect and therefore the assessed Magnitude of Change and Likely Significance of Effect for Viewpoint 12 is also strongly contested by the KDNL team.'</i></p> <p>What observations are there from the Applicants on this point?</p> | <p>development from viewpoint 12. As such the assessment identified no likely significant effects. This viewpoint was agreed as part of the scoping and represents users of the KDNL from a key viewpoint on the North Downs Way.</p> <p>Although Waterman have identified no perceivable visibility from this particular location, this is not to suggest there is no potential visibility of the scheme from other locations within the KDNL. The ZTV was used as guide to understand where potential visibility of the Development would occur. This aligned with the agreed location of viewpoint 12.</p> <p>Waterman assessed the visibility of the scheme from this particular viewpoint identified as a representative viewpoint for users of the KDNL. The assessment from this particular view was not intended to assess the visibility of the development from the KDNL.</p> <p>Viewpoint 12 has subsequently been revisited on 10th and 11th November 2025 in clear weather conditions. The viewpoint photography was reshot and is included in Appendix A of the Landscape Technical Note appended to the Statement of Case at Appendix 12.</p> <p>The assessment from viewpoint 12 has been reviewed based on the comments from the KDNL team.</p> <p>There is very limited visibility of the development within the wider view, and by following the methodology included within in the LVIA, which follows Landscape Institute Guidance, the Magnitude of Change would be negligible as opposed to no change which was stated in the LVIA. This would result in a</p> |

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| | | <p>negligible Significance of Effect, meaning the development would cause no easily discernible change to visual amenity and key views.</p> <p>As such, there would still be no significant effects on the KDNL at viewpoint 12.</p> <p>The nighttime views from viewpoints 12 and 12B show lighting is visible within the view. However, this is seen in conjunction with the lighting from the nearby urban areas of Ashford and Willesborough and as such is read in the context of these.</p> |
| 30 | <p>Kent Downs National Landscape Team go on to indicate that: <i>'Our contention is that the findings of the Assessment in respect of impacts to the KDNL should either be disregarded or the LVIA corrected, including with the substitution of photographs that should be taken in conditions of clear visibility.'</i></p> <p>What observations are there from the Applicants on this point?</p> | <p>The findings of the LVIA are considered to be valid, based on the conditions during the Site survey.</p> <p>The Applicant has acknowledged KDNL Team's concern and carried out further assessment in conditions of clear visibility as detailed in response to Matter 30.</p> |
| 31 | <p>How does the application accord with Paragraph 189 of the Framework? This sets out that:</p> <p><i>'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be</i></p> | <p>The development is located 2.6km from the boundary of the Kent Downs National Landscape, and it is acknowledged that the Site falls within its setting.</p> <p>The Site is situated adjacent to the urban area of Ashford, and so the Site is experienced in conjunction with this established developed context, rather than as an isolated development within a rural setting. This minimises the adverse impacts of the development in the setting of the KDNL.</p> <p>The LVIA identifies no significant adverse impacts on the KDNL, as based on the view from viewpoint 12 the facility cannot be seen during the daytime.</p> |

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| | <p><i>sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'</i></p> <p>How does the application accord with Policy ENV3b of the Ashford Local Plan?</p> <p>This sets out:</p> <div style="border: 1px solid black; background-color: #e0f2f1; padding: 5px;"> <p>Policy ENV3b – Landscape Character and Design in the AONBs</p> <p>The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.</p> <p>Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.</p> <p>All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:</p> <ul style="list-style-type: none"> • The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape. • The development would enhance the special qualities, distinctive character and tranquility of the AONB. • The development has regard to the relevant AONB management plan and any associated guidance. • The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB. </div> | <p>This is further addressed in respect to Matter 30.</p> <p>In relation to Policy ENV3b, due to the very limited effect on the KDNL the Development would not result in the reduction of the natural beauty of the KDNL. As such the Development would accord with Policy ENV3b with regard to the purpose of conserving the natural beauty of the Kent Downs National Landscape, albeit acknowledged by the Applicant that the Development does not enhance it.</p> |
| 32 | <p>With regard to the Kent Downs AONB Management Plan, and specifically policies SD3, SD7, SD8, SD10, SD11 and SD12, as identified by the Kent Downs National Landscape Team, what observations do the Applicants have on these and this plan?</p> | <p>SD3 – The change in land use sits 2.6km outside the KDNL. As such the character and qualities of the KDNL would be retained.</p> <p>SD7 – The development sits in an area where there is already light spill from Ashford and the surrounding area. This is indicated in the nighttime view from viewpoint 12.</p> <p>SD8 - The change in land use sits 2.6km outside the KDNL. As such distinctive landform, landscape character, special characteristics and qualities of the KDNL would be retained.</p> |

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| | | <p>There is limited visibility of the development from the KDNL, as such the setting and view from the KDNL would not be affected.</p> <p>SD10, SD11 & SD12 - The change in land use sits 2.6km outside the KDNL. As such the character and qualities of the KDNL would be retained.</p> |
| 33 | <p>What observations do the Applicants have in respect of the following comments from the Kent Downs National Landscape Team?</p> <p>These are:</p> <p><i>'It is recommended that appropriate mitigation is incorporated into the development. In addition, all measures to reduce the impacts of the lighting scheme should be implemented. Additional planting is unlikely to be effective in assisting in ameliorating impacts in views from the KDNL, as the buildings would remain visible above any planting along the north boundary of the site, due to the higher topography of the views from the KDNL. It is therefore recommended that the existing roofing materials and external cladding to the north face of the buildings is changed to a much darker tone, which should be informed by reference to the Kent Downs Guidance on the Selection and use of colour in development. This would result in a significant reduction in the impact of the built facility in views from the KDNL. Such a requirement would also help demonstrate compliance, for both the Applicant and Planning Inspectorate, with the new Protected Landscapes Duty.'</i></p> | <p>A green (or darker) palette could be more intrusive visually, particularly if viewed from the local area such as the setting of the surrounding listed buildings, and in particular the impact on the Grade I listed church and surroundings.</p> <p>Given the viewpoints from within the KDNL range from approximately 2.5km to 5km away from the Site. It is not considered that the colour of buildings would be perceptible from the KDNL in the context of the broader hardstanding of the Site, noting the broad elevated topography of the KDNL.</p> |

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| 34 | <p>Is the E04 (town centre urban nighttime economy) standard, which has been used in respect of lighting, appropriate?</p> <p>If so, why is this an appropriate standard?</p> | <p>As noted in the appended Lighting Technical Note (Appendix 13), rather than referencing E04, the document should read E2 (rural), and the assessment has been carried out on this basis.</p> |
| 35 | <p>How does the proposal integrate with the Policy ENV4 of the Ashford Local Plan 2030 and the locally adopted Dark Skies Supplementary Planning Document (2014)?</p> <p>Policy ENV4 sets out:</p> <div data-bbox="300 608 1106 1206" style="border: 1px solid black; padding: 5px;"> <p>Policy ENV4 – Light Pollution and Promoting Dark Skies</p> <p>Proposals will be permitted provided that the lighting proposed is: the minimum appropriate for its purpose; is designed such that lighting is directed downwards, with a beam angle below 70 degrees and; that no significant adverse effects individually or cumulatively will result to the character of the area, the residential amenity of local residents, the safety of vehicle users and pedestrians or the diurnal/seasonal rhythms of the Borough's biodiversity assets.</p> <p>The correlated colour temperature (CCT) of outdoor lighting should not exceed 3000 Kelvins in order to limit the effects of known environmental hazards associated with short-wavelength visible light.</p> <p>Proposals where external lighting is required should include a full lighting scheme that provides information about layout and beam orientation, a schedule of the light equipment proposed including luminaire type, mounting height, aiming angles and lumen unit levels. Schemes will be expected to comply with ILP technical guidance in relation to the Environmental Zone in which an application is proposed.</p> <p>Within the area proposed to be designated as a 'dark sky zone', proposals will only be permitted where they adhere to the above requirements and where they can demonstrate that there will be no significant adverse effects on the visibility of the night sky or its intrinsically dark landscapes.</p> <p>All proposals will be expected to demonstrate clear regard to the guidance and requirements set out in the Council's Dark Skies SPD (2014).</p> </div> | <p>Subsequent to submission of this Crown Development application, since June 2025 additional lighting mitigations have been implemented on-Site, including the switching-off of lights where not necessary for operational purposes, and the dimming of lights to the lowest levels possible whilst still meeting operational and on-Site safety requirements. As such, as required by Local Plan Polic ENV4, the lighting is now at the minimum appropriate for its purpose, whilst ensuring the safety of vehicle users and pedestrians.</p> <p>To protect residential amenity for nearby occupiers, baffles had previously been installed on luminaires closest to residential interfaces, and some lights had been removed / permanently switched-off. In acknowledgement that 'Tango' is situated in closest proximity to residential receivers, this part of the Site is only used as an absolute 'last resort'.</p> <p>In order to demonstrate a commitment to minimising lighting impacts as far as possible on residential amenity, local amenity and dark skies, the Applicant will consider a condition requiring submission of a lighting mitigation & implementation plan, additional to the information submitted now as evidence of the implemented mitigations.</p> <p>Further to the above, additional technical work has been undertaken, including lux level surveys and revisiting viewpoints within the National Landscape to retake</p> |

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| | | <p>photographs for night-time views. Details are provided in the appended Lighting Technical Note (Appendix 13) and Landscape Technical Note (Appendix 12). This demonstrates that lighting from the Site is viewed in the context of surrounding illumination associated with Ashford, and not in isolation within an area of dark skies.</p> |
| <p>36</p> | <p>What consideration been given to how the landscape has been affected from being an arable field to now essentially, a lorry stationing area with associated buildings and infrastructure?</p> | <p>The LVIA includes an assessment of the impacts on Landscape Character at section 6. Table 9 provides an assessment of the effects of the Site and the surrounding landscape character areas.</p> |
| <p>37</p> | <p>What evidence is there that the Miyawaki method for indigenous woodland is required and/or workable?</p> | <p>The Miyawaki method was implemented at the Site by KCC as part of the 'Trees Outside Woodland' research programme.</p> <p>Trees were planted by KCC, in the location denoted by a red triangle in the plan below, in the north-western part of the Site adjacent to the pond.</p>  |

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| | | <p>This was followed by a Memorandum of Understanding ('MOU') covering the period April 2023 – March 2025, conveying responsibilities for management and maintenance on KCC.</p> <p>The present-day appearance of the trees which were planted is shown in the following photograph (taken on 14th November 2025).</p> |

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| | | <p>It is clarified that, whilst relating to the Site, the partnership research programme is entirely separate from this application.</p> <p>For the purposes of this application, a maintenance and management plan for woodland has been set out in the submitted LMMP (refer p.A10).</p> |
| 38 | <p>What landscaping has or will be placed within the viewing corridor between Mersham and Sevington Churches?</p> | <p>The landscape proposals for the viewing corridor are detailed in the LEMP submitted as an appendix to the LMMP. This demonstrates a landscape scheme comprising species rich wildflower meadow, native species shrub and ground cover, native species tree and shrub, open grassland, and low maintenance amenity grassland.</p> |
| Heritage assets (including archaeology) | | |
| 39 | <p>Could the Applicants provide a map showing the location of all heritage assets on or near to the site?</p> <p>This should include the approximate location of all known above and below ground archaeological remains, with a brief description of their nature.</p> | <p>Please see appended a map showing the location of all heritage assets on or near to the Site (Appendix 6).</p> |
| 40 | <p>In terms of the Royal Observatory Corps (ROC) structure, it is indicated that this has been retained on site. This is defined as a Non-Designated Heritage Asset (NDHA).</p> <p>Where exactly is this on the site?</p> <p>Where have any impacts on its setting arising from the submitted scheme been considered?</p> <p>What measures are in place to protect it for future generations?</p> | <p>The Royal Observatory Corps structure is recorded in the HER as being at NGR 604190 140530, however Site investigations by WSP determined the post is located further west than recorded, at NGR 604158 140610. At this location, above ground, is a 2.0m by 1.0m raised mound of approximately 0.5m height with frequent broken concrete blocks and corroded metal objects. Please see appended a map identifying the location of the ROC structure (Appendix 7).</p> |

