Planning Inspectorate

Statement of Reasons & Decision Notice

Unaccompanied Site Visits made on 25 September, 12 November, and 1, 3, and 4 December 2025

Accompanied Site Inspection made on 3 December 2025

Inquiry held on 2 December to 5 December 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

A person appointed by the Secretary of State

Decision date: Wednesday 17 December 2025

Application Reference: CROWN/2025/0000002

Site address: Sevington Inland Border Facility, Mersham, Ashford TN25 6GE

- The Crown Development Application was made under Section 293D of the Town and Country Planning Act 1990 (TCPA) by the Department for Transport (together with DEFRA and HMRC).
- The site is located within the local planning authority area of Ashford Borough Council.
- The application dated 20 June 2025, and following validation, was accepted for consideration on 28 July 2025.
- The development proposed is described as *'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.'*

Summary of Decision

Planning permission is **GRANTED subject to the conditions** set out in the Decision Notice, and for the reasons set out in this Statement of Reasons.

Statement of Reasons

Procedural matters

Contribution of the parties

1. The assistance and proactive engagement of all parties, both leading to and at the Inquiry, should be noted.

2. In particular, the attendance of the experts, Agents, and/or Officers of:

   The Applicants, the Local Planning Authority; Ashford Borough Council, the representatives for the Rule 13 Parties; Sevington with Finberry Parish Council and Mersham Parish Council, and National Highways, and the interested parties; the Ward Member, CPRE Ashford Branch, the Kent Downs National Landscape Team, the Ramblers, and the Village Alliance.

3. Their positive approach to finding solutions at multiple stages is appreciated and enabled the Inquiry to run efficiently.

Crown Development Application Route

2. The application was made under 293D of the *Town and Country Planning Act 1990*, as amended, (herein TCPA) which allows for applications to be made directly to the Planning Inspectorate where a Crown body applies for planning permission for development that is considered by the Secretary of State to be of 'national importance'.

3. The Statement made on 13 February 2025 by the Minster of State for Housing and Planning set out that:

   'The Secretary of State will in general only consider a development to be of national importance if, in her opinion, the development would:

   - *involve the interests of national security or of foreign Governments;*
   - *contribute towards the provision of national public services or infrastructure, such as new prisons, defence, or border infrastructure;*
   - *support a response to international, national, or regional civil emergencies; or*
   - *otherwise have significant economic, social, or environmental effects and strong public interest at a regional or national level.*[1]

4. On 30 June 2025 MHCLG wrote to parties, including the local Member of Parliament (MP), informing them that the Secretary of State considered that the proposal is considered to be nationally important.

[1]Crown Development – Statement made on 13 February 2025 https://questions-statements.parliament.uk/written-statements/detail/2025-02-13/hcws454

5. On Wednesday 9 July 2025, I was appointed under s293I of the TCPA. This gives the appointed decision-maker the same powers as the SoS under s293H TCPA. This includes that the provisions of s73A TCPA (planning permission sought for development already carried out) apply as though the application were made to the local planning authority.

Environmental Impact Assessment (EIA)

6. As the Applicant voluntarily submitted an Environmental Statement (ES) under the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017* (as amended), the application is EIA development. On the basis of the totality of the evidence before me, I am satisfied that the submitted ES is adequate.

7. It is also important to note that many of the baselines used for various surveys and reports that inform the ES, are taken from the site prior to its current development and use.

8. Whilst noting that the development is already present on site, and mindful of the interrelationship between the (submitted but unapproved) reinstatement plan and the elements of development that the fourth approval under the SDO permits to be retained on the site, and aware of the potential to implement the elements of Phase 1A of the 2017 planning permission, this appears to be a logical and reasonable baseline. With no submissions or suggestions by any party of a different baseline period, I have proceeded on this basis.

Border Facilities and Infrastructure Special Development Order 2020

9. At this stage, it is worth setting out the relationship of a relevant Special Development Order. Section 59 of the TCPA empowers the Secretary of State to make development orders. Section 58(1) TCPA indicates that planning permission may be granted by a development order.

