

**Appendix 1a**



## Ministry of Housing, Communities & Local Government

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1 December 2020

Dear Ms Chughtai,

### **The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 ("the Order")**

#### **Submission seeking approval under Article 4(1)(a) of the Order**

**Proposer:** submitted by the Secretary of State for Transport.

**Site: Sevington, Ashford Inland Border Facility**

**Proposal:** The temporary use of land for up to 5 years operating 24 hours a day 7 days a week, for an Inland Border Facility for use in different phases by Department for Transport, HM Revenue & Customs/Border Force, Department for Environment, Food and Rural Affairs, Department for Business, Energy and Industrial Strategy for border readiness, CTC, ATA and CITES checks, and market surveillance activities. The proposed development includes the laying out of up to 1,300 Heavy Goods Vehicle (HGV) parking spaces, capacity for 287 HGVs in 42 entry lanes, 357 staff car parking spaces, two temporary access points, formation of a new permanent access (main access to the M20 junction 10a link road) and an emergency access point to the north, diversions and extinguishments to PRoWs, the erection of buildings and structures for border processing purposes within the development plot area of up to 25,890m<sup>2</sup> to a maximum height of 12m, security fencing to a maximum height of 2.1m, CCTV, noise attenuation bunds and fences to a combined maximum height of 5m, lighting columns to a maximum height of 12m, drainage and all associated engineering, site preparation works and extensive hard and soft landscape works. Approval is also sought for the temporary use of part of the site for a period of up to 12 months for storage of approximately 83,140m<sup>3</sup> of stockpile material.

The proposed Sevington Inland Border Facility (IBF) is to be for use in two phases. The Day 1, 1<sup>st</sup> phase is to be for six months from 1 January 2021 and relates to use of the land for border checks and traffic management in the event of cross channel disruption. In detail, this would entail:

- Department for Transport (DfT) - for use as a border readiness advisory checks facility and lorry holding as part of contingency traffic management;
- HM Revenue & Customs/Border Force (HMRC) - operations for Common Transit Convention movements and Admission Temporaire / Temporary Admission Carnets and CITES checks on behalf of Defra;
- Driver and Vehicle Standards Agency (DVSA) - undertaking vehicle and driver checks; and
- Department for Business, Energy and Industrial Strategy (BEIS) - the checking of imported goods for product safety compliance.

The submission is seeking approval for the following works in phase 1:

- The erection of buildings and structures for border processing purposes within the development plot area of up to 25,890m<sup>2</sup> to a maximum height of 12m, and none would be located within 25m of the site boundary. In detail, these would comprise:
  - Two HMRC examination buildings;
  - Two HMRC inspection buildings;
  - Two HMRC marshal's buildings;
  - Two HMRC driver welfare buildings;
  - Two HMRC office buildings;
  - One control building; and
  - One DfT/DVSA office building.
- The laying out of up to 1,300 Heavy Goods Vehicle (HGV) parking spaces, capacity for 287 HGVs in 42 entry lanes, all on hardstanding;
- 357 staff car parking spaces;
- Two temporary access points;
- The formation of a new permanent, signalised (for pedestrian crossing) access from the A2070 M20 junction 10a link road, for use by the HGVs;
- The formation of an emergency access point also to the A2070;
- The formation of a further access point on the western side of the site off Church Road, to be used for staff vehicles only and with no route through the site between the two access points;
- Diversions and extinguishments to Public Rights of Way (PRoW);
- Security fencing to a maximum height of 2.1m;
- CCTV including a number of 8m high CCTV poles;
- Noise attenuation bunds and fences to a combined maximum height of 5m;
- Lighting columns to a maximum height of 12m; and
- Drainage and all associated engineering, site preparation works and extensive hard and soft landscape works.

The Day 200, 2<sup>nd</sup> phase of the works from mid-June 2021 relates to the introduction of Department for Environment, Food and Rural Affairs (Defra) border control posts (BCP), and the continued use of the site by HMRC and BEIS. However, the border readiness role of the DfT would no longer be required.

In detail, this phase would involve:

- Defra - checks in relation to live animals, animal products and food and feed of non-animal origin BCP, and to undertake Sanitary and Phytosanitary checks at the BCP designated for consignments from Eurotunnel inbound to the UK; and
- Continued DVSA, BEIS and HMRC operations.