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| <p>When are the information boards relating to the ROC due to be provided?</p> <p>How will these be secured?</p> | <p>Submitted Heritage Statement, p41, paras 8.3.1-8.3.4 covered setting impacts:</p> <p>“The ongoing operation of Sevington IBF would not physically impact the monitoring post, which remains in situ within the Application Site boundary. The Development would therefore result in no physical harm to the asset.</p> <p>While there would be changes to the setting of the asset, as a result of the facility becoming permanent, these changes are considered to be minimal. The asset retains its associative and illustrative historic value as a surviving example of cold war architecture. It retains its historic relationships with the other military installations in the area as well as its relationship to wider Ashford. The asset is an underground facility that is not clearly appreciable from above ground and the ongoing operation of the facility would result in negligible harm to the asset.”</p> <p>Photographic record has been made pursuant to Condition 4 of SDO (1) on 1st December 2020. A copy of the report, prepared by Mott MacDonald, including the photographic record at pp.4-6, can be found at Appendix 8.</p> <p>Information boards relating to the ROC would be included as part of the wider scope of interpretive archaeological boards to be implemented, as set out in the LEMP. The requirement for interpretation / information boards, including their design and siting, and subsequent implementation, will be secured via an appropriately worded planning condition.</p> |

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| 41 | <p>Chapter 10 (Cultural heritage) of the ES does not appear to include a chapter or section on archaeology, as noted by the KCC, Senior Archaeological Officer, Heritage Conservation Team.</p> <p>Is there a reason for its omission given the references to Bronze Age barrows, Anglo-Saxon cemetery, the ROC, and other potential archaeological artifacts and/or remains?</p> | <p>Following consultation with the Senior Archaeological Officer at KCC, it was understood that archaeology could be scoped out of the Cultural Heritage ES chapter as the potential for significant effects had already been addressed through a comprehensive programme of archaeological mitigation completed in 2020. This included strip, map and sample, and trial trenching, undertaken in accordance with an agreed WSI. The investigations concluded that any impacts on non-designated heritage assets and unknown archaeology were negligible to minor and not significant. As these effects occurred during the construction phase and no further significant groundworks are planned, the operation of the development is not expected to result in additional impacts. For further detail, refer to Section 6.5.1 of the EIA Scoping Report.</p> <p>A meeting was held with the Senior Archaeological Officer at KCC on 16th October 2024, and it was proposed that the Cultural Heritage ES chapter would be supported by an Archaeological Statement technical appendix, but archaeological assets did not warrant full assessment in the ES because the operation phase would not impact archaeological assets. KCC requested an Archaeological Statement detailing the results of the archaeological mitigation undertaken in advance of construction, confirmation there would be no impacts to archaeological assets during operation, and details of the provision for the dissemination of the archaeological mitigation results.</p> <p>When consulted on the Archaeological Statement via email in March and May 2025, the Senior Archaeological Officer at KCC</p> |

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| | | <p>did not object to the approach of scoping archaeology out of the ES Chapter, as stated in para 1.1.2 of the Archaeological Statement.</p> <p>As detailed in the Archaeological Statement, the remains of a Bronze Age barrow lie below ground to the east of the IBF. Remains of the Anglo-Saxon cemetery and ROC post lie below ground are preserved in situ.</p> <p>The Archaeological Statement further details that: 'The development does not physically impact any designated or non-designated archaeological asset. There is one non-designated heritage asset located within the Site, the Royal Observer Corps underground monitoring post, Sevington (MKE18070). However, this remains in situ as part of the development and the scheme results in no harm to the asset. Within the wider 500m search area there is one Scheduled Monument which would not be impacted by the development.'</p> <p>Protection measures have been made also through the photographic record of the ROC post.</p> |
| 42 | <p>The post excavation programme for Sevington referred to in earlier decision(s) does not appear to be complete and/or submitted – where is this?</p> | <p>Post-excavation assessment was undertaken by AOC for Mott McDonald in May 2022, and a copy of the report is appended (Appendix 9).</p> |
| 43 | <p>Are there any interpretation boards along the footpath, and especially in relation to a proposed replication of the Bronze Age burrow?</p> <p>Where are these and/or where would these be placed?</p> <p>How would their provision be secured and maintained?</p> | <p>No interpretation boards have yet been installed. The provision of interpretation boards, including in relation to the Bronze Age barrow, is included in the LEMP. It is proposed that details of location, design and content of archaeological boards, and subsequent implementation, be secured via an appropriately worded planning condition.</p> |

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| <p>How is the proposed replication of the Bronze Age barrow, as noted by KCC Senior Archaeological Officer, Heritage Conservation Team, to be secured?</p> | <p>The LEMP for Sevington East provides details of the interpretive barrow and shows its relevant location within the eastern parcel on drawing ref: 419419-MMD-01-MO-DR-L-3206 P01. As detailed in the LEMP, this was installed in 2022. KCC have clarified that, following its discovery, the barrow was protected KCC have advised they discovered a barrow and protected it, and a mound created to show its location. This is shown in the photographs below.</p>  |

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| <p>44</p> | <p>Put simply, Historic England (HE), the government's statutory adviser on the historic environment, indicate that whilst they agree with the assessment that the proposal would result in less than substantial harm to the Grade I listed St Marys Church, Sevington, they consider this to be towards the upper end of that degree of harm when articulated further.</p> <p>The Applicant's indicate that: <i>Taken overall, the Development results in permanent operation phase impacts of less than substantial harm within the middle of the scale.</i></p> <p>In either scenario, what are the public benefits which outweigh</p> | <p>It is acknowledged that paragraph 215 of the NPPF is engaged, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (echoed by Local Plan Policy ENV13). A balanced judgement will be required and weighed in the planning balance, given their significance and the merits of the proposed development. These are detailed in the submitted Planning Statement and Statement of National Importance, and a summary is set out below:</p> |

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| <p>this identified harm to this asset (notwithstanding other assets whose setting may also be harmed by the application scheme)?</p> <p>What measures are being proposed in order to mitigate this harm?</p> | <ul style="list-style-type: none"> • The proposal is of National Importance which should be afforded very substantial weight. This is as set out in the Written Ministerial Statement ('WMS') made by Matthew Pennycook as Minister of State for Housing and Planning on 13th February 2025. The WMS expressly points to border infrastructure as being of national importance. The development is for the ongoing operation of critical national infrastructure, specifically border infrastructure, which has been required for border security in the national interest since the UK's exit from the European Union ('EU'). The Site remains strategically vital to facilitate border security checks, including documentary and physical checks taking place on goods entering and exiting the UK, alongside sanitary and phytosanitary ('SPS') checks at the BCP, to provide protection in respect to the UK's biosecurity and public health. The majority of checks are customs and transit, and these remain unaffected by the EU reset. • The IBF is a major employment generator for Ashford, supporting 941 direct jobs (819 Full Time Equivalent ('FTE')), and a further 205 across an active supply chain. With 59% of staff living locally within 10 miles, it is estimated that approximately 433 staff (377 FTE) are resident within ABC. • Direct and indirect (supply chain) jobs are together estimated to generate £38.1M in Gross Value Add ('GVA') per annum. |

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| | | <ul style="list-style-type: none"> • Approximately £13.4M per annum in wages are received by residents within the administrative boundary of ABC. • The IBF also supports local apprenticeships to support further professional development, including in the areas of leadership and operational department management. • The operator of the IBF has established links with the community, through a range of programmes delivering local social value initiatives. A Community Good Fund supports local societal and environmental priorities, and over the 2023-2024 year, 148 volunteer hours and £1,700 were contributed to local communities and good causes. • The IBF supports small and medium size enterprises ('SMEs') within the local community, reflected in a 2023-2024 spend of around £2.38M across 37 SMEs throughout the supply chain, producing a £637,769 social value return on investment. • Mentorship programmes have been established with local suppliers, seeking to help mentee organisations break through inequalities and potential barriers, and a Training Suite has been established in order to provide training to over 55 SMEs and Voluntary, Community and Social Enterprises ('VCSEs') in the 2023 -2024 year. • Initiatives have been focused within the employee community, including around diversity and inclusion, |

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| | | <p>mental health and wellbeing, training opportunities (including for disadvantaged groups), and carbon literacy.</p> <ul style="list-style-type: none"> • Through the proposed landscaping scheme, the proposals will contribute to significant on-Site and off-Site (at Sevington East) habitat enhancement and BNG. • The use of the Site as part of Kent resilience to absorb vehicles from the SRN during emergency situations, supports a wider public benefit. <p>It is the Applicant's view that the strong breadth of public benefits clearly and demonstrably outweigh the perceived less than substantial harm attributable to seven heritage assets (Grade I listed Church of St Mary, and six Grade II listed buildings, namely Court Lodge and Barn, Ashdown and Ashdown Cottage, Orchard Cottage, Maytree Cottages and Bridge Cottage).</p> <p>Further to the above list of public benefits, mitigation measures of particular relevance to the heritage impact are highlighted within para 8.4.2 of the Heritage Statement. It was stated these were tied to "the design of the temporary IBF, the Stour Park West scheme, and the RMA for Phase 1A (for estate roads, landscaping and drainage) which was approved in 2019 have reduced these impacts to a degree... These include landscaping bunds and planting that has been used to reduce visual and noise impacts from vehicle traffic to the north along the A2070. Noise barriers including bunding and barrier fencing</p> |

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| | | between the Application Site and the asset reduce the noise impacts from activity within the Application Site." |
| 45 | <p>How do the monies offered as 'mitigation' to the harm to the Grade I listed building in the form of the Church of St Marys Sevington, comply with the CIL Regulations and / or Paragraph 58 of the Framework?</p> <p>These are:</p> <p><i>Planning obligations must only be sought where they meet all of the following tests:</i></p> <p><i>a) necessary to make the development acceptable in planning terms;</i></p> <p><i>b) directly related to the development; and</i></p> <p><i>c) fairly and reasonably related in scale and kind to the development.</i></p> <p>If these are demonstrated, when would these mitigation measures be delivered/enacted?</p> <p>What permission and/or consents are necessary to ensure that these can be delivered in a timely manner?</p> | <p>The planning committee agenda report prepared for the 24 September 2025 Council meeting states at paragraph 40 that the</p> <p><i>"St. Mary's mitigation was considered essential in order to mitigate the level of harm that would arise to the setting of the Church from the development of the site for storage and distribution purposes. Following the grant of outline permission 14/00906/AS, the Diocese moved forward with community consultation on the proposed works, and these were approved in early 2020."</i></p> <p>This planning obligation is intended to satisfy an existing planning obligation arising under the 2017 permission to contribute to the delivery of various upgrade works to the Church. The 2017 permission would have impacted the setting of the Church, and the obligation was necessary to secure the delivery of mitigation measures. As the retention of the IBF on the Site would similarly affect the setting of the Church, mitigation measures are still necessary to mitigate the impacts of the development. The measures proposed have been approved by ABC and the Applicant considers they are fairly and reasonably related in scale and kind to the IBF proposals.</p> <p>The Applicants refers to the response to the Inspector's preliminary questions on the UU for a full discussion of the</p> |

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| | | <p>compliance of this planning obligation with the CIL Regulations tests.</p> <p>Payment of the contribution would be made within 14 days of permission being granted. Timing of the delivery of the mitigation works is a matter for the church.</p> <p>As noted in the planning report excerpt above, the Diocese has consulted on the proposed mitigation works, the specification for which was approved by the local planning authority in 2020. Planning consent would be required from the Council before starting the works, as the Local Planning Authority. Listed building consent would also be required, because the Church of St Mary is a Grade I listed building.</p> |
| 46 | <p>In terms of the impact of the application scheme on the setting of other Grade II listed buildings within the hamlet/small village of Sevington, has it been demonstrated that there would be no loss or harm to their setting which previously comprised arable agricultural land?</p> <p>How has any such harm, if present, been mitigated?</p> | <p>Less than substantial harm was identified within the Heritage Statement (at pp.47-49) to:</p> <ul style="list-style-type: none"> • Court Lodge (NHLE 1276463) and Barn (NHLE 1276464) • Ashdown Cottage (NHLE 1233932) • Orchard Cottage (NHLE 1233763) • Maytree Cottages (NHLE 1233936) • Bridge Cottage (NHLE 1233764) <p>No harm was identified to Ransley Cottage (NHLE 1233755). Intervisibility was judged to be low enough to warrant this conclusion, with the asset being further removed in terms of its location relating to those listed above.</p> |

