

SEVINGTON INLAND BORDER FACILITY

APPLICANT'S OPENING STATEMENT

Introduction

1. In circumstances where you will already be familiar with all of the documentary material and the Applicant's Statement of Case, this necessarily brief opening focuses on four main topics:
 - (i) The planning and legal background for this application for Crown Development in the public interest.
 - (ii) The need and national importance of the Development as national infrastructure critical to the economy and border security.
 - (iii) The strategic and essential location for the Development at Sevington.
 - (iv) The absence of any material objection to the principle of the Development and brief comment on the residual issues.

Planning and Legal Background

2. The process being followed for this application is novel. It is made under the new provisions in s.293D of the Town and Country Planning Act 1990 ("the 1990 Act") for Crown Development. It has already been confirmed that the application conforms to the statutory requirements and that the Secretary of State considers that the application is of national importance, as set out in the notice dated 28th July 2025. Notwithstanding that novelty, the application still falls to be determined in accordance with the principles articulated in section 70(2) of the 1990 Act and section 38(6) of the Planning and Compulsory Purchase Act 2004 in relation to development plan policy and national

policy by way of important material consideration. The relevant policy context is addressed in detail by the Applicant in its application and the Statement of Case.

3. The Applicant is seeking full permanent planning permission for retention of the existing Sevington Inland Border Facility (“**IBF**”) and Border Control Post (“**BCP**”) (“**the Development**”).
4. The IBF and BCP already benefit from temporary planning permission granted under the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (“**the SDO**”) and relevant approvals under that SDO. Four relevant approvals have been granted by the Secretary of State for Housing, Communities and Local Government (“**SSHCLG**”) under article 4(1)(a) of the SDO to carry out and retain the Development under that permission. Under Site-specific condition 2 of the relevant approvals, each subsequent approval superseded the former.
5. In accordance with article 3(5) of the SDO, the most recent and current (fourth) approval for the temporary use and development under the SDO will expire on 31st December 2025. This application now seeks to retain the Development and no further development is proposed.
6. The Development is ideally located. It lies just off Junction 10A of the M20, accessed via the A2070, approximately 13 miles inland from the Channel Tunnel and 22 miles inland from the Port of Dover. As such, it is strategically located adjacent to a key Heavy Goods Vehicle (“**HGV**”) route between the Port of Dover, the Channel Tunnel and the rest of the country. It therefore allows for minimal diversion by HGVs from the Strategic Road Network (“**SRN**”) for the necessary checking of goods transiting to and from the UK. The Site provides all necessary parking areas for HGVs and other vehicles, with the necessary security facilities for the checking of vehicles’ contents. The Site is therefore in a critical strategic location for this nationally important infrastructure.
7. The principle of significant development on the Site has been long-established. It was allocated as a Strategic Employment Site in the former Ashford Core Strategy 2008 and then again in the Urban Sites and Infrastructure Development Plan Document dated 2012.

8. The Site was formerly known as Stour Park West and already benefits from grant of outline planning permission (ref: 14/00906/AS) obtained by Friends Life Limited on 13th September 2017 for an employment-led mixed-use scheme. This included permission for new buildings and structures of up to 157,616 sqm comprising up to 140,000 sqm Class B8 (storage and distribution), 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 space together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping.
9. That outline planning permission was granted subject to a Section 106 Agreement dated 13th September 2017 made between Ashford Borough Council, Kent County Council (“KCC”) and Friends Life Limited. Reserved Matters Approval for Phase 1A (ref: 19/00579/AS) was granted on 05th July 2019 which included the provision of the estate roads and open space. A Certificate of Lawfulness of Existing Use or Development (ref: 19/01099/AS) was granted on 15th August 2019, confirming that the development permitted under the outline planning permission 14/00906/AS and associated Phase 1A works approved under reserved matters application reference 19/00579/AS had commenced.
10. In the event, the development of the Site for nationally important infrastructure under the SDO and relevant approvals took place instead. The Site is now referred to as Sevington West, with a second parcel of land, comprising an approximate area of 42.3 ha known as ‘Sevington East’ now proposed to be secured for biodiversity purposes.
11. The application is therefore for retention of the infrastructure already on site, for a use which has been operating successfully in providing this critical service over the past 5 years. The planning permission would therefore supersede what is otherwise proposed by way of reinstatement in the draft Reinstatement Plan under condition 5 of the current relevant approval. However, in light of the planning history identified, that draft Reinstatement Plan itself proposed retention of the strategic landscape mounding, bunds, surface water drainage facilities, site accesses, access and circulation roadways and development platforms in any event. This reflects the Site’s established pedigree

for development under the Stour Park West consent and its previously developed land status.