The submission is seeking approval for the following works in phase 2:

- Two parking areas to be removed reducing the capacity of the site from 1,272 HGVs to 651 HGVs;
- A viewing corridor to be created on an east-west avenue across the centre of the site;
- New buildings to be erected, as follows:
  - Five HMRC examination buildings;
  - One DVSA office building;
  - Five HMRC inspection buildings;
  - Two HMRC marshal's buildings;
  - Two HMRC driver welfare buildings;
  - Two control buildings;
  - One HMRC accommodation building; and
  - One Defra Border Control Post with buildings for plant, produce and live animals.

Approval is also sought for the temporary use of part of the site for a period of up to 12 months from 1 January 2021 for storage of approximately 83,140m<sup>3</sup> of stockpile material, in part of the area to the east of Highfield Lane.

On behalf of the Secretary of State I have considered the documents submitted to him on 20 November 2020 under article 4(1)(a) of The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 and other relevant material.

On behalf of the Secretary of State I have considered the likely significant environmental impacts of the proposal and have issued a Screening Direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) confirming that the proposal is not EIA development as defined in those regulations. A copy of the Direction is attached as Annex 1.

In accordance with the Conservation of Habitats and Species Regulations I have, on behalf of the Secretary of State, given careful consideration to the information to inform an Appropriate Assessment provided to the Secretary of State. The information assesses the potential for the project to give rise to likely significant effects on a number of protected sites including North Downs Woodland Special Area of Conservation (SAC), Folkestone to Etchinghill Escarpment SAC and the Stodmarsh SAC, Special Protection Area (SPA) and Ramsar sites. I am content that these are the correct sites and that the relevant correct features have been identified.

On the basis of the information provided, I have determined that significant effects on the North Downs Woodland SAC can be excluded. In the case of the Folkestone to Etchinghill Escarpment SAC and the Stodmarsh SAC, SPA and Ramsar site, likely

significant effects cannot not be excluded and an appropriate assessment is necessary. In relation to air quality impacts on designated features in the Folkestone to Etchinghill Escarpment SAC, adverse effects could occur as a result of emissions from heavy goods vehicle movements on the road network. In relation to water quality effects on the Stodmarsh SAC, SPA and Ramsar sites, adverse effects could occur from nutrient rich run-off from the project entering these hydraulically connected sites.

I have assessed the effect of the project on the relevant features of the SACs, SPA and Ramsar sites in light of their conservation objectives, taking into account the temporary nature of the development, the characteristics of the anticipated impacts and measures proposed to mitigate potential adverse effects. I have also considered the views of Natural England who state that: *"Having considered the approach taken in the [Department for Transport's] assessment in relation to the designated site features and conservation objectives, scale and duration of impacts, background context and in combination effects, and the measures proposed to mitigate for potential water quality impacts on Stodmarsh SAC, SPA and Ramsar, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given"*. I have concluded that the project will not result in adverse effects on the integrity of the Folkestone to Etchinghill Escarpment SAC or the Stodmarsh SAC, SPA and Ramsar sites. I am therefore able to make a relevant approval on behalf of the Secretary of State.

**Decision:** Approval is given for the site to be developed in accordance with the Proposal and the approved plans and documents listed in Annex 2.

Any development on the site pursuant to the Order must comply with the conditions in Schedule 2 of the Order. This approval is also subject to the additional conditions listed in Annex 3.

Yours sincerely,

**LUKE HALL MP**

## **Annex 1 – Screening Direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)**

The proposal is for the construction and operation of an Inland Border Facility (IBF) comprising Heavy Goods Vehicle (HGV) parking and border checking facilities for Her Majesty's Government for a temporary period, commencing on the 1 January 2021 up until 31 December 2025 followed by a period of reinstatement. The site covers an area of 67.58ha in a strategic location near the M20 Junction 10a, south of Ashford between Sevington and Mersham. The extent, use and operation of the facility, along with the associated earthworks, HGV parking areas and extent and scale of buildings and structures would be implemented on a phased basis in response to the respective requirements of the Department for Transport, Her Majesty's Revenue and Customs (HMRC) including Border Force as its operational agent, Department for Environment, Food and Rural Affairs (Defra), Department for Business, Energy and Industrial Strategy (BEIS), and Driver and Vehicle Standards Agency (DVSA). The project includes provision for stationing of up to 1,278 HGVs, the erection of buildings and structures for border processing purposes, security fencing, noise attenuation bunds and fences, lighting columns, drainage and all associated engineering and extensive hard and soft landscape works. Once constructed, the site would operate 24-hours, seven days a week over the course of all phases of its 5-year operation before reinstatement of the site at the end of that period.