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| | | <p>The heritage viewing corridor was included in the original design to protect the line of sight between the two spires of St Mary's Church and St John the Baptist, Mersham.</p> <p>Chapter 10 'Cultural Heritage' of the ES states at para 10.52 that "there would be further mitigation and enhancement of the assets which surround the Application Site upon the full maturity of trees and vegetation planted as part of the embedded mitigation. The landscape mitigation to the overall character of the designated heritage assets since the new planting would assist with framing and softening within the landscape. No additional mitigation is required."</p> |
| 47 | <p>Are the areas of planting going to occur, when would this occur, and how would this be secured?</p> <p>Would this consist of wildflower meadow?</p> <p>How does this help mitigate the identified harm to listed building(s) arising from the loss of its rural setting?</p> | <p>The proposed planting comprises a range of habitats and landscape treatments as set out on drawings:</p> <ul style="list-style-type: none"> • 419419-MMD-01-MO-DR-L-3030; • 419419-MMD-01-MO-DR-L-3031; and • 419419-MMD-01-MO-DR-L-3032. <p>These are contained within the LMMP prepared by BCA.</p> <p>These include areas of low-maintenance amenity grassland, open grassland, species-rich wildflower meadow, wildflower wetland meadow, native species shrub and ground cover, native species tree and shrub planting (to be under-seeded with EW1 mix), proposed native species hedgerow, and individual small and large specimen trees.</p> <p>Aquatic and marginal planting is also proposed where relevant, including marginal aquatic planting and submerged aquatic</p> |

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| | | <p>planting, contributing to habitat diversity and ecological enhancement across the Site.</p> <p>Planting would be managed and maintained through:</p> <ul style="list-style-type: none"> • Contractor-led establishment and one-year maintenance period; • A ten-year management plan with detailed maintenance actions (BCA, 2418/24/RP01); • Mandatory replacement of failed planting for up to five years (Mott MacDonald, 419419-MMD-XX-SV-SP-L-0001); • Twice-yearly monitoring and reporting to the Overseeing Organisation (DfT) (Mott MacDonald, 419419-MMD-XX-SV-RP-L-0001 and 0004); • Oversight and governance embedded in approved LEMP documentation tied to planning condition discharge. <p>The full implementation of the LEMPs and LMMP would be secured via condition, and the 30-year management of Sevington East for biodiversity purposes would be secured via the UU.</p> <p>Chapter 10 'Cultural Heritage' of the ES states at para 10.52 that "there would be further mitigation and enhancement of the assets which surround the Application Site upon the full maturity of trees and vegetation planted as part of the embedded mitigation. The landscape mitigation to the overall character of the designated heritage assets since the new</p> |

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| | planting would assist with framing and softening within the landscape. No additional mitigation is required." |
| Biodiversity and/or ecology (including Biodiversity Net Gain (BNG)) | |
| <p>48 Schedule 7A to the <i>Town and Country Planning Act 1990</i>, as amended, indicates that '<i>This Schedule makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.</i>'</p> <p>MHCLG guidance indicates that '<i>Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain.</i>'</p> <p>The application here was made after the 12 February 2024. Accordingly, it should be subject to the Biodiversity Net Gain (BNG) deemed condition. The MHCLG guidance sets out that this condition requires that the biodiversity gain objective of at least a 10% gain, which is measured against the pre-development biodiversity value of the onsite habitat for the development.</p> <p>As indicated under Article 4(2) of the CDAO25, the Applicants consider that the application benefits from the <i>de minimis</i> exemption, and therefore it should not be subject to the BNG condition.</p> <p>Both DEFRA and MHCLG guidance indicates that <i>de minimis</i> typically applies, in the case of DEFRA:</p> | <p>Sevington IBF was originally consented via a Special Development Order (SDO) for a temporary period of 5 years, up to 31st December 2025. The BNG uplift as part of the original SDO was captured in advance of BNG becoming mandatory from 12th February 2024, under <i>Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)</i>. The key documents that confirm this are the 2 no. Landscape Environmental Management Plans (LEMPs) for Sevington West (the Application Site) and Sevington East, submitted as part of the SDO relevant approvals. Across Sevington West and East, using the Biodiversity Metrix 3.0, a positive BNG was confirmed (75.70% increase). No new development or habitat loss over and above that which occurred as part of the SDO is proposed as part of this Crown Development Application. The BNG exemption of <i>de-minimis</i> applies to this application.</p> <p>This is because the habitat that has been enhanced as part of earlier consents including under the SDO, will be retained with no negative impact / habitat loss (which decreases the biodiversity value by degrading any habitats).</p> <p>There are no works affecting a priority habitat, and no loss to any other existing habitats, i.e. any other impacts on non-priority habitats are less than 25 sqm (5m x 5m) of on-Site</p> |

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| <p><i>A development that does not impact a priority habitat and impacts less than:</i></p> <p><i>25 square metres (5m by 5m) of on-site habitat</i></p> <p><i>5 metres of on-site linear habitats such as hedgerows</i></p> <p><i>A development 'impacts' a habitat if it decreases the biodiversity value.</i></p> <p><i>And in respect of MHCLG:</i></p> <p><i>What development does the de minimis exemption apply to? And how should it be assessed?</i></p> <p><i>The de minimis exemption only applies to development if the following two conditions are met:</i></p> <ul style="list-style-type: none"> <i>• the development must not impact on any onsite priority habitat; and</i> <i>• if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)</i> <p><i>Onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat (as determined by the statutory biodiversity metric). A decrease in biodiversity value occurs where there is a change in habitat type, extent, or condition which results in a negative unit score. A priority habitat is a habitat listed by the Secretary of State for Environment, Food and Rural Affairs</i></p> | <p>habitat and less than 5m of on-Site linear habitats, such as hedgerows.</p> <p>The de-minimis exemption is met. The BNG Report (WIE20982-103-1-1-5-BNG, March 2025) sets out the approach taken in paragraph 1.7 to 1.9.</p> <p>However, the Applicant has provided a voluntary and retrospective BNG assessment for the permanent installation, based on the pre-SDO baseline, not the existing baseline. It is retrospective in terms of applying the pre-SDO baseline and the post-intervention as set out in the SDO LEMP 2020 design for the Site and any other enhancements implemented since that time.</p> <p>As such, the 'deemed condition' is not considered necessary. The Applicant wishes to demonstrate commitment to the long-term management of the Site and Sevington East and this is why the voluntary and retrospective submission was made.</p> <p>The BNG includes the completion of an on-Site assessment (using the Statutory Metric) of the Site as per the LEMP 2020 design (representing the post-intervention position), and an additional off-site BNG assessment (including land outside of the redline planning boundary) on Sevington East as per the 2023 LEMP design.</p> <p>The Site alone doesn't achieve 10% net gain, however, when Sevington East is taken into account, significant gain is achieved of +65.35% for habitats and +58.49% for hedgerows.</p> |

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| <p><i>under section 41 of the Natural Environment and Rural Communities Act 2006.</i></p> <p>The Applicants submitted <i>Biodiversity Net Gain Report March 2025</i> indicates that <i>'With the retention of the IBF as a permanent facility, the Application Site has an overall prediction of -16.66% net change for habitats, and +58.49% net gain for hedgerows'</i></p> <p>In light of the above, with a minus 16.66% net change for habitats, as based upon the pre-developed value of the site, it is unclear why the planning application here benefits from a 'de minimis' exemption as indicated by the Applicants.</p> <p>This exemption from the deemed BNG condition needs to be adequately explained.</p> <p>The BNG Report goes on to summarise as: <i>'The total net gain from both the Application Site and Sevington East would be a positive net change of +65.35.% for habitats, and +58.49% net change for hedgerows. This net gain is based on the overall habitat unit uplift, when compared to the on-site habitat unit baseline.'</i></p> <p>If the 'deemed condition' is not to be used, there appears to be a discrepancy between the BNG Report and the requirement for a <i>'detailed within a Habitat Management and Monitoring Plan (HMMP) to be agreed by the Local Planning Authority. All offsite improvements to address the BNG shortfall on site would need to be subject to a 30 years HMMP.'</i></p> | <p>This off-site land (Sevington East) provides an additional public benefit to be secured through the planning consent via a Section 106 or similar legal agreement. This would legally protect the BNG uplift achieved via the 2023 LEMP for Sevington East (off-site gain) for a period of 30-years. This would naturally provide the longer-term protection from development that communities seek. The 30-year habitat management and maintenance period will likely start once all the habitat enhancement works are completed.</p> <p>The Applicant is very mindful of the requirements of Policy SP7 relating to coalescence, as well as comments from local residents and planning officers in respect to the protection of landscaping and BNG at Sevington East. Therefore, in order to secure the landscaping/BNG that will be implemented across Sevington East pursuant to the LEMP attached to the SDO, and therefore demonstrate compliance with the Local Plan policy (SP7) on coalescence, as well as respond to related resident and officer concerns, a voluntary retrospective BNG assessment has been prepared.</p> <p>The reference to an HMMP made in the BNG report is applied interchangeable with the LEMPS (2020 and 2023) and is not included to assign any mandatory BNG meaning As the application is BNG exempt, there is no requirement for a mandatory BNG HMMP for habitats deemed to be onsite 'significant enhancements'. Indeed, the commitment that the Applicant is making to a LEMP for 30 years is a betterment over and above a mandatory BNG HMMP. This is because all habitats created or enhanced will be managed and maintained</p> |

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| | <p>In particular, the draft and incomplete legal agreement submitted does not refer to a HMMP. Clarity on this matter is necessary.</p> | <p>on the Application Site and the adjoining Sevington East for a period of 30 years.</p> <p>A completed and signed UU was submitted with the application and this includes the 30 year commitment to BNG and the full implementation of the LEMP 2023.</p> |
| 49 | <p>See also section on agricultural land in relation to land east of Highfield Lane.</p> | <p>Please refer to the Applicant's Response to Matters 81 and 82.</p> |
| 50 | <p>Reference has been made to the the Landscape and Environmental Management Plan (LEMP). However, it is unclear as to how this relates to the Habitat enhancement works. Clarity on this would be helpful.</p> | <p>The UU requires the DfT to carry out the Habitat Enhancement Works within 36 months of the completion of the UU. The "Habitat Enhancement Works" are defined as "the works set out in the Landscape and Environmental Management Plan".</p> <p>The LEMPs (2020 and 2023) were produced by Mott MacDonald as part of the applications pursuant to the SDO, and the full implementation of both LEMPs is proposed to be continued pursuant to the current application.</p> <p>As part of this application, the LEMPs have been reviewed, and additional areas of planting have been proposed (shown in the submitted detailed planting plans prepared by BCA). A LMMP has also been produced by BCA to provide a 10-year programme for maintenance and management, aimed at supporting the successful establishment of the landscape that is to be delivered in accordance with the LEMPs and additional planting plans.</p> <p>The implementation of the LEMPs, additional planting and LMMP is proposed to be secured via an appropriately worded planning condition.</p> |

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| 51 | <p>In terms of biodiversity, there is reference to the loss of Roadside Nature Reserve AS07 alongside Highfield Lane by interested parties. What does this relate to?</p> | <p>A Roadside Nature Reserve was not identified in the desk study search for non-statutory sites that was undertaken as part of this application and is not referenced in the Biodiversity Assessment (November 2020, Mott MacDonald) that was prepared as part of the SDO. The Biodiversity Assessment does not identify any loss of species rich grassland, only improved grassland and poor semi-improved grassland (Table 5.1).</p> <p>In any case, in terms of the Environmental Impact Assessment ('EIA') the impact has happened and as such is a consented activity. For the permanent installation there is no worsening of the situation, i.e. no additional loss. The LEMP 2020 includes for species rich wildflower meadow, open grassland and wildflower wetland meadow.</p> |
| 52 | <p>The lighting for the scheme, which includes external lighting across the site, appears to be used for a majority of the night time – especially in autumn and winter months - in order to ensure the site's usage everyday of the year over a 24 hour period.</p> <p>What measures have been put in place to minimise the effect of this lighting on the areas protected for biodiversity values from earlier temporary permissions?</p> | <p>Sixteen of the existing lighting columns are baffled to minimise light spill. Lighting strategy details have been set out in an updated lighting survey report, which explains the mitigation measures which have been implemented on-Site since June 2025. This includes the switching-off of luminaires in areas of the Site when not required for operational reasons and dimming of lights to the lowest level suitable for operations in respective areas of the Site. This includes landscaped areas and areas of semi-natural habitat. Lux levels were recorded at <0.1 in four of the six boundary areas monitored in 2025, with the highest lux at 0.9 to the northeast boundary of the Site. There are no lux thresholds for nocturnal species such as bats, but low levels as reported during the surveys are preferred. The lighting on</p> |