12. The application seeks retention of the existing spaces for HGV Parking on site. The application refers to 984 spaces. This number is intended to reflect the operational position when 151 of the demarcated spaces can be used for double-stacking of smaller vehicles to allow flexibility for the Romeo and Tango emergency holding areas to respect effectively to emergencies. The number of demarcated lorry parking spaces on the site (including 24 for refrigerated vehicles) is 833 and the Applicant has confirmed that it is content to refer to that latter number as reflecting the actual number of demarcated spaces.
13. Details of the landscaping schemes associated with the application are provided in the:
 - 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).
14. 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.
15. The LEMPs have been reviewed, and additional areas of planting have been proposed (as shown in the submitted Detailed Planting Plans). The LMMP has also been produced to provide a 10-year programme for maintenance and management, aimed at supporting the successful establishment of the landscape to be delivered in accordance with the LEMPs and additional Detailed Planting Plans.
16. The Applicant is committed to the full implementation of the LEMPs, additional planting and LMMP. In addition, it is proposing to secure the delivery, management and maintenance of biodiversity enhancements across Sevington East for a 30-year period through a Unilateral Undertaking (“**UU**”).

National Importance

17. The importance of allowing the Development to continue operating after 31st December 2025 cannot be overstated. The Development is of critical national importance, as evidenced by the use of the Crown Development route to seek permanent planning permission, a route intended to determine proposals of national importance. Indeed, in his Written Ministerial Statement (“WMS”) of 13th February 2025, Matthew Pennycook as Minister of State for Housing and Planning specifically identifies border infrastructure explicitly within the examples of types of development that are of national importance, that is:

- (i) Involving the interests of national security or of foreign Governments;
- (ii) Contributing towards the provision of national public services or infrastructure, such as new prisons, defence, or border infrastructure;
- (iii) Supporting a response to international, national, or regional civil emergencies; or
- (iv) Otherwise having significant economic, social, or environmental effects and strong public interest at a regional or national level.

18. The Development reflects these criteria. Through its strategic location close to the Port of Dover and the Channel Tunnel, it plays a crucial role in the ongoing operation of national border infrastructure. It 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 checks at the BCP, to protect the UK’s biosecurity and public health. The Development also supports responses to national or regional civil emergencies by providing capacity to accommodate vehicles off the SRN during emergency situations and to address freight disruption.

19. Moreover, by covering approximately a third of EU trade to the UK, including almost all the trade passing through the Short Straits, it is of significant national and international economic importance.

20. Needless to say, the loss of such a facility to continue to serve this role would severely jeopardise the UK’s ability to trade in highly time-sensitive and critical goods, such as medicine and fresh food, and it would disrupt integrated supply chains where Short

Straits traffic is vital for UK manufacturing. There would also be a serious impact on our EU trading partners who would have to shift their trade routes, thereby increasing costs, fuelling inflation and compromising the UK's reputation as a reliable trade partner. The Applicant's position is that the national importance of the proposed Development should carry very substantial weight in planning terms.

Strategic and Ideal Location

21. The Site is in a strategic and ideal location. There are no other sites in the UK with the size and capacity to deal with the volume of trade that comes through the Sevington IBF and BCP. And it is difficult to conceive of a better placed, more strategic and appropriate location for an IBF and BCP than this, particularly with its planning pedigree for significant development. Amongst other things:

- (i) The suitability of the Site for significant development is already established by its previous allocation as a Strategic Employment Site under the now-superseded Core Strategy and DPD under the Previous Local Plan. Those allocations were taken forward by the grant outline permission Stour Park West in 2017. The Development under the SDO for the Sevington IBF and BCP was therefore a natural progression and consistent with that planning history.
- (ii) The Site's proximity to the Short Straits, and direct access via the SRN, means that the Development is located adjacent to a nationally significant trade corridor which in 2024 alone facilitated £166bn of UK trade (16% of total UK trade value). It is particularly beneficial to have an IBF and BCP of this scale near the Short Straits given the significant number of perishable and otherwise time-sensitive goods that enter and exit the UK through the Short Straits trade corridor. Its ideal location to serve that function is now evidenced by its use for that purpose over the last 5 years under the temporary permission.
- (iii) The scale and location of the Site offers the optimal flexibility to cater for the range of scenarios, including disruptions and emergency situations, when greater capacity is required to deal with increased volumes of traffic off the SRN. Given its strategic location on a nationally significant trade corridor, it is crucial that

the Site retains this flexibility to continue operating effectively in the national interest.

- (iv) Although the grant of planning permission under the SDO is time limited, the proposed Reinstatement Plan unsurprisingly anticipates retention of physical development (such as the circulation roadways and development platforms) to reflect the Site's pedigree for significant development. Retention of the existing Development under a permanent planning permission in order to serve an essential and continuing need for the IBF and BCP in the UK's national interest is therefore a natural and obvious use for this Site, reflecting principles of sustainability and making effective use of previously developed land.
- (v) As this application seeks to retain the Development, the position is that the Site is already developed and no further significant physical development is proposed. It is already functioning and known to its users. The infrastructure is already in place. Even if a suitable better site could be identified (which is not the case), to seek to move the site of the BCP and IBF now would involve significant additional cost to the public purse and would risk confusion and disruption to supply chains.