The proposed development falls within the description at Paragraph 10b of Schedule 2 to the EIA Regulations and exceeds the threshold in Column 2 of the table in that Schedule.

I have considered the information provided by the Department for Transport as part of the submission.

The local area around the site is a mixture of residential, commercial and agricultural land use. Ashford, specifically Willesborough, is the main settlement located 100m west of the site. The existing land use and character of the area is a mixture of commercial and light industry in nature. The M20 motorway runs to the east of the site from Folkestone towards London. The recently constructed M20 Junction 10a is located approximately 80m north-east and the A2070 is located immediately north of the site (providing the primary point of access).

Immediately to the west of the site is the Church of St Mary, a Grade I Listed Building, and the Milbourn Equine Centre. Numerous Grade II Listed Buildings are located on the site's southern boundary along Church Road and Hatch Park Registered Park and Garden is situated approximately 390m north-east of the scheme at its closest point. There are four Public Rights of Way (PRoW) within the scheme boundary. The closest site designated for nature conservation is Ashford Green Corridors Local Nature Reserve (LNR) 50m west of the site. Hatch Park Site of Special Scientific Interest (SSSI) is 550m north-east.

Having taken into account the criteria in Schedule 3 to the EIA Regulations, I conclude that the proposal would not be likely to have significant effect on the environment for the following reasons.

The project will give rise to a number of different adverse impacts through its lifetime including those associated with the use of natural resources and production of waste; impacts to receptors from increased noise, vibration and emissions to air; impacts

associated with accidents particularly during construction; and impacts due to cumulation with other development. There is also likely to be beneficial impacts to localised biodiversity receptors from enhancement measures embedded into the design and long-term reinstatement measures for the benefit of biodiversity and landscaping.

With reference to landscape and visual impacts, moderate adverse significant visual impacts were identified at a limited number of visual receptors (five of eighteen receptors assessed) as a consequence of their close proximity and aspect to the Site. Three of these receptors are at PRoW and are therefore transient (albeit one of those is representative of a Grade II listed building) and two are at residential properties. These impacts are considered to be temporary, limited in nature and spatial extent and would reduce progressively over the operational lifetime of the project, in line with the establishment and maturity of the landscape mitigation works. These measures are proposed to be in place by the end of the first planting season and extending into the future in line with the long-term reinstatement plan. On the basis of their localised, limited and temporal extent (for the five-year duration of operation only) these effects are not considered to be sufficient to determine that the proposal is EIA development for the purposes of the EIA screening process.

Similarly, adverse impacts on the settings of designated heritage assets during operation may arise due to the presence of the project and the increase in HGV movements (in particular the Grade I listed Church of St Mary, the collection of Grade II listed buildings along Church road, the collection of Grade II listed buildings along Kingsford Street, heritage assets within Mersham, and Loud House). The view line between the Church of St Mary and the Church of St John would be temporarily filled with parking spaces (for approximately 6 months during initial operation) although this viewing corridor would be restored and not used for HGV parking during the remainder of operation. There are other designated assets identified as being slightly adversely affected by the project although these are not expected to be significant with the implementation of landscaping design measures and with the integration of noise barriers.

Impacts likely to occur at greater distances from the site result mostly from anticipated changes in vehicle movements on the affected road network (ARN). Such impacts have the potential to affect nearby designated sites responsive to changes in emissions to air.

Existing and/or approved developments with the potential to give rise to cumulative impact have been identified as the adjacent Ashford Waterbrook IBF, Waterbrook truck stop developments in particular. A number of other planned or consented residential-led development schemes have been identified within 4km of the project. Part of the project site also benefits from a planning permission relating to an employment led mixed use development scheme known as Stour Park.