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| | | <p>Site is located along the operational areas, roads and access points.</p> <p>In terms of lighting on the areas protected for biodiversity value, the Biodiversity Assessment for the temporary IBF included the following committed measures to address lighting impacts on bats:</p> <ul style="list-style-type: none"> • The use of LED lanterns with a colour temperature of 3000k • In areas where light may encroach into vegetation these illuminance levels are to be of 1 and 0.5 lux, equivalent to twilight and a clear moon (0.25< 1 lux) respectively • Tilted lanterns at zero degrees to focus light on the ground with minimal upward light spill • Column heights of 12/10m and 8m |
| 53 | <p>In terms of the species of dormice/dormouse, which are a European protected species and protected under the Wildlife and Countryside Act 1981, as amended, what is the habitat for dormice, which would be retained as part of the permanent operational phase of the development and how would the proposal (including aspects such as the lighting) ensure that impacts on this species are minimised?</p> <p>For example, whilst paragraph 11.106 of the ES refers to increased habitat to benefit target species such as dormice, how does the lighting strategy ensure that this is achieved?</p> <p>On page 23 of 30, paragraphs 11.125, indicates that there is historic evidence of dormouse within the site; however it goes</p> | <p>Paragraph 11.107 of the ES lists principles adopted including maintenance and enhancement of wildlife commuting habitats, hedgerows and woodland, in addition to provision of 6 dormouse boxes as set out in the Natural England European Protected Species ('NE EPS') dormouse licence.</p> <p>The licence was necessary as surveys completed in 2019 by MiddleMarch Environmental Ltd confirmed dormouse presence limited to six nests to the west of the Site outside the Application boundary, one nest in vegetation located to the north of Church Road and four nests in a hedgerow at the boundary of the Site. However, during the vegetation clearance undertaken in 2020 for the temporary IBF, no dormice were recorded. The dormouse licence has been in place since 13th September 2021 and extends until 31 December 2025, with dormouse box</p> |

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| <p>onto to indicate that this ceased by 2022 and 2023. How is this loss accounted for?</p> | <p>checks in 2021, 2022 and 2023 and planting checks through the entire licensing period. No dormice have been recorded during these post construction monitoring surveys (adults or juveniles). A total of 0.045ha of suitable habitat was lost as a result of the installation of the temporary IBF, with 1.88ha of suitable habitat created, comprising new woodland and new hedgerow planting extending 254m (see Figure extract below showing the location of this habitat).</p> <p>The baseline for impact assessment purposes for the permanent IBF is the established temporary IBF and not a baseline that predated this. The Natural England Licence return (July 2025) recorded poor establishment of tree and scrub replanting on the eastern bund (where the dormouse habitat has been created) and as such this doesn't provide the green connective corridor that was intended. Therefore, remedial action is proposed for the winter planting season 2025/2026 to address this. The Mott Macdonald Landscape Monitoring Report (July 2025) concurs with this and makes recommendations to meet the intended objectives for ecological mitigation and biodiversity net gain. The figure below which shows the dormouse habitat creation areas in bright green, was included in the Dormouse Survey Report presenting the monitoring undertaken post construction in 2021, 2022 and 2023.</p> |

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| |  <p>The mitigation incorporated to address potential adverse lighting effects on bats as part of the temporary IBF also address the potential lighting effects for any dormouse which may colonise the Site in the future.</p> |
| <p>54 With regard to bats, the ES refers to: including common pipistrelle <i>Pipistrellus pipistrellus</i>, soprano pipistrelle <i>Pipistrellus pygmaeus</i>, Noctule <i>Nyctalus noctula</i>, Brown long-eared <i>Plecotus auratus</i>, Serotine <i>Eptesicus serotinus</i> and Daubenton's <i>Myotis daubentonii</i>, within 2km of the Application Site. The closet record was of a brown long-eared species approximately 80m west of the Application Site.</p> | <p>The application has taken into account the presence of the bat species on and in close proximity to the Site. All existing habitat on Site has been retained and will continue to be managed for the benefit of wildlife on the Site. The Mott Macdonald Landscape Monitoring Report (July 2025) concludes that the majority of the site has high levels of plant failure and weed encroachment. Some native trees, shrub and ground cover</p> |

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| | <p>How has the application taken into account these protected species, including their habitats?</p> | <p>located in the central viewing corridor has been replanted in December 2023, and the LEMP (2020) needs to be fully implemented.</p> <p>The post construction bat monitoring surveys undertaken by Mott Macdonald in 2023 and 2025 showed a decline in both pipistrelle species activity, noctule activity has increased slightly in 2025 and <i>Myotis</i> species were recorded for the first time in 2025. However, overall the monitoring has shown a reduction in total bat activity but a slight increase in species diversity.</p> <p>The impact assessment for the permanent IBF used the current baseline and not the pre-SDO baseline. There are no significant adverse effects on bats as a result of the permanent IBF, in fact it is assessed that there are potential beneficial residual effects for roosting bats based on the ongoing management and maintenance associated with the LEMP / LMMP (Table 11.10 of the Ecology ES Chapter).</p> |
| <p>55</p> | <p>Reference is made to bird surveys from 2008 onwards. This includes identifying 38 bird species within the application site. In 2010 a survey recoded 37 species, including several Red and Amber-listed species such as skylark <i>Alauda arvensis</i>, yellow wagtail <i>Motacilla flava</i>, song thrush <i>Turdus philomelos</i>, starling <i>Sturnus vulgaris</i>, and house sparrow <i>Passer domesticus</i>. In 2012 a further survey recorded 46 species, this included the presence of two Schedule 1 (WCA) species (kingfisher <i>Alcedo atthis</i> and hobby <i>Falco subbuteo</i>) and ten Red-listed species of conservation concern, including swift</p> | <p>There is no new loss of habitat (for nesting or holding of territories) as a result of the permanent facility.</p> <p>Paragraph 11.83 of the ES states that the breeding bird assemblage at the Site does not meet any of the minimum thresholds to be considered for selection as a Local Wildlife Site ('LWS'); it is therefore assessed that breeding birds are of less than Local value. Paragraph 11.123 goes on to state that the permanent IBF will retain all vegetated habitat within the Site. Potential impacts from lighting are minimised by the existing sensitive lighting strategy (refer to Matter 53 above), to</p> |

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| | <p>Apus apus, house sparrow, skylark, and linnet Linaria cannabina.</p> <p>Most recently, surveys undertaken in 2023 recorded a total of 47 bird species within the Application Site, of which four species were confirmed as breeding (dunnock Prunella modularis, mallard Anas platyrhynchos, moorhen Gallinula chloropus and starling), seven were probably breeding (house sparrow, linnet, reed bunting Emberiza schoeniclus, skylark, whitethroat Curruca communis, wood pigeon Columba palumbus and wren Troglodytes troglodytes) and eight were possible breeding (greenfinch Chloris chloris, kestrel Falco tinnunculus, meadow pipit Anthus pratensis, rook Corvus frugilegus, sedge warbler Acrocephalus schoenobaenus, song thrush, stock dove Columba oenas and swift).</p> <p>It is unclear as to what mitigation, if any, has been provided in order to address the loss of this habitat – including the loss of habitats, nesting and/or territories for these birds (and in particular those detailed within Schedule 1 of the Wildlife and Countryside Act 1981. Please can the Applicants provide clarity on this matter?</p> | <p>minimise light spill for nocturnal sensitive species. As such, no additional mitigation is required, but enhancement measures including bird boxes are included in the current landscaping within the Site. Management and maintenance of habitats such as hedgerows as part of the LEMP are in place which states that hedgerows and tree maintenance works are to be conducted outside of the nesting bird season.</p> |
| 56 | <p>With regard to reptiles, including an 'exceptional slow worm population' identified in 2015, and moved in 2020; where are the locations suitable within the site for reptiles, and how do these integrate with the wider site?</p> | <p>The Mott Macdonald Reptile Monitoring Report (2023) provides full details of the mitigation and monitoring strategy deployed as a result of the SDO. The translocation of reptiles off the Site took place in 2020. The receptor site is located to the north of the Site, outside the Site boundary and separated by the access road (see the Figure extract below which shows the</p> |

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| | <p>temporary translocation sites demarked by a blue line and the receptor site demarked by an orange dashed line).</p> <p>This receptor site has been subject to two years of monitoring in 2021 and 2023. The results of this monitoring indicate that there has been a reduction in the numbers of common lizards between 2021 and 2023, but the same number of slow worm. In terms of the existing Site, suitable habitat for reptiles is present around the ponds / SuDs and interfaces between mixed scrub and grassland habitats shown in Figure 11.1 of the ES Chapter and Figure 2 of the BNG Report. Complete implementation of the LEMP (2020) will improve reptile habitat suitability within the Site.</p>  |

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| 57 | <p>In terms of water voles, what ecological survey work has been done to identify whether or not they are present within the site?</p> | <p>There is no loss of habitat as a result of the permanent facility. There is no change to water vole habitat as a result of the development. As set out in the ES Chapter, an 'extended' UKHabs survey was completed on 14th November 2024, no species-specific surveys were completed for protected species as set out in Paragraph 11.34 - third bullet point. There are no new impacts on habitats on the Site. The habitats suitable for water vole are being retained and the lighting strategy is in place to direct light away from suitable habitat to minimise light spill.</p> |
| 58 | <p>What measures have been put in place to encourage the small number of priority invertebrate Species of Principal Importance, including stag beetle <i>Lucanus cervus</i>, cinnabar <i>Tyria jacobaeae</i>, rosy rustic <i>Hydraecia micacea</i>, white admiral <i>Limenitis camilla</i>, small blue <i>Cupido minimus</i>, and small heath <i>Coenonympha pamphilus</i> identified in 2012?</p> <p>How would these be secured?</p> | <p>There is no loss of habitat as a result of the permanent facility. The continued implementation of the LEMP and a suitably worded condition attached to the consent will address this.</p> |
| 59 | <p>The Kent County Council, Ecological Advice Service (EAS) highlight that a condition assessment of the existing habitat on site does not appear to have been carried out, so it is unclear as to whether or not the habitats on site have already achieved the anticipated condition detailed in table 6 of the BNG assessment.</p> <p>What observations do the Applicants have on this point?</p> | <p>A condition assessment of the existing habitats on Site was completed as part of the Site visit (Appendix 10).</p> <p>However, please note as set out in Table 2 of the BNG report, baseline habitats assessed within the Metric are those that were present before the temporary IBF development was installed.</p> |
| 60 | <p>What measures are in place to minimise litter and similar arising from the application scheme entering the local environment?</p> | <p>Within the Site, there are numerous 1,100 litre bins, positioned within the goods vehicle parking areas in locations accessible to drivers, so as to allow drivers to deposit their rubbish.</p> |

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| | | <p>Outside of the Site boundary, the Applicant has no control over litter, and responsibility for the maintenance of bins / litter removal falls to KCC. The Applicant does, however, recognise the commitment to be 'good neighbours' to those that live alongside the Site, and wants to assist where possible, and so Sodexo regularly carry out litter-picks around the premises.</p> <p>The Applicant considers that a condition requiring the submission of a litter maintenance & management plan could be agreed with ABC.</p> |
| 61 | <p>What measures are in place to ensure that potential biosecurity breaches from lorries travelling inland from the points of entry on the coast prior to their checking do not occur?</p> | <p>Where a physical check is required, goods cannot be legally placed on the UK market until the load has been taken to the BCP, inspected, and cleared. An instruction to attend a BCP for an inspection constitutes a legal requirement. Should a vehicle fail to attend the BCP, officials can require the return or destruction of the goods or for the relevant local authority to carry out controls such as an identity or physical check. Any placing of the goods on the market would be illegal and the relevant local authority would be able to take the appropriate action such as a recall from sale and potential legal action.</p> <p>Each of the Port Health Authorities are able to see which consignments they are expecting to see at the BCP. Therefore, they will know if a driver has failed to attend for an inspection. If border controls have been avoided, either by failing to attend a BCP or due to removal from a port before clearance has taken place, it is the local authority where the container is located or Border Force who would be responsible for taking action.</p> |