The Principle of Development and Residual Issues

22. As a result of detailed engagement with Ashford Borough Council, statutory consultees and the affected communities, it is relevant to note the absence of any significant objections to the principle of the Development on this Site. That such a significant and nationally important Development is comparatively uncontroversial is testament to the recognition by the great majority as to the need for the proposal and the fundamentally suitability of the Site (given its strategic location) along with the efforts made by the Applicant to address points of concern.
23. That is not to belittle the representations that have been made and remain which principally focus on the details of how the Site should be operated and the nature of the conditions to be attached to any consent. However, in relation to the proper application

of the statutory framework and the planning balance, the Applicant submits that this is a clear case where there are overwhelming reasons for planning permission to be granted for this critical piece of infrastructure.

24. The Applicant has addressed in detail the remaining issues that have been raised as identified in your Statement of Matters and there is not the time to run through all of those responses now. The Applicant and its expert witnesses will endeavour to assist you throughout the inquiry on any further points of detail relating to any of the topics, such as highways mitigation, heritage impacts, drainage, lighting, noise, landscaping, litter and public rights of way.
25. So far as transport issues are concerned, National Highways had no objection to the Development subject to the imposition of conditions. We have concluded a Statement of Common Ground (“SoCG”) with National Highways. KCC Highways had a holding objection, but that has been withdrawn following an agreed SoCG between the Applicant and KCC Highways.
26. The Applicant continues to engage Ashford Borough Council which does not object to the principle of the Development. The Applicant considers that any remaining points of dispute are able to be addressed through conditions and s106 obligations.
27. Substantial progress has been made towards agreeing a SoCG with KCC Drainage and with Ashford Borough Council (based on agreed conditions) or , although the focus is presently more on seeking to agree suitable condition wording to resolve those remaining few issues.
28. The Applicant offered to enter into discussions and potentially a SoCG with the Rule 13 parties and remains open to discussing any issues which concern the Rule 13 parties in inquiry or outside of it. The Applicant takes its responsibilities to the surrounding local communities very seriously and it is engaged with the concerns that have been expressed and, where there may be disagreement (for example in relation to noise matters), the Applicant has provided expert analysis and assessment to explain its position as to the acceptability of what is proposed. We will assist you on any further matters that you wish to explore during the inquiry.

Conclusion

29. For these reasons, and for the reasons set out in our Statement of Case, Technical Notes and responses to the Matters raised by the Inspector, we respectfully submit that there is an overwhelming case for the grant of permission, subject to the imposition of conditions, to enable this nationally important development to remain on the Site to serve the vital public interest of the UK in terms of trade, economy and border security. We commend the application to you.

JAMES STRACHAN KC

MICHAEL FRY

CLAIRE NEVIN

2nd December 2025

SEVINGTON INLAND BORDER FACILITY

LIST OF APPEARANCES

James Strachan KC, Michael Fry and Claire Nevin (instructed by Elizabeth Sutton and Lee Taylor, Government Legal Department, Department of Transport Legal Advisers) will call:

1. *Landscape*

Tom Hurlstone, Honours Degree in Landscape Architecture with Planning, Master of Landscape Architecture, Sheffield University. Chartered Member of the Landscape Institute (CMLI).

2. *Lighting*

Jason O'Loughlin, NVQ Level 3 in Electrical Technical Services, Bachelor of Science (BSc Hons) in Building Services Engineering from South Bank University, Master of Science (MSc) in Construction Economics and Management from University College London (UCL). Member of the Chartered Institution of Building Services Engineers (CIBSE).

3. *Highways*

Andrew Beard, BSc (Hons), Member of the Chartered Institution of Highways and Transportation (MCIHT)

4. *Noise*

Innes Urbanski, BSc (Hons) in Environmental Science from the University of Sheffield and a MSc in Applied Acoustics from the University of Derby. Member of the Institute of Acoustics (MIOA).

Mark MacLagan, BSc (Hons) in Environmental Science from Nottingham Trent University, Post Graduate Diploma in Acoustics and Noise Control from the University of Salford, member of the Institute of Acoustics (MIOA).

5. *Air Quality*

Sarah Slater, C.Env, Member of the Institute of Air Quality Management (IAQM)

6. *Heritage and Archaeology*

Alice James, BA (Hons) MSc, Member of the Chartered Institute for Archaeologists (MCIfA)

Lorraine Mayo, BA Archaeology, MA Archaeology, Member of the Chartered Institute for Archaeologists (MCIfA), Fellow of the Society of Antiquaries

7. *Ecology*

Diane Corfe, Bachelor of Science Degree (with joint honours) in Botany and Zoology (Environmental Biology), Master of Science degree in Environmental Engineering, full member of the Royal Society of Biology and a Chartered Biologist and full member of the Chartered Institute of Ecology and Environmental Management (CIEEM)

8. *Planning*

James Sheppard, MA Planning from The University of Manchester, an AIEMA qualification in Environmental Management and Assessment from the University of Bath, BA(Hons) in Environment and Planning from The University of Liverpool, Chartered Member of the Royal Town Planning Institute (RTPI)