Significant cumulative effects with the residential led schemes are unlikely due to the presence of existing and proposed infrastructure and transport infrastructure in the area, plus the temporary nature of the project's 5-year operation in the context of the lifetime of those residential developments.

The Waterbrook IBF facility has an operational life of only 2 years, expiring on 31 December 2022. The sites would only operate in isolation. On this basis, cumulative environmental effects are not considered likely to be significant. It is also understood that

consent for the Waterbrook IBF will be subject to consideration by the decision maker also taking into account any cumulation effects with the project.

The significance of the impacts has been considered having regard to the type and characteristics of each impact. The impacts that result from the project will be limited and localised and will affect a relatively limited number of receptors. The impacts will also be temporary and occur during distinct phases of the project's lifecycle. The impacts are reversible and will be subject to measures and conditions which will effectively reduce their effect.

Information provided in support of the relevant approval submission demonstrates that the project will result in no new exceedances of air quality objectives or significant increases in noise and vibration emissions. The Sustainable Urban Drainage design and control measures embedded into the project are considered to be effective in managing pollution and discharges from the site and will contribute to longer term biodiversity benefits. The proposed lighting design will reduce the effect of lighting impacts during operation.

The project is required to adhere with measures including those specified in standard health and safety procedures, the construction and operational management plans, the reinstatement plan and site-specific conditions. All such plans are subject to approval by the Secretary of State and are presented in the border department's analysis of the likely environmental effects and assessment of traffic impacts.

The screening takes into account the measures in the SDO and in the Register of Environmental Actions and Commitments in Appendix D of the Analysis of Likely Environmental Effects of the Development that are embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan through the following conditions:

1. The conditions specified in Schedule 2 to the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 save that for the purposes of this approval only:

Subject also to the following further conditions:

2. The measures detailed in row AQ1, CH1, LVE1, LVE2, LVE3, LVE4, GS1, GS2, B1, B2, B3, B6, B8, M1, M2, M3, M4, NV1, NV2, NV3, PH1, RDWE1, and C1 of the Register of Environmental Actions and Commitments (Table C 4.2 of Annex C, Analysis of Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
3. Details of the design and external appearance of buildings and facing materials proposed, the noise barriers and landscape bunds, including those along the northern boundary, must be included as part of the Construction Management Plan to be submitted for approval.
4. Prior to the implementation of relevant works, information confirming vegetation clearance that might affect the Royal Observer Corps underground monitoring post and a photographic record of the above ground remains are to be submitted to and approved in writing by the Secretary of State.

5. The measures detailed in row TT1, M4, NV4, NV5, B8, B10, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
6. A strategy for the future use of material stockpiled to the east of Highfield Lane for no longer than 31 December 2021 is to be submitted prior to the completion of the Day 200 works for the approval in writing by the Secretary of State. The material shall only be used in accordance with the approved strategy and no soil is to be removed off-site until the strategy is agreed.
7. The Day 200 works as set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P01 must be completed by 31 July 2021.
8. The measures detailed in row CH3, LVE3, LVE4, LVE6, GS2, B8, B9, M2, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC, the retention of the landscaping and environmental improvement works set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P01 and Drawing No. 419419-MMD-01-MO-DR-L-3032 rev P03, and the permanent site access to the A2070 shown on Drawing No. 419419-MMD-01-MO-DR-C-0110 rev P02.1 must be included as part of the Reinstatement Plan to be submitted for approval.
9. In any circumstances where the Inland Border Facility at Waterbrook, Ashford is in use for border infrastructure purposes then the land at Sevington, Ashford shall not be used for Inland Border Facility purposes.
10. Measures to ensure that waste or foul water from the development does not adversely affect the Stodmarsh sites must be included in the Construction Management Plan and the Operational Management Plan. Any waste or foul water that is tankered off-site must be taken to a wastewater treatment works outside of the Stour Valley catchment.

Impacts from the project are considered to be limited, localised, temporary and reversible. With the measures proposed to manage and reduce impacts, significant effects are unlikely to occur. This development, taken cumulatively with other development including the Waterbrook IBF, would not be likely to have significant effects on the environment. Accordingly, the project is not considered to be EIA development. This conclusion specifically takes into account the characteristics of the impacts associated with the development including the temporary and reversible nature of the impacts.