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| | | <p>The Border Target Operating Model ('BTOM') allows the Port Health Authority to undertake intelligence-led checks. Therefore, as well as dealing with the 'missing' consignment, they could specifically select that trader for future checks. The BTOM introduced a risk-based model so not every consignment will be checked, this does mean that if a trader was to add an additional undeclared consignment it would not necessarily be identified, unless there is a full decant. This was seen as a small risk that was considered with the design of the BTOM and does not increase with an inland border facility such as Sevington.</p> |
| 62 | <p>Technical comments have been made by the Environment Agency as part of the consultation process. Could the Applicants provide a substantive response to the points made please?</p> | <p>In order to address the comments made by the Environment Agency ('EA'), the Applicant has proposed a condition requiring submission of an Operational Waste Management Plan to the Local Planning Authority for approval.</p> |
| 63 | <p>Natural England have raised the following points:</p> <ul style="list-style-type: none"> - <i>Mitigation should consider continuation of current drainage arrangements whereby trade effluent is discharged outside of the Stour Valley catchment.</i> - <i>An adjusted lighting strategy, which allows lighting to be switched off in certain areas and shielded to prevent light spill.</i> <p>What observations do the Applicants have on these points?</p> | <p>A Habitats Regulations Screening Assessment ('HRA') (Habitats Regulations Assessment – Screening Report, March 2025 – WIE20982-103-R-3-1-2-HRAs) has been completed and submitted as an appendix to ES Chapter 11. This concluded that there would be no significant changes as a result of changing the temporary IBF facility into a permanent IBF facility.</p> <p>With respect to the first of Natural England's points, it is confirmed that it is proposed to continue the current drainage arrangements of discharging trade effluent outside of the Stour Valley catchment. It is considered that this could be secured by an appropriately worded condition.</p> |

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| | | <p>With respect to the second of Natural England's points, an updated lighting survey report has been produced by Waterman, evidencing the mitigations which have implemented on-Site since June 2025 (refer to appended Lighting Technical Note at Appendix 13). This includes the switching-off of luminaires in areas of the Site when not required for operational reasons and dimming of lights to the lowest level suitable for operations in respective areas of the Site.</p> |
| <p>64</p> | <p>Natural England also provide comments in terms of the need for the competent authority to take into account the Habitat Regulations Assessment and undertake an appropriate assessment.</p> <p>What observations do the Applicants have on these points?</p> | <p>A HRA Screening Assessment (Habitats Regulations Assessment – Screening Report, March 2025 – WIE20982-103-R-3-1-2-HRAs) has been completed and submitted as an appendix to ES Chapter 11. This concluded that there would be no significant changes as a result of changing the temporary IBF facility into a permanent IBF facility.</p> <p>Both the 2020, and 2025 HRA Screening assessments determine that the development would not result in likely significant adverse effects on the European sites, and therefore there is no need for a stage 2 Appropriate Assessment.</p> |
| <p>65</p> | <p>Natural England also provide comments in terms of nutrient neutrality, including the need to outline why exceptional circumstances exist, which adequately justify the use of mitigation in this case.</p> <p>What observations do the Applicants have on these points?</p> | <p>There are no proposed overnight stays as part of the development. Therefore, there are no requirements around nutrient neutrality applicable to this planning application.</p> <p>Natural England's memo dated 11th October 2025 (ref 490322) advised: <i>that impacts resulting from large amounts of trade effluent associated with the IBF could not be ruled insignificant and therefore would require mitigating in line with our nutrient guidelines, given that the plan was to discharge to a WwTW connected to Stodmarsh designated sites.</i></p> |

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| | | <p>However, the submitted HRA report paragraphs 6.21 and 6.29 state that the effluent would be captured and stored onsite in a tank. It would then be removed and treated offsite at a wastewater treatment works outside the Stour Valley catchment area. This is the current situation for the existing IBF facility.</p> <p>Natural England agree that on the basis that the tanks are emptied outside of the catchment and maintained for the lifetime of the development it will be unlikely to have an adverse effect on the Stodmarsh designated sites. Natural England expect this to be secured, monitored and enforced in perpetuity.</p> <p>Ashford Borough Council has suggested that this would be appropriately secured as a legal obligation within a UU. However, it is important to note that the Planning Inspectorate is considered to be the competent authority for HRA by Natural England and as such it is PINS' role to be accountable for the HRA conclusions produced by the applicant. The HRA Report, considers that the existing process of removing effluent offsite which has been implemented successfully onsite since 2020, has addressed the matter and there is no reason to alter this approach.</p> |
| Local traffic network and/or highways | | |
| 66 | A holding objection has been raised by KCC in its capacity as the Local Highway Authority. In this, they consider that there is a severe impact from the proposal on the M20 Junction 10A, and specifically on the A20 Hythe Road arms, and a suitable | As set out in the Waterman Transport Assessment ('TA'), assessment shows that M20 Junction 10a will already be experiencing capacity issues on the A20 approaches, and likely to require mitigation of the associated queuing and delay, |

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| <p>mitigation scheme should be submitted and implemented for these arms in order that the proposals would not have a severe highway impact on the junction.</p> <p>What observations do the Applicants have on this matter?</p> | <p>irrespective of the proposed development. It is acknowledged that the proposed development is likely to result in increased queuing being experienced compared to the baseline (without development) scenarios in 2026 and 2036.</p> <p>It is considered likely that mitigation, in the form of localised improvements on the A20 approaches to the junction, would be effective in alleviating the observed capacity constraints. The nature and scope of physical measures at the junction have been discussed with National Highways and KCC, and a preliminary mitigation scheme identified (Appendix 11).</p> <p>The preliminary mitigation scheme, comprising widening of the A20 eastbound approach, and signalisation of the A20 westbound approach and corresponding section of the circulatory carriageway, is illustrated by Appendix A of the Waterman TN 'M20 Junction 10a Mitigation – Preliminary Option Assessment' dated November 2025 (Ref: 20982117-WAT-XX-XX-RP-N-800004_P03)' (Appendix 14).</p> <p>Discussion between the Applicant, National Highways, and KCC to secure the provision of appropriate mitigation to address the existing constraints on the A20 approaches to the junction at M20 Junction 10a is ongoing.</p> <p>Through the implementation of the proposed junction improvements, it is considered that the impact of development traffic upon M20 Junction 10a can be appropriately mitigated, and that the proposed development can be accommodated without adverse impact upon the safety and capacity of the highway network.</p> |

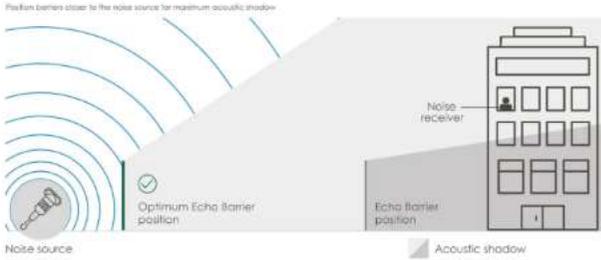
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| 67 | <p>Comments have been made in terms of HGVs on local road network and using laybys etc.</p> <p>Is the traffic/transport assessment correct in terms of taking into account the impacts arising from the application scheme on the local road network?</p> <p>What measures, sought by local Parish Councils / residents to reduce the usage of inappropriate routes into the site by HGVs through the use of signage (in multiple languages and multiple locations to the site) are proposed? How would these be secured?</p> | <p>The Waterman TA sets out the routing strategy for HGV traffic accessing the proposed development at the main entrance on the A2070 via M20 Junction 10a. No HGV access to the Site is available from any other location. Existing signage on the A20 and A2070 is present to reinforce this message and deter drivers from attempting to access the Site via local routes.</p> <p>Significant work has been undertaken over the lifespan of the Site to address issues with HGVs parking in lay-bys. A signage strategy was agreed with National Highways, and new signs have recently been installed, including a sign for St Mary's Church, to reduce confusion and prevent HGVs from travelling toward the church instead of the IBF.</p> <p>Notwithstanding occasional rogue incidents, where an individual HGV has been reported as accessing the local road network, there is no evidence to suggest that this is a regular issue within the surrounding area, and the Waterman TA is considered to have appropriately addressed the likely impacts of the proposed development in this regard.</p> <p>A signage strategy is proposed by way of appropriately worded condition, in line with KCC and National Highways comments.</p> |
| 68 | <p>What is the travel plan for the site's employees?</p> <p>Would all parking on site for employees be in the staff car park?</p> <p>Is there Electric Vehicle (EV) parking spaces provided within the staff car park?</p> <p>What about alternate modes of transport – walking, cycling, and public transport?</p> | <p>The current Staff Travel Plan is appended to the Waterman TA at Appendix D. Observed staff methods of travel to work, based upon staff travel surveys conducted in May and June 2022, are set out in Table 5 of the Waterman TA, and demonstrated to be broadly in line with 2021 Census 'Mode of travel to work' data.</p> <p>On-Site car parking for staff is in the staff car park only, accessed via a dedicated vehicle access on Church Road. The</p> |

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| | | <p>staff car park accommodates up to 357 vehicles, including 3 electric vehicle ('EV') spaces sharing 2 chargers, and 14 accessible car parking spaces. In addition, a total of 60 secure covered cycle parking spaces is provided on-Site.</p> <p>Staff using the dedicated Zeelo bus shuttle can park at the Ashford Market site on Monument Way. The Zeelo bus shuttle service operates as a 'Park & Ride' for staff from the Ashford Market site and Ashford International Rail Station.</p> <p>Pedestrian access to the Site is taken via the staff car park access on Church Road, and the existing footway / cycleway network surrounding the Site.</p> <p>It is acknowledged that the Travel Plan dates from 2022 and, therefore, a condition requiring review and submission of an updated or new Travel Plan may be appropriate.</p> |
| 69 | <p>Has the car park for St Marys Church, Sevington, shown on the plans but does not appear to be referenced anywhere in the traffic assessment, been considered within the traffic assessment? If so where can this be found?</p> | <p>The car park for St Mary's church was delivered under the s106 for the Stour Park outline permission.</p> <p>To clarify, this land remains within the sole ownership of DfT, and DfT retains rights of access for the purposes of Site maintenance of SuDs ponds and landscaping. The car park was included within the red-line boundary for the purposes of this application given it will be occasionally used to facilitate maintenance access (i.e. ancillary to the main use for which permission is sought). No works to the car park are proposed as part of this application, nor is the car park used for operational, or parking purposes associated with the IBF / BCP. Therefore, it has not been addressed within the application assessments.</p> |

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| 70 | <p>What measures have been put in place to prevent and/or discourage lorries turning right off the A2070 into the IBF?</p> | <p>A 'Prohibition of Right-Turn', enforced by signing and bollards, prevents right-turn manoeuvre into the Site from the A2070.</p> |
| 71 | <p>How are the parking areas referred to as 'Tango' and 'Romeo' used in relation to the IBF and/or BCP?</p> <p>How has the need for these two areas been demonstrated for these aspects of the application scheme?</p> | <p>'Romeo' and 'Tango' are used in emergency situations to support the IBF and / or BCP operations, when other areas of the operational Site are required to be put out of use (for example, if vehicle inspections reveal loads which require a part of the Site to be isolated and 'shut-down'; or, in the instance of a fire affecting part of the Site) or where additional capacity is required due to systems failures which result in vehicles being retained on-Site for longer periods. In such instances, vehicles which would otherwise be contained within the 'normal' operative goods vehicle parking areas, are re-directed to 'Romeo' (in the first instance) and 'Tango', if required.</p> |
| 72 | <p>How would the site be used in relation to the Kent Resilience Strategy, and other operational activities such as TAP and Operation Brock, when there are pressures on the strategic and local road network arising from disruption to the points of entry/exit into and out of the UK?</p> <p>How would this operate in practice and in practical terms, with the primary purpose of the site focussed on IBF and/or BCP activities rather than as a temporary HGV parking or stationing area?</p> | <p>The use of the Site in relation to Kent resilience and other operational activities, is described in response to Matter 13.</p> <p>During such situations, the IBF and BCP continue to function, whilst vehicles are temporarily held in 'Romeo' and 'Tango'.</p> |
| 73 | <p>Concerns have been raised in terms of the surfacing of bridleways and/or PRow are inadequate, with heavy rains causing parts of the paths being washed away.</p> <p>What measures have been put in place to minimise this?</p> | <p>A response to these matters has been provided at Matter 14.</p> |