10. On 1 September 2020, the government made *The Town and Country Planning (Border Facilities and Infrastructure (EU Exit) (England) Special Development Order 2020*[2] (herein SDO). As set out in its explanatory note:

    'This Order grants temporary planning permission for development consisting of the use of land for the stationing and processing of vehicles (particularly goods vehicles) entering or leaving Great Britain, and the provision of associated temporary facilities and infrastructure. Development permitted by this Order can only be carried out by, or on behalf of, a border department named in the Order. The development must end by

[2] *The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020* Link: https://www.legislation.gov.uk/uksi/2020/928/contents/made

31 December 2025, and all reinstatement works must have been completed by 31 December 2026.'

11. Temporary planning permission was given by the Secretary of State (MHCLG) four times between 2020 and 2022[3]. The development on the application site is the result of the most recent approval; the use of which must cease by 31 December 2025.

12. However, the grant of planning permission – whether under the Crown Development Application route, or by application to the local planning authority, would, in simple terms, permit the development and use on site to exceed this date. This is because it grants a new planning permission for the site as applied for.

13. In terms of taking into account that the development and use for which permission is sought has already taken place, I acknowledge the Applicant's note on this. In particular, s73A TCPA[4], relating to granting planning permission for works already carried out before the date of the application, permits permission to be granted in accordance with planning permission granted for a limited period (as is the case here).

14. Therefore, to be clear, the application in this case provides a new planning permission for the site which is not encumbered by the requirement to cease use by 31 December 2025, or reinstatement of the site by 31 December 2026.

Site inspections

15. I carried out five unaccompanied site visits, on 25 September, on 12 November and on the 1, 3, and 4 December 2025 respectively. This enabled me to view the site, the surrounding area and the nearby roads and public rights of way. Of note, the site visits in September and November were undertaken during daytime hours of around 11:00.

16. The site visit on Monday 1 December was undertaken at around 16:00 to 18:30 (Greenwich Mean Time), meaning that I was able to see the site both in close proximity and from the surrounding area, including from the Kent Downs National Landscape, with the site illuminated (as it was dark).

17. On 3 December 2025, as discussed at the Pre Inquiry Meeting, I undertook an Accompanied Site Inspection with representatives of the site operator, the DfT, DEFRA, and HMRC. Also in attendance were representatives from

[3] INQ - Applicant - Appendix 1a Relevant Approval 01 12 20
INQ - Applicant - Appendix 1b Relevant Approval 23 12 20
INQ - Applicant - Appendix 1c Relevant Approval 24 11 21
INQ - Applicant - Appendix 1d Relevant Approval 28 04 22
INQ - Applicant 1f - Site Plan Fourth Relevant Approval of 28 04 22

[4] There is no dispute between any parties that s293H(1) TCPA does not apply in relation to applications made under s293D TCPA, and the operation of s73A TCPA.

Ashford Borough Council (including Officers and the ward Member), from Kent County Council (as the Local Highways Authority) and from the Rule 13 Party comprising Sevington with Finberry Parish Council and Mersham Parish Council.

18. Later on 3 and 4 December, I visited the surrounds of the site again at around 20:00 and 19:00, in order to experience both it and its context during night time hours. This included approaching from and using Junction 10a of the M20 motorway and along the A20 sections of that junction.

Statement of Matters

19. On 21 October 2025 a Statement of Matters (SoM), prepared under the provisions of the *Town and Country Planning (Crown Development Applications) (Inquiries and Hearings) Rules 2025*, was published.

20. This included a description of the development, consultation details, set out areas where I had questions or queries, and explored the main issues to be considered in relation to the application.

Pre Inquiry Meeting and Inquiry procedure

21. On 11 November 2025, I presided at a Pre Inquiry Meeting (PIM), which was held online via MS Teams. This was attended by the Applicants, the Local Planning Authority (Ashford Borough Council), the two Rule 13 Parties; Sevington with Finberry, and Mersham Parish Councils, and National Highways.

22. Other interested parties who had made written representations during the consultation period were invited to attend and observe proceedings as I considered that this was desirable.

23. Its primary purpose in this case was to provide the main and significant parties with an opportunity to seek clarity on the points raised within the SoM and any other queries on procedure only. This was especially useful in this particular case given that the timeframes between procedure being determined, the Statement of Cases and/or Proofs from the various parties, the Inquiry sitting date, and the anticipated decision issue date, being somewhat condensed in comparison to that for a s78 Planning Appeal Inquiry.