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulation 5(6)(a) of the EIA Regulations, I direct that this development is not EIA development.

## **Annex 2 – Approved plans and documents**

- Red Line Boundary (Drawing No. 419419-MMD-00-MO-DR-Z-0002 rev P03);
- Land Ownership Plan (Drawing No. 419419-MMD-01-MO-DR-Z-0001 rev P03);
- General Arrangement Day 1 (Drawing No. 419419-MMD-01-MO-DR-C-0181 rev P01);
- General Arrangement Day 200 (Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P01);
- Permanent Site Access GA (Drawing No. 419419-MMD-01-MO-DR-C-0110 rev P02.1);
- Temporary Stockpile Locations (Drawing No. 419419-MMD-01-MO-DR-C-0028 rev P01);
- Temporary Stockpile Bund Details (Drawing No. 419419-MMD-01-MO-DR-C-0142 rev P01);
- Vegetation Clearance (Drawing No. 419419-MMD-01-MO-DR-C-0201 rev P03);
- Fencing Layout (Drawing No. 419419-MMD-01-MO-DR-C-0302 rev P03);
- Earth Bunds (Drawing No. 419419-MMD-01-MO-DR- C-0603 rev P05);
- Ground Level Sections (Drawing No. 419419-MMD-01-MO-DR-C-0604 rev P01);
- Lighting Layout (Drawing No. 419419-MMD-01-MO-DR-E-1361 rev P02);
- Long Term Enhancement Plan (Drawing No. 419419-MMD-01-MO-DR-L-3032 rev P03);
- Planting Schedules (Drawing No. 419419-MMD-01-MO-DR-L-3033 rev P02);
- Environmental Masterplan Day 1 (Drawing No. 419419-MMD-01-MO-DR-L-3030 rev P04); and
- Environmental Masterplan Day 200 (Drawing No. 419419-MMD-01-MO-DR-L-3031 rev P04).

### **Annex 3 – Conditions**

Subject to the following condition:

1. The conditions specified in Schedule 2 to the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 save that for the purposes of this approval only:

The following further conditions:

2. The measures detailed in row AQ1, CH1, LVE1, LVE2, LVE3, LVE4, GS1, GS2, B1, B2, B3, B6, B8, M1, M2, M3, M4, NV1, NV2, NV3, PH1, RDWE1, and C1 of the Register of Environmental Actions and Commitments (Table C 4.2 of Annex C, Analysis of Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
3. Details of the design and external appearance of buildings and facing materials proposed, the noise barriers and landscape bunds, including those along the northern boundary, must be included as part of the Construction Management Plan to be submitted for approval.
4. Prior to the implementation of relevant works, information confirming vegetation clearance that might affect the Royal Observer Corps underground monitoring post and a photographic record of the above ground remains are to be submitted to and approved in writing by the Secretary of State.
5. The measures detailed in row TT1, M4, NV4, NV5, B8, B10, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
6. A strategy for the future use of material stockpiled to the east of Highfield Lane for no longer than 31 December 2021 is to be submitted prior to the completion of the Day 200 works for approval in writing by the Secretary of State. The material shall only be used in accordance with the approved strategy and no soil is to be removed off-site until the strategy is agreed.
7. The Day 200 works as set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P01 must be completed by 31 July 2021.
8. The measures detailed in row CH3, LVE3, LVE4, LVE6, GS2, B8, B9, M2, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC, the retention of the landscaping and environmental improvement works set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P01 and Drawing No. 419419-MMD-01-MO-DR-L-3032 rev P03, and the permanent site access to the A2070 shown on Drawing No. 419419-MMD-01-MO-DR-C-0110 rev P02.1 must be included as part of the Reinstatement Plan to be submitted for approval.
9. In any circumstances where the Inland Border Facility at Waterbrook, Ashford is in use for border infrastructure purposes then the land at Sevington, Ashford shall not be used for Inland Border Facility purposes.

10. Measures to ensure that waste or foul water from the development does not adversely affect the Stodmarsh sites must be included in the Construction Management Plan and the Operational Management Plan. Any waste or foul water that is tankered off-site must be taken to a wastewater treatment works outside of the Stour Valley catchment.