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| 74 | <p>What consideration has been given to the local footpaths, including those that formerly crossed parts of the site?</p> <p>Have these now all been given permission for their extinguishment / moving?</p> <p>How has the former footpath and link between Sevington and Mersham churches been reinstated or its loss mitigated?</p> | <p>The legal extinguishment of all PRoWs previously running through the Site has been completed (Appendix 5 a, b & c). All PRoWs required to be diverted around the Site and / or upgraded as part of the temporary permissions, have been legally completed. The former route through the Site has been diverted around the Site perimeter, and to mitigate the associated lengthening of the route, the footpath has been upgraded to a bridleway.</p> <p>As well as serving as a footpath / bridleway, this route facilitates a visual connection between church spires in adjacent villages. This historic significance has sought to be preserved through retention of the former route as an undeveloped 'viewing corridor' consisting of low-level vegetation only.</p> <p>It is clarified that, owing to the requirement for this to be a secure Site, it would not be feasible to reinstate a PRoW through this operational, secure Site.</p> |
| Noise, lighting, and air quality on the living conditions of existing and future occupiers of nearby residential dwellings | | |
| 75 | <p>In terms of noise – which is indicated as being discernible from nearby residential dwellings and also users of the PRoW - is the acoustic fencing adequate?</p> <p>Is it in the right place(s)?</p> <p>Is it visually acceptable?</p> <p>Where are the acoustic fences / earth bunds on the site – they do not appear to be clearly shown on the submitted drawings? Both in terms of location and also in terms of</p> | <p>With regard to operational noise and BS4142 assessment, Paragraph 9.66 of ES Chapter 9 states “...at some receptor locations is likely to be discernible against the residual ambient noise climate.” This statement was regarding the application of a rating penalty for the BS4142 assessment. However, the fact that some operational noise is discernible against the residual noise climate at a receptor location does not on its own indicate there is a significant adverse effect.</p> <p>Based on the results of the EIA presented in Chapter 9, the existing on-Site acoustic fencing is indicated as being</p> |

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| <p>type/style/design/nature. Para 7.45 Planning Statement refers to these.</p> <p>Related to their location and form, is it the most appropriate mitigation?</p> <p>How have the concerns reported to ABC's Environmental Protection Team in 2025 by a local resident in terms of noise, been considered and where is it shown that this has been taken into account and/or addressed?</p> <p>Has an independent noise impact assessment been undertaken as suggested by some local parish councils – if not, why not?</p> | <p>adequate. Although some minor adverse effects are predicted to arise from IBF operational noise at some locations, these are considered to be not significant. This is informed from the results of the BS4142 assessment and predicted change in ambient noise level due to IBF noise emissions. Consideration has also been given to the overall predicted specific IBF sound level at receptor location and period of the day.</p> <p>As detailed in paragraphs 9.37 and 9.62, the dominant IBF noise was from HGV movements around the Site. The noise assessment undertaken was based on the highest average hourly HGV movements and also on the maximum hourly HGV movements as presented in Table 9.5.3, which is considered to be a robust approach (Technical Appendix 9.3). This information was provided by Sodexo (the Site operator) based on recorded data between January 2024 to November 2024.</p> <p>With regard to the PRowWs, paragraph 9.85 details that many of the PRowWs are already exposed to transportation noise exceeding 50dB(A) to 55dB(A). Due to inherent mitigation, IBF operational noise (under typical operating conditions) does not significantly affect many sections of the PRowWs. Areas where intermittent increases in prevailing noise levels are identified are bridleway AE672 and AE673 south and east of the IBF. The IBF operational noise level is not however predicted to exceed 60dB(A) in these areas, which for transient users should be acceptable. As stated on paragraph 9.85 of the ES, the bridleways at their closest distance are approximately 15m from the IBF internal access road, thereby providing a separation buffer.</p> |

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| | <p>The closer the acoustic fence is to the source the more effective it is at reducing noise. The path difference of the source wave is greatest as is the shadow zone. See image below:</p>  <p>The locations of the acoustic fences are illustrated in the noise contour plots (Figures 9.2, 9.3 and 9.4) as thick black lines. This information was obtained from drawings 419419-MMD-01-DR-0302 Rev P03 and 419419-MMD-01-MO-DR-C-0603 Rev P05 as stated in Paragraph 9.53 of the ES. The acoustic fences are located adjacent to part of the exit road, namely the south and part west. The acoustic fence is made of timber and is a height of 5 metres. This reflects information provided in the drawings.</p> <p>Visual acceptability of an acoustic barrier is not directly relevant to noise. However, once the proposed landscaping matures in and around the perimeters of the acoustic fencing, the timber nature of these acoustic buffers will soften into the landscape.</p> <p>Waterman consulted ABC's Environmental Protection Team ('EPT') with regard to the baseline survey and assessment methodology approach, the details of which are presented in Appendix 9.4. The EPT confirmed by email dated 28th October 2024, that Low Frequency Noise ('LFN') emissions from the IBF</p> |

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| | | <p>Site allegedly affecting Orchard Cottage, Church Road and Bridge Cottage, Highfield Lane, were investigated. The email stated that <i>"No specific source was established, and the noise issue appeared to resolve itself shortly after."</i> Further to this the email stated, <i>"We thought however that you might like to be aware of these issues as they may arise as part of any subsequent planning consent."</i> This indicates that the complaint regarding LFN was closed out –to the satisfaction of ABC's EPT. Waterman considered the acoustic spectrum of IBF noise sources as part of the BS4142 assessment and did not consider it necessary to undertake a further specific investigation of the LFN complaint which Mott MacDonald had done previously. ABC's EPT did not identify that they had received complaints with regard to tonal noise from refrigerated HGVs, reversing beepers, clanging of curtain sider poles and horns. This is addressed in a Technical Note appended to the Statement of Case (document reference 209801197-WAT-ENV-XX-TN-N-710001_C02_A0, dated 24th November 2025) (Appendix 15).</p> <p>Waterman's noise assessment was undertaken in line with current British standards, guidance and good practice without prejudice or bias. The results indicate negligible to minor adverse effects from IBF operational noise but not at a level that would be regarded as significant.</p> |
| 76 | In terms of the effect of the external lighting, as viewed from the Kent Downs National Landscape / AONB – how can this be mitigated? | Further to extensive public consultation and engagement (see submitted Statement of Community Involvement ('SCI')), the Applicant and Site operators (Sodexo) have reviewed the lighting strategy for a balanced approach reducing lighting |

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| | <p>Why would this strategy work, given that the site has been operational for a few years under the temporary planning permissions.</p> | <p>impact whilst ensuring operational health and safety. The mitigation was implemented in June 2025.</p> <p>Lighting mitigation has been implemented, as detailed in the appended Lighting Technical Note (Appendix 13) and updated Lighting Survey Report included within that. The photographs contained in the Landscape Technical Note evidence the reduced lighting and associated visual impacts of the Site, including in views from the KDNL.</p> <p>A lighting and mitigation implementation plan can be agreed via appropriately worded condition with ABC.</p> |
| 77 | <p>In terms of the effect of lighting on occupiers of neighbouring/nearby dwellings – how can this be further mitigated to reduce the impacts on the living conditions of nearby occupiers?</p> | <p>Further to extensive public consultation and engagement (see submitted SCI), the Applicant and Site operators (Sodexo) have reviewed the lighting strategy for a balanced approach reducing lighting impact whilst ensuring operational health and safety. The mitigation was implemented in June 2025.</p> <p>Lighting mitigation has been implemented, as detailed in the appended Lighting Technical Note (Appendix 13) and updated Lighting Survey Report included within that. The photographs contained in the Lighting Technical Note evidence the reduced lighting and associated visual impacts of the Site, including for nearby residents.</p> <p>A lighting and mitigation implementation plan can be agreed via appropriately worded condition with ABC.</p> |
| 78 | <p>Has the 2025 External Lighting Report been implemented as sought by ABC's Environmental Protection Team?</p> | <p>The majority of the recommendations of the External Lighting Report have been implemented on-Site since June 2025 – details and evidence are provided within the appended Lighting</p> |

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| | <p>If not, why not?</p> <p>If it has, is this in full accordance with the submitted report?</p> | <p>Technical Note (Appendix 13) and updated Lighting Survey Report included within that.</p> <p>A lighting and mitigation implementation plan can be agreed via appropriately worded condition with ABC.</p> |
| <p>79</p> | <p>What impacts and/or effects will there be in air quality terms from HGVs using, accessing, being stationary and exiting the site?</p> <p>What surveys and/or monitoring have been undertaken in terms of particulate pollutants?</p> <p>Does this assessment consider the site operating at full capacity?</p> | <p>The impacts were assessed in accordance with the EPUK/IAQM Planning guidance. A worst-case operational scenario was assessed, and the impacts were deemed negligible for NO₂ as well as PM (PM₁₀, PM_{2.5}). The assessment included additional traffic on the road network as well as the transport refrigeration area emissions.</p> <p>There have not been any Site-specific monitoring surveys undertaken. The data presented was taken from the Defra Background Maps which are modelled concentrations based on a 2018 base year. In addition, baseline conditions included in the assessment considered local authority monitoring in the area both historical concentrations and the most recent available data at the time of assessment (2019-2023). There were no exceeding concentrations recorded and an overall declining trend in annual mean NO₂ concentrations in the area was noted. With respect to particulate, there were no particulate monitors in operation at the time of the assessment; therefore, in accordance with LAQM.TG(22), the Defra Background Maps were used in lieu. This approach is considered robust.</p> <p>The assessment considered the worst-case operating scenario (i.e., the first opening year of the development operating at full capacity). The assessment considered the following:</p> |

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| | | <ul style="list-style-type: none"> • Goods vehicle parking for up to 984 vehicles, including 42 entry lanes with a capacity of up to 240 goods vehicles; • 24 refrigerated semi-trailers (including 19 permanent and 5 reserved); and • 357 staff car parking spaces. <p>In addition, cumulative impacts of committed developments within the study area were included in the assessment.</p> |
| 80 | <p>With regard to CCTV used and/or operated from within the site, are these only sited so as to observe and monitor the site itself and its immediate boundary?</p> | <p>CCTV is used only for the purpose of monitoring the Site and its boundaries. CCTV is orientated away from residential properties and does not capture any private residential properties.</p> |
| Agricultural land | | |
| 81 | <p>It is understood that the site is classified as Grade 2, Best and Most Versatile Agricultural Land (BMVAL).</p> <p>Has the loss of this BMVAL as a result of this application for planning permission, been justified? If so, where can this be found?</p> <p>Is it necessary to impose a condition in terms of reinstatement at the end of the useful life of the proposal?</p> <p>Would this ensure that BMVAL is returned to its former use?</p> | <p>The Site was formerly agricultural land, predominantly classified as Grade 2, and therefore Best and Most Versatile Agricultural Land ('BMVAL').</p> <p>However, the Site no longer serves as agricultural land, having been comprehensively developed, notwithstanding that Natural England's Land Classification Maps have not been updated.</p> <p>Although the approvals, pursuant to the SDO, were temporary, the Analysis of the Likely Environmental Effects of the Development reports ('ALEEDs') which supported the 2020 and 2022 approvals (at section 3.5) set out that a <i>permanent</i> loss of agricultural land was expected.</p> <p>The assessment within the ALEEDs concluded that, given the wider availability of Grade 2 agricultural land within the study</p> |