24. Key timeline of Inquiry:

- Notification of Inquiry procedure on 20 October 2025[5],
- PIM on 11 November 2025[6],

[5] Procedure Notification - Inquiry
[6] INQ Pre Inquiry Meeting Inspector Notes CROWN SEVINGTON 0000002

- Statement of Cases due by 25 November 2025
- Inquiry Opens on Tuesday 2 December 2025
- Decision Issued Wednesday 17 December 2025

(This timeline amounts to approximately eight weeks from notification of Inquiry to determination in this case.)

25. However, even with a condensed or expedited timetable, I have sought to ensure that within this process that interested parties, including the local community, have had an opportunity to be included and, wherever possible, involved.

26. This is to ensure that even with 'more haste and less speed', the process did not lose sight of the importance of planning acting in the public interest.

27. It was agreed at the PIM that the procedure would essentially follow the roundtable method, on a thematic basis, set around the 95 or so questions / queries posed within the SoM. It was also made clear that there was the option to cross-examine witnesses if an entitled party felt it was necessary.

Consultation and Representation received

28. Consultation was undertaken, with a period between 28 July 2025 to 12 September 2025 for responses to be made. This allowed a period of around 36 days for any interested person(s) to review the application and make representations.

29. This consultation included writing to statutory consultees, relevant Parish Councils, and the local community. In addition, a newspaper notice was published in a locally circulated newspaper, and the Local Planning Authority (Ashford Borough Council, herein the Council) posted five site notices within the vicinity of the site[7].

30. This consultation period was extended for the Local Planning Authority only, on 6 August 2025. This was in order to ensure that they could provide a substantive response under their 'Duty to Respond'. This last representation period was set as Friday 26 September for the Local Planning Authority only.

31. A number of Representations have been submitted. The full details of these can be found on the website at: Written representations – Find a Crown Development Application

32. These were also summarised in the SOM, which was issued on 21 October 2025. This can be found at: INQ Statement of Matters CROWN Sevington 0000002

[7] Crown Development Application - Sevington - location of x5 site notices

33. I have taken account of all written and oral representations in reaching my decision.

Planning History and Background

Planning history

34. The site history is provided at:

    Site History Related to OTH 2025 1437

35. This includes screening and scoping matters under the Environmental Impact Assessment Regulations 2017, applications such as though seeking the erection of an employment mixed use scheme and the discharge of conditions attached to such permissions.

36. Of particular note are[8]:

Reference	Description
14/00906/AS Outline planning permission granted 13/09/2017	'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.' The permission was also subject of an agreement under s.106.
19/00579/AS Approval of reserved matters granted 05/07/2019	'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 1.15 (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space).'
19/01099/AS Certificate of Lawfulness of Existing Use of	This confirmed that development in relation to outline planning permission 14/00906/AS and associated Phase 1A works approved under reference 19/00579/AS[9]

[8] From pages 14 and 15 of 92, of the ABC's Officer's Report, ABC Officers Report
[9] INQ Certificate of Lawfulness from 2017 permission Phase 1A implemented The Applicants submitted this document in order to demonstrate where the works relating to the Lawful

Development granted 15/08/2019	
The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (the SDO)	Four separate relevant approvals were obtained by the Applicant, subsequent to written submissions, on 01/12/2020, 23/12/2020, 24/11/2021 and 28/04/2022, accounting for evolving operational requirements. The temporary permission expires on 31/12/2025, and upon expiry the land is required to be reinstated.[10]

37. With regard to the most recent planning permission(s) granted under the SDO, these were 'temporary' planning permissions with an explicit requirement that the development on site ceases by 31 December 2025, with a reinstatement plan submitted by 30 June 2025 the only development permitted on site after 31 December 2025 to 31 December 2026.

Planning policy context

Allocations

38. The site is not an 'allocated' site within the Local Plan 2030.[11]

Development Plan

39. The following adopted development plan(s) and frameworks provide the policy context by which the application falls to be determined against. It should be noted that whilst specific policies are referenced here, this is as a guide to assist the reader, and each document, as a whole, is what the application is considered against.

The *Ashford Borough Local Plan 2030* (ABLP2030)[12]

(Adopted February 2019)

Policy	**Policy title**
SP1	Strategic Objectives
SP3	Strategic Approach to Economic Development
SP6	Promoting High Quality Design
SP7	Separation of Settlements

Development Certificate were on the application site. The area identified in the red line box on this plan appears to reflect the main circuit road where it is positioned between the staff car park and the IBF part of the site.

[10] INQ Applicants Note dated 3 December 2025 This document confirmed, among other matters, the Applicants view in terms of the reinstatement parts of the approvals.

[11] CDA Sevington - Key Site Policies - ALP 2030 Proposals Map extract showing their location

[12] Ashford Local Plan 2030 - adopted Feb 2019

EMP1	New employment uses
EMP6	Fibre to the Premises
TRA4	Promoting the local bus network
TRA5	Planning for pedestrians
TRA6	Provision for cycling
TRA7	The road network and development
TRA8	Travel Plans, Assessments and Statements
TRA9	Planning for HGV movements
ENV1	Biodiversity
ENV3a	Landscape character and design
ENV3b	Landscape character and design in the AONBs
ENV4	Light pollution and promoting dark skies
ENV5	Protecting important rural features
ENV6	Flood risk
ENV8	Water Quality, Supply and Treatment
ENV11	Sustainable Design and Construction – non-residential
ENV12	Air Quality
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology
COM1	Meeting the Community's Needs
IMP1	Infrastructure Provision

The *Kent Minerals and Waste Local Plan 2024-39*[13] (adopted 2025) and the Kent Minerals Sites Plan 2013-30[14] (2020)

Policy	**Policy title**
DM7	Safeguarding Mineral Resources

[13] Kent Minerals and Waste Local Plan 2024-39
[14] Kent Minerals Sites Plan 2013-30

Supplementary Planning Documents (SPDs)

i. *Chilmington Green Area Action Plan*[15] adopted July 2013

ii. *Landscape Character Assessment SPD 2011*

iii. *Sustainable Drainage SPD 2010*

iv. *Dark Skies SPD, Preserving our skies: Light pollution and the need for darkness 2014*[16]

Emerging Local Plan

40. It is also noted that on the 31 July 2025, the Council's Cabinet approved a consultation version of the draft Ashford Local Plan 2042 (Regulation 18). According to the Officer's Report to Committee, a consultation on the draft Ashford Local Plan will take place on 18 August – 13 October 2025.

41. At present, the policies in this emerging Local Plan are recommended by the Council's professional officers to be afforded 'limited weight'.

Other material policy documents

The National Planning Policy Framework (the Framework)[17]

Section	Policy matter
2	Sustainable development
4	Decision-making
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
10	Supporting high quality communications
11	Making effective use of land
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

[15] Chilmington Green Area Action Plan
[16] Dark Skies SPD 2014
[17] National Planning Policy Framework - Guidance - GOV.UK

Other material documents

- *The national Planning Practice Guidance (PPG)*[18]
- *The Kent Downs AONB Management Plan*[19]*,* including Policies SD3, SD7, SD8, SD10, SD11 and SD12.
- *Local Transport Plan 5 – Striking the balance December 2024.*[20]
- *Guidance – Strategic road network and the delivery of sustainable development* Update 23 December 2022.[21]

42. At the Inquiry, the Kent Downs National Landscape team submitted a copy of the *Kent Downs Area of Outstanding Natural Beauty Guidance on the selection and use of colour in development* June 2019[22]. This has been taken into account.

Main Issues

43. Having regard to the application, the consultation responses, comments from interested parties, the Council's report and resolution, together with what I saw on site and heard at the Inquiry, the main issues for this application are:

i. the effects of the development on the character and appearance of the area; and,

ii. the effect of the development on the local landscape, including on the Wye Downs National Landscape (formerly Area of Outstanding Natural Beauty (AONB)); and,

iii. the effects of the development on heritage assets; and,

iv. the effect of the development on local biodiversity and/or ecology (including litter, biosecurity, and nutrient neutrality); and,

v. the effect of the development on the local traffic network; and,

vi. effects of the development in terms of noise, lighting, and air quality on the living conditions of existing and future occupiers of nearby residential dwellings; and,

vii. the effect of the development on agricultural land; and,

viii. Whether or not the application makes adequate provision for infrastructure.

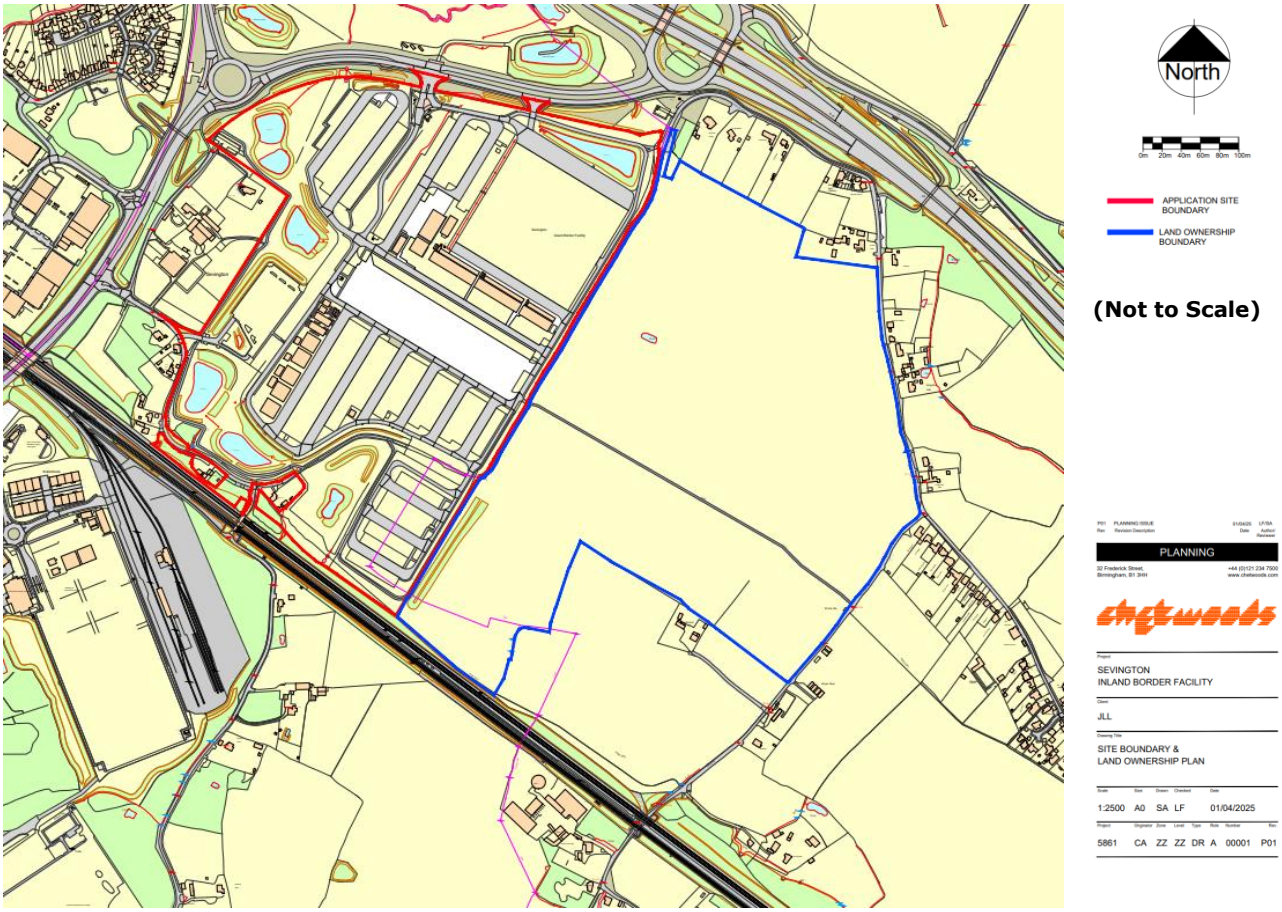
[18] Planning practice guidance - GOV.UK
[19] Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021 to 2026
[20] Local Transport Plan 5 Dec 2025
[21] Guidance – Strategic road network and the delivery of sustainable development
[22] INQ Guidance on the selection and use of colour in development: guidance

Reasons

Background and Principle of Development

44. The site is situated adjacent to the heart of the tiny settlement known as Sevington, which is located on the outskirts of the town of Ashford. Adjacent to the site are the A2070 (Bad Munstereifel Road) to the north and west of the site), Church Road (to the west), Highfield Lane (to the east), and the mainline train lines between Dover to Ashford and London / Paris; with the overhead catenary for the high speed Channel Tunnel Railway Link (CTRL) visible from within the site (to the south/southwest).

45. In the site plan excerpt below, it is possible to see the application site outlined in red. The blue outlined area is the suggested location of the biodiversity net gain benefits being provided. Also visible is the lower half of the oval shape of Junction 10A of the M20 motorway.



Source: Site Location Plan

46. The site was formerly agricultural land; although it should be noted that in 2017, planning permission was given for the site to be developed with access roads, internal roads and warehouses.

47. Figures[23] provided by the Applicants indicate that in 2024 approximately 528,203 vehicles checked in to the IBF and BCP, with the figure in 2025 to 12 November being approximately 458,560 vehicles checked in.

48. These figures also show that the monthly total numbers of vehicles average between 34,000 to 50,000 in most months checking into the site.

49. These are then disaggregated down to daily figures, which have recorded between an (uncharacteristic) low of 14 vehicles on 6 and 7 January 2024, to a high of around 2,389 vehicle check ins on 8 March 2024. The broad average appears to be around 2,000 vehicles checking in and out of the site on a daily basis.

Principle

50. It is, essentially, common ground between the main parties, that the IBF and BCP[24] are not opposed to in principle to the application scheme[25].

51. The issues in this case have been, and remain, addressing concerns over the impacts of the application scheme which have affected the local and wider community since the inception of the site. For example, the effects from noise and lighting, the impact on the setting of heritage assets, and/or the effect of the proposal on the local and wider landscape.

52. Whilst adequate mitigation was considered to have been put in place and secured by condition under the temporary planning permissions, some of these measures have failed (such as the landscaping) or require further refinement (such as lighting).

53. Under a temporary permission these harms and adverse effects may have been permissible given that the impacts would have been for a short period of no more than 5 years under the SDO. Having been carried out under the SDO, there was a recognition that the IBF and BCP were urgently required to address a national need in a very short timeframe.

54. The situation now is that any permission would not be time limited, and accordingly any harms arising from the scheme need to mitigated as much as is practicable over the lifetime of the development. To that end, all parties have shown a willingness to positively engage in the Crown Development Application process; and in particular the main parties, assisting in the formulation of conditions and proactively answering questions.

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[23] INQ - Applicant - Appendix 4b - Vehicles In & Out 01 01 24 to 12 11 25

[24] The terms 'IBF and BCP' and 'the IBF' are generally used interchangeably by the parties. For the avoidance of doubt, I have used both terms, and in both cases unless specified otherwise, the relate to the application site as a whole.

[25] INQ - SWFPC & MPC Closing Statement see pages 2 and 7 of 8 and; INQ - Closing Statement of Ashford Borough Council see page 2 of 11, paragraph 4.

Character and appearance

55. The application scheme has fundamentally changed the character of the application site. It has achieved this by the covering of what was previously ploughed farmland between the heart of the settlement of Sevington (located close to the church of St Marys) and Highfield Lane, with hardstanding, buildings, palisade and timber soundproof fencing, lighting columns, and associated infrastructure.

56. Indeed, it is possible to see from the SWFPC & MPC submissions, that the site was previously a relatively open ploughed field:

Pre-development arrangement & setting of historic assets



Image from Google - 2017

Source: INQ - SWFPC - appendix A - Aesthetics - Photos & Commentary (note this also does not show Junction 10A, as it had not been constructed at that time.)

57. Further images provided by SWFPC & MPC also show images of the site from various public vantage points. These are provided below, and from what I saw at my site inspections, appear to reflect various viewpoints from outside and into the site:



View of prefabricated buildings from the public footpath near to St Mary's Church.



Boundary treatment facing countryside – southern part of the site.



Detail view of St Marys Church from the A2070 J10A link.



Site main entrance



View towards St Marys Church from AE639 through the land to the east. St Marys can be seen to the left of the CCTV sign.

Source: INQ - SWFPC - appendix A - Aesthetics - Photos & Commentary

58. At the same time, it is important to understand the context of the site and its planning history. I understand that in earlier iterations of the development plan for the area, the site was allocated as a Strategic Employment Area. This resulted in planning permission being given in 2017 for what would have been large warehouses on the site with associated areas of hardstanding and roads.

59. Given that it was found to having been lawfully started, it is still possible that phase 1a element of the 2017 development could be implemented were the temporary IBF and BCP removed from the site.

60. Even if this is incorrect, the previous grant of permission in 2017 would be a material consideration which any decision maker would need to take into account if permission were sought to develop the site in a similar way to that in 2017.

61. Moreover, the approvals given under the SDO require that certain elements of the temporary planning permission should be retained within an approved reinstatement plan.

62. These factors, when considered in combination, clearly indicate that the application site is no longer an agricultural field and would be highly unlikely to return to that former state; regardless of whether permission were forthcoming in this case.

Layout and design

63. In terms of the layout and design, it is clear that the application site is a secure site, where there is an operational necessity for it to be self-contained. Indeed, visually with grey buildings of relatively low one-to-two storey heights and grey/silver palisade fencing, the site does not look dissimilar to border crossings or entry points such as that found at the

Channel Tunnel, the Port of Dover, or secure areas at other ports or airports. The design is clearly utilitarian and functional.

64. In terms of layout, I saw during my site inspection that it is laid out in a logical way which enables the steady flow of traffic through; whether for Port Health Authority, DEFRA, and/or HMRC/Border Force purposes. The layout enables HGVs and other vehicles to quickly leave the M20 motorway at Junction 10A and leave the main road network off the A2070 into the site.

65. These vehicles are then channelled through swim lanes, to be filtered into the relevant parts of the site depending on the checks required. Once checks are completed, these vehicles are then routed back onto the A2070 to either return to the M20 at Junction 10A or onwards from the A2070 if their load is destined for a local company.

66. In the main, the buildings on site are located within the central region of the site and setback from its boundaries. This helps reduce the visual prominence of the buildings in views from the surrounding highway network, the PRoWs, and residential properties. It also helps create opportunities for landscaping to be provided around the site perimeter which, once established and mature, will provide additional visual screening.

67. I note that there has been some failures in the soft landscaping scheme associated with the temporary planning permission. In some cases plants have failed to establish for a variety of reason and/or been subject to vandalism. However, it is reasonable to impose a planning condition which requires a soft landscaping scheme to be implemented and retained. Such a condition would be enforceable by the Local Planning Authority.

68. I note that a successfully established landscaping scheme would not screen the site in its entirety; it would remain obvious to observers that there is an IBF and BCP site. However, I consider that the soft landscaping of the site would provide a large degree of screening from the immediate area once it is established. This would go some way to mitigate the visual impact of the development when viewed from nearby PRoWs, highways, and/or local dwellings.

69. Furthermore, a key aspect of the layout is the retention of a 'viewing corridor' free from built form or hardstanding, running through the central part of the site on a roughly east to west axis. This is a response to local character and heritage interests; including the need to safeguard the visual axis between St Marys Church Sevington and St John the Baptist Church, Mersham. With the provision of a wildflower meadow in the viewing corridor, this should enhance the visual amenity of the site for staff and visitors, and those utilising the upgraded PRoW around the Site and across Sevington East.

Coalescence

70. Policy SP7 of the ABLP2030[26] set out that proposals for development on non-allocated sites outside the built up confines of settlements shall only be permitted where its impact would not result in the coalescence or merging of two separate settlements, or the significant erosion of a gap between settlements resulting in the loss of individual identity or character.

71. Concerns have been raised that the application scheme results in a coalescence or erosion of the gap between the settlement of Sevington and Mersham in particular. In this respect, the Applicants have agreed to safeguard Sevington East (the land parcel between Highfield and Blind Lane; 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 legal agreement.

72. Given that a biodiversity crisis is acknowledged by Parliament, leading to, amongst others, measures contained the *Environment Act 2021* and subsequent legislation; including relating to Biodiversity Net Gain, I consider it likely that there is reasonable prospect that the Sevington East land would be retained for biodiversity enhancement purposes for the next 30 years.

73. Moreover, given that such enhancements are likely to attract a variety of fauna and animal life, it is very likely that beyond the 30 year period there would be significant reasons for the land to continue to be retained and managed as a biodiversity safe-haven (subject to whatever policies applied at the point that any application for development on the Sevington East site was submitted after the 30 years secured by the legal agreement).

74. I consider that, what in essence, is a secured 'safeguard' against development on the Sevington East site, would provide certainty against coalescence of adjacent villages, including Mersham. I therefore find that the proposal demonstrates a policy-compliant response to Policy SP7 of the ABLP2030[27], which seeks the aforesaid aims.

Local Landscape

(including the nearby National Landscape and dark skies)

Local Landscape