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| | | <p>area, along with the opportunities for the re-use of this resource elsewhere (through re-use of topsoils and subsoils), it is not considered that the loss of these agricultural soils would be significant.</p> <p>Further, at the time of that assessment, construction works under the Stour Park consent had already commenced and, as such, the assessment concluded that the Site is no longer an arable field with much of the agricultural resource lost to facilitate those works.</p> <p>Further to the above, through the approval of the Stour Park development, the <i>permanent</i> loss of BMVAL was accepted by ABC.</p> <p>Within the ES (at chapter 19) supporting that application, the significance of the effect of losing this quantity of BMVAL was found to be Moderate Adverse. The ES set out that 'There is little that can be done to mitigate against the loss of agricultural land. There is no need for any mitigation in relation to the occupying farming businesses as both businesses would remain operating off-Site as viable businesses.' In approving the application, this was accepted by the Local Planning Authority ('LPA').</p> <p>As a result of these previous consents for the Site, BMVAL had already been lost on a <i>permanent</i> basis. As the BMVAL has already been lost, there is no loss being caused as a result of this application, and no need for further assessment, mitigation or reinstatement.</p> |

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| | | <p>Again, as BMVAL has already been lost, a condition requiring reinstatement would be ineffective and not possible to comply with.</p> <p>Crucial to note, Informative 5 attached to the 2022 relevant approval under the SDO, provides for the reinstatement of the Site, including the retention of the Site access and circulation roadways, plus the development platforms. As such, there is a clear intent that the Site is part brownfield in perpetuity with no expectation of being returned to agricultural use.</p> |
| 82 | <p>In terms of the blue line 'Land east of Highfield Lane' which is indicated to be the area in which BNG would be achieved, what is the current agricultural classification of this land?</p> <p>(In particular given footnote 65 of the Framework, which indicates that <i>'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'</i> and Written Ministerial Statements, which whilst relating to solar development, indicate that <i>'Food security is an essential part of national security...'</i> and <i>'For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.'</i>).</p> | <p>Based on Natural England's Agricultural Land Classification Map, Sevington East is classed as Grade 2, BMVAL.</p> <p>The dedication of Sevington East for biodiversity purposes was included as part of the SDO relevant approvals, and in accordance with Condition 5 and Informative 5 attached to the fourth relevant approval, as part of Site reinstatement, the landscaping and biodiversity enhancements are required to be retained. As such, the function of Sevington East for biodiversity purposes, rather than agriculture, has already been established.</p> <p>The ALEEDs' conclusion (section 3.5) is also considered to be applicable to Sevington East, in terms of the wider availability of Grade 2 agricultural land within the study area, meaning that it is not considered that the loss of these agricultural soils would be significant.</p> <p>Having particular regard to NPPF footnote 65, it is clarified that this relates specifically to allocating land within plans. It is, therefore, not of express relevance to the proposed dedication</p> |

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| | | <p>of land for BNG. In any case, the identification within the ALEEDs of wider availability of Grade 2 agricultural land within the study area, suggests that the retention of Sevington East for biodiversity, rather than agricultural, purposes, is not in conflict with the Framework or WMSs.</p> |
| Adequate provision for infrastructure (planning obligations) | | |
| <p>83</p> | <p>Is the submitted legal agreement under s106 of the TCPA, (dated 7 October 2025), made by the Department for Transport (DfT) to Ashford Borough Council, adequate? It is submitted as a unilateral undertaking; however it is unclear as to why it does not involve the other Applicants – DEFRA and HMRC. Why is this?</p> <p>In terms of land ownership is DfT the only landowner / interest in the blue lined land area which is suggested to be set aside as the biodiversity net gain area?</p> <p>Why do the Plans on pages 33 and 42 of 50 of the pdf version of the submitted unilateral undertaking not appear to match the site area submitted on the site plan?</p> <p>What is the relevance of Plans 1, 2, 3, and 4, as defined in the submitted unilateral undertaking, when these are not referred to in the Owner's Obligations set out in Schedule 1 of the unilateral undertaking?</p> | <p>The DfT is the owner of the site. Defra and HMRC do not have a sufficient legal interest in the land to allow them to enter into a planning obligation under s.106 of the TCPA that will ultimately bind the land.</p> <p>Yes, DfT is sole owner of the "Offsite BNG Land" as defined in, and shown outlined blue on the BNG Plan annexed to, the Unilateral Undertaking.</p> <p>The site plan is intended to reflect the boundary of the main application site. This is distinct from the plans on pages 33 and 42. These plans accompanied the LEMP submitted to discharge condition 11 of relevant approval 4 under the 202 SDO, the provisions of which the UU is intended to replicate. They illustrate the landscape and habitat works that have previously been approved and would be completed if the permanent permission is granted.</p> <p>Plan 1 shows the registered titles constituting the Application Site, as defined in the UU. (Please note there is a typo in the definition of Plan 1, which refers to drawing ref 419416-MMD-01-MO-DR-Z-0005 PO1 but the correct drawing is revision "PO2". This will be corrected.</p> |

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| | | <p>Plans 2 and 4 show part of the context for the original application, setting out the alignment of the public right of way that has been stopped up. However, they are not needed for the proposed planning obligations under the UU and will be removed.</p> <p>Plan 3 shows the indicative location of the pedestrian and cycle connectivity improvement plan, which relates to planning obligation 2 in Schedule 1 to the UU.</p> |
| 84 | <p>The submitted unilateral undertaking refers to four obligations it secures. These are shown on page 8 of 50 of the pdf as:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Schedule 1</p> <p style="text-align: center;">The Owner's Obligations</p> <ol style="list-style-type: none"> 1 Junction 10A Works Contribution The Owner covenants to pay to the Council the Junction 10A Works Contribution within 14 days of the date of the grant of the Planning Permission 2 Pedestrian and Cycle Connection Improvement contribution and the Additional Pedestrian and Cycle Connections Improvement Contribution The Owner covenants to pay the Council the Pedestrian and Cycle Connection Improvements Contribution to the Council prior to completion of this Agreement and the Additional Pedestrian and Cycle Connection Improvements contribution within 14 days of the date of the grant of the Planning Permission 3 Church Works Contribution (Remainder) and the Additional Church Works Contribution (Remainder) The Owner covenants to pay to the Council the Church Works Contribution (Remainder) prior to completion of this Unilateral Planning Obligation and the Additional Church Works Contribution (Remainder) within 14 days of the date of the grant of the Planning Permission 4 Off Site Habitat Enhancement Works The Owner covenants to carry out the Habitat Enhancement Works to the Off Site BNG Land within 36 months of the date of the grant of Planning Permission and to maintain the Off Site BNG Land for a period of 30 years from the date of completion of the Habitat Enhancement Works </div> | <p>This question is partly addressed in the Applicant's response to the Inspector's preliminary queries about the UU. The planning obligations in the UU follow on from and 'honour' corresponding planning obligations in the section 106 agreement between the Council and the prior site owner that was finalised on 13 September 2017, in relation to planning application 14/00906/AS but after it was granted. As described in Ashford Borough Council's (the Council's) written representations for the current application, submitted on 25 September 2025 (starting at paragraph 38), the Applicant worked with the Council between 2020 and 2023 to negotiate a section 106 agreement that 'honoured' the financial commitments in the 2017 agreement between the parties described above (although the agreement was not concluded in 2023 or since).</p> <p>Clause 4.2 of the UU provides that the Council, as the Local Planning Authority, can enforce the planning obligations contained therein.</p> <p>Planning obligations constitute local land charges under section 106(11) of the Town and Country Planning Act 1990,</p> |

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| | <p>The Applicants, or the landowner, or the part that has submitted the unilateral undertaking does not appear to have provided a detailed justification for these being voluntarily provided.</p> <p>A short paper detailing why these are being provided by the signatory should be provided within the timeframe set out as part of the Inquiry process.</p> <p>In the interests of openness and fairness this should be provided so that interested parties can be aware of what the submitted unilateral undertaking obligates the signatory to.</p> <p>Moreover, it should be clearly indicated that the signatory has the full ability to ensure that the submitted unilateral undertaking would be enforceable against any future landowner(s) or persons holding an interest in the land, so as to ensure that the obligations that the unilateral undertaking secure can be realistically achieved and secured for their intended purposes throughout the longevity of the period that they are required for.</p> | <p>which are binding successive owners of the land regardless of whether the planning obligation is registered on the local register (although clause 7.2 of the undertaking provides the Department for Transport's consent as Owner of the site for the deed to be registered as a local land charge).</p> <p>Section 106(3)(b) of the TCPA enables the local planning authority to enforce against future land-owners.</p> |
| 85 | <p>What certainty is there, given that the submitted legal agreement is submitted unilaterally (and therefore suggests that the obligations it secures are only enforceable against the party 'entering' it), that the monies provided for certain activities will occur so as to provide the mitigation required?</p> | <p>Under section 106(3)(a) of the TCPA, the local planning authority may enforce any planning obligation in the UU against the DfT, and under section 106(3)(b) the local planning authority may enforce against any future land-owner. The UU is therefore equally certain as any other section 106 obligations, whether entered into by agreement or unilaterally.</p> |
| 86 | <p>The sum of £203,578.93 for church works contribution (page 4 of 10) – what is this and how does it relate to the above monies? There is reference to works to the church roof and that this is 'mitigation' provided to the heritage asset due to harm to its</p> | <p>This sum represents the Church Works Contribution obligation arising from the original s.106 agreement between the Council and the prior site owner, finalised on 13 September 2017, in</p> |

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| | <p>setting arising from the development; however it is unclear as to how this provides mitigation and/or complies with the CIL Regulations / Paragraph 58 National Planning Policy Framework.</p> | <p>relation to planning application 14/00906/AS. At the time that agreement was completed, the amount was £186,875.</p> <p>That sum was index-linked in the original agreement, which has resulted in the higher current amount of £203,578.93.</p> <p>The original Church Works Contribution sum from the 2017 agreement met the relevant tests, as set out fully in Table 1 of the report presented to the Council's planning committee of 18 May 2016, and the Applicant additionally refers to their response to the Inspector's preliminary queries about the UU for a full discussion of same.</p> <p>The remaining sum of £23,961.02, which consists of further interest and indexation amounts, is addressed in matter 87 below. The planning obligation for the Applicant to pay this amount is discussed further in relation to that query.</p> |
| <p>87</p> | <p>What is the 'Original S106 Agreement' (page 3 of 10) and the payment of the Church Works Contribution Remainder being Twenty Three Thousand Nine Hundred and Sixty One Pounds and Two pence (£23,961.02) for the funding of the Church Works that is set out there? How has this been shown to comply with the CIL Regulations / Paragraph 58 National Planning Policy Framework?</p> | <p>References in the UU to the original s.106 agreement are references to the agreement referred to above, between the Council and the prior site owner, finalised on 13 September 2017 in relation to planning application 14/00906/AS.</p> <p>The Church Works Contribution Remainder constitutes an additional sum in addition to the corresponding sum secured under the 2017 agreement, consisting of further indexation of and daily interest on the sum due under the 2017 agreement (which is discussed above in relation to matter number 86).</p> |
| <p>88</p> | <p>The circa £4,973,012.83 for Junction 10A of the M20 motorway (page 4 of 10) – how is this justified? Have the works already taken place?</p> | <p>As with the sums queried in matter numbers 86 and 87 above, this planning obligation is intended to satisfy an existing planning obligation arising under the 2017 agreement and the</p> |

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| | <p>How does this comply with the CIL tests – directly related to the development proposed, for example?</p> | <p>Applicant refers to their response to the Inspector's preliminary queries about the UU for a full discussion of same.</p> <p>Junction 10A of the M20 has now been completed.</p> |
| <p>89</p> | <p>What is the £38,327.40 pedestrian and cycle connection monies (page 3 of 10) for in practical terms?</p> <p>How is Duckworth Close, Willesborough and / or the use of this pedestrian/cycle connection related to the application site?</p> | <p>As with the sums queried in matters 86 to 88, this planning obligation is intended to satisfy an existing obligation arising under the 2017 agreement and the Applicant refers to their response to the Inspector's preliminary queries about the UU for a full discussion of same.</p> <p>Duckworth Close is the nearest road to the application site that is north of Old Mill Brook and west of the A2070. Connecting Duckworth Close to the application site enables staff to access the IBF by bicycle or on foot from locations across sub-urban Ashford and so reduces reliance on the private car and car parking on the site.</p> <p>A cycle connection was already anticipated to be provided when planning permission 14/00906/AS was granted in 2017. Conditions 26 and 27 associated with the grant of that permission call for provision of cycling facilities. These were imposed "in the interests of promoting alternative modes of transport" and "to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study."</p> <p>The local planning authority approved this use of the money at its 24 September 2025 meeting on the current application.</p> |
| <p>90</p> | <p>The definition of 'Crown' (page 4 of 50), refers to s.293 of the Planning Act. However, it is s293 of the Town and Country</p> | <p>The Applicant acknowledges the typographical error in the document and agree with the Inspector's interpretation.</p> |

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| | <p>Planning Act 1990, as amended, which is understood to the relevant Act, and not the Planning Act 2008.</p> | |
| <p>91</p> | <p>Has the Original S106 (dated 13 September 2017) been complied with? Alternatively, does it remain extant and enforceable?</p> <p>Related to this, have all the pre-commencement conditions (or conditions precedent) of the planning permission, and requirements of this legal agreement been approved so as to ensure that the Lawful Development Certificate is correct?</p> | <p>The 2017 s106 has not been complied with, and the same contributions have been requested by ABC.</p> <p>As a local land charge, the planning agreement remains extant and enforceable against the owner of the land.</p> <p>The following pre-commencement conditions (or conditions precedent) of planning permission 14/00906/AS have been approved:</p> <ul style="list-style-type: none"> • 8 (Phase 1A), 9 (Phase 1A) & 30 – application ref: 14/00906/COND/AS, decision notice dated 03 July 2019. • 18, 19, 20, 22 & 25 – application ref: 14/00906/CONE/AS, decision notice dated 03 July 2019. • 23 – application ref: 14/00906/CONC/AS, decision notice dated 21 May 2019. • 33 & 34 – application ref: 14/00906/CONA/AS, decision notice dated 05 July 2019. • 40, 44 & 46 (Phase 1A) – application ref: 14/00906/CONF/AS, decision notice dated 03 July 2019. • 8 (Phase 1A), 9 (Phase 1A) & 30 – application ref: 14/00906/COND/AS, decision notice dated 03 July 2019. |

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| | | <ul style="list-style-type: none"> • 18, 19, 20, 22 & 25 – application ref: 14/00906/CONE/AS, decision notice dated 03 July 2019. • 23 – application ref: 14/00906/CONC/AS, decision notice dated 21 May 2019. • 33 & 34 – application ref: 14/00906/CONA/AS, decision notice dated 05 July 2019. • 40, 44 & 46 (Phase 1A) – application ref: 14/00906/CONF/AS, decision notice dated 03 July 2019. |
| The overall planning balance | | |
| 92 | What are the economic and employment benefits arising from the application scheme? | <p>The economic and employment benefits associated with the proposals are summarised as follows:</p> <ul style="list-style-type: none"> • The IBF is a major employment generator for Ashford, supporting 941 direct jobs (819 FTE), and a further 205 across an active supply chain. With 59% of staff living locally within 10 miles, it is estimated that approximately 433 staff (377 FTE) are resident within ABC. • Direct and indirect (supply chain) jobs are together estimated to generate £38.1M in GVA per annum. • Approximately £13.4M per annum in wages are received by residents within the administrative boundary of ABC. • The IBF also supports local apprenticeships to support further professional development, including in the areas of leadership and operational department management. |

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| 93 | What are the other public benefits arising from the scheme? | <p>The significant public benefits arising from the proposals are detailed in the submitted Planning Statement and Statement of National Importance, and a summary is set out below:</p> <ul style="list-style-type: none"> • The proposal is of National Importance which should be afforded very substantial weight. National importance is set out in the WMS made by Matthew Pennycook as Minister of State for Housing and Planning on 13th February 2025. The WMS expressly points to border infrastructure as being of national importance. The development is for the ongoing operation of critical national infrastructure, specifically border infrastructure, which has been required for border security in the national interest since the UK's exit from the EU. The Sevington IBF and BCP together cover approximately a third of EU trade. A large proportion of this trade is highly time sensitive and crucial to many sectors including critical goods such as medicine and fresh food, alongside highly integrated supply chains where Short Straits traffic is vital for UK manufacturing. The Site remains strategically vital to facilitate border security checks, including documentary and physical checks taking place on goods entering and exiting the UK, alongside SPS checks at the BCP, to provide protection in respect to the UK's biosecurity and public health. The majority of checks are customs and transit, and these remain unaffected by the EU reset. • The IBF is a major employment generator for Ashford, supporting 941 direct jobs (819 FTE), and a further 205 |

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| | | <p>across an active supply chain. With 59% of staff living locally within 10 miles, it is estimated that approximately 433 staff (377 FTE) are resident within ABC.</p> <ul style="list-style-type: none"> • Direct and indirect (supply chain) jobs are together estimated to generate £38.1M in GVA per annum. • Approximately £13.4M per annum in wages are received by residents within the administrative boundary of ABC. • The IBF also supports local apprenticeships to support further professional development, including in the areas of leadership and operational department management. • The operator of the IBF has established links with the community, through a range of programmes delivering local social value initiatives. A Community Good Fund supports local societal and environmental priorities, and over the 2023-2024 year, 148 volunteer hours and £1,700 were contributed to local communities and good causes. • The IBF supports SMEs within the local community, reflected in a 2023-2024 spend of around £2.38M across 37 SMEs throughout the supply chain, producing a £637,769 social value return on investment. • Mentorship programmes have been established with local suppliers, seeking to help mentee organisations break through inequalities and potential barriers, and a Training Suite has been established in order to provide |

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| | | <p>training to over 55 SMEs and VCSEs in the 2023 -2024 year.</p> <ul style="list-style-type: none"> • Initiatives have been focused within the employee community, including around diversity and inclusion, mental health and wellbeing, training opportunities (including for disadvantaged groups), and carbon literacy. • Through the proposed landscaping scheme, the proposals will contribute to significant on-Site and off-Site (at Sevington East) habitat enhancement and BNG. • The use of the Site as part of Kent resilience to absorb vehicles from the SRN during emergency situations, supports a wider public benefit. |
| <p>94</p> | <p>Should any weight be afforded in planning terms to the application being deemed of 'national importance' in terms of it being appropriate for the Crown Development Application route?</p> <p>If so, what weight should be afforded to this factor, and what is the policy or other basis for this?</p> | <p>The proposal is of National Importance which should be afforded very substantial weight. National importance is set out in the WMS made by Matthew Pennycook as Minister of State for Housing and Planning on 13th February 2025. The WMS expressly points to border infrastructure as being of national importance. The development is for the ongoing operation of critical national infrastructure, specifically border infrastructure, which has been required for border security in the national interest since the UK's exit from the EU. The Site remains strategically vital to facilitate border security checks, including documentary and physical checks taking place on goods entering and exiting the UK, alongside SPS checks at the BCP, to provide protection in respect to the UK's biosecurity and public health.</p> |

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| | | <p>The Sevington IBF and BCP together cover approximately a third of EU trade. A large proportion of this trade is highly time sensitive and crucial to many sectors including critical goods such as medicine and fresh food, alongside highly integrated supply chains where Short Straits traffic is vital for UK manufacturing. If Sevington IBF / BCP was to cease operation, there would be a major risk of very significant disruption to trade (delays, large cost increases as markets adjust to more expensive and less efficient approaches, and almost certainly loss of trade) culminating in much wider economic, social and international impacts. In addition to potential disruption to trade, there would be a significant and unknown risk to national biosecurity.</p> <p>The national importance of the Sevington IBF is further evidenced by data demonstrating the scale and characteristics of trade moving through the Short Straits, which the facility directly supports. The Short Straits is a nationally significant trade corridor, facilitating £166bn of UK trade in 2024 (16% of total UK trade value), including £154bn of UK-EU trade (31% of total UK-EU trade). It is also a critical route for time-sensitive and highly integrated supply chains, handling in 2024: 31% of all UK trade in food and live animals, 20% of manufactured goods, and 17% of machinery and transport goods. These categories include perishable goods and goods that depend on just-in-time logistics, which are particularly sensitive to delays or diversion. The Short Straits also accommodates the vast majority of UK roll-on roll-off freight, accounting for 84% of all accompanied road goods vehicles (RORO) in 2024. Whilst we do not know the maximum capacity to handle RORO at other</p> |

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| | | <p>UK ports, it seems unlikely that there would be sufficient spare capacity at other sites to accommodate all 84% of the RORO in the UK market. Any closure or interruption of Short Straits traffic due to lack of IBF capacity or inability to operate due to planning issues would inevitably lead to substantial non-movement of goods, diversion to slower and less efficient modes (eg. load-on, load-off) and significant economic and supply chain disruption.</p> |
| <p>95</p> | <p>How does the proposal accord with the development plan?</p> <p>If there is conflict with the adopted development plan for the area, what material considerations indicate a decision otherwise than in accordance with the adopted development plan?</p> | <p>The proposals accord with the Development Plan for the Site by generating significant employment generation and economic benefits. In accordance with Local Plan Policies SP1, SP3, EMP1 and EMP2 the proposals create a range of employment opportunities and retain a significant employment-generating use, provide major investment within the Borough, utilise existing infrastructure and make best use of brownfield land. In accordance with NPPF paragraph 85, significant weight should be placed on the need to support economic growth and productivity. Aligning with NPPF paragraph 124, the proposals seek to make effective use of previously developed or 'brownfield' land.</p> <p>The proposals deliver significant ecological enhancements and BNG across the combined area of the Site and adjacent Sevington East (within the same landownership). Accordingly, the proposals comply with Local Plan Policy ENV1 and NPPF paragraphs 187 and 193.</p> <p>In compliance with Local Plan Policy SP7, the proposals safeguard against the coalescence of neighbouring</p> |

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| | | <p>settlements, specifically via legally securing Sevington East for biodiversity purposes for a 30-year period.</p> <p>The proposals are acceptable in highways terms, being well related to the primary and secondary road network and with appropriately designed accesses, as required by Local Plan Policy TRA7. Through the submitted Transport Assessment, it has been demonstrated that traffic movements to and from the development can be accommodated with appropriate mitigation. According with NPPF paragraph 116, there is no basis for the proposals to be prevented on highways grounds.</p> <p>Appropriate weight has been given to the assessment of heritage impacts arising from the proposals in the setting of nearby listed buildings, as required by chapter 16 of the NPPF and Local Plan Policy ENV13. As detailed in response to Matters 44 and 46, the Heritage Assessment concludes that the strong breadth of public benefits outweigh the perceived less than substantial harm attributable to seven heritage assets (Grade I listed Church of St Mary, and six Grade II listed buildings). Therefore, the proposals are considered to accord with the Development Plan and requirements of the NPPF.</p> <p>For clarity, there is no allocation for any other use of the Site, pursuant to the current Development Plan. The Site has a long planning history, including an earlier outline permission for 'Stour Park' and a previous Site Allocation in the previous Local Plan (Ashford Core Strategy 2008 and Urban Sites and Infrastructure Development Plan Document 2012) as a strategic employment site. It is understood that the allocation fell away in the new Local Plan given permission had been</p> |

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| | | <p>granted for employment development. On this basis, it is understood that ABC have always considered the Site for employment-led development.</p> <p>It is acknowledged that the proposals will result in a level of impact, specifically with respect to landscape (Local Plan Policy ENV3), design (Local Plan Policy SP6) and dark skies (Local Plan Policy ENV4).</p> <p>It is considered that the proposals would accord with the development plan when read as a whole, given the significant employment generation and economic benefits, ecological enhancements and BNG, protection against coalescence, and appropriate highways mitigations. As such, it is considered that the proposals should be strongly supported.</p> <p>In addition, beyond compliance with the Development Plan, it is clear that the proposal's national importance carries very substantial weight.</p> |

12. Conclusions

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise, and this statutory duty is emphasised at NPPF paragraph 2.
- 12.2 The Applicant has demonstrated that the Development is in accordance with the development plan when read as a whole, given the significant employment generation and economic benefits, ecological enhancements and BNG, and protection against coalescence for this nationally important infrastructure. As such, it is considered that the proposals should be strongly supported.
- 12.3 In addition it is a very strong material consideration is that that the proposals have been accepted to be of national importance, and their national importance in delivering critical strategic infrastructure in this location should carry very substantial weight in any event.
- 12.4 Any harms from the proposed development are clearly and demonstrably outweighed by the overwhelming benefits and national importance of the development in any event.
- 12.5 Accordingly, the Inspector is respectfully invited to grant planning permission for the Development as expeditiously as possible.

James Sheppard

Senior Director



Rachel Streeter

Associate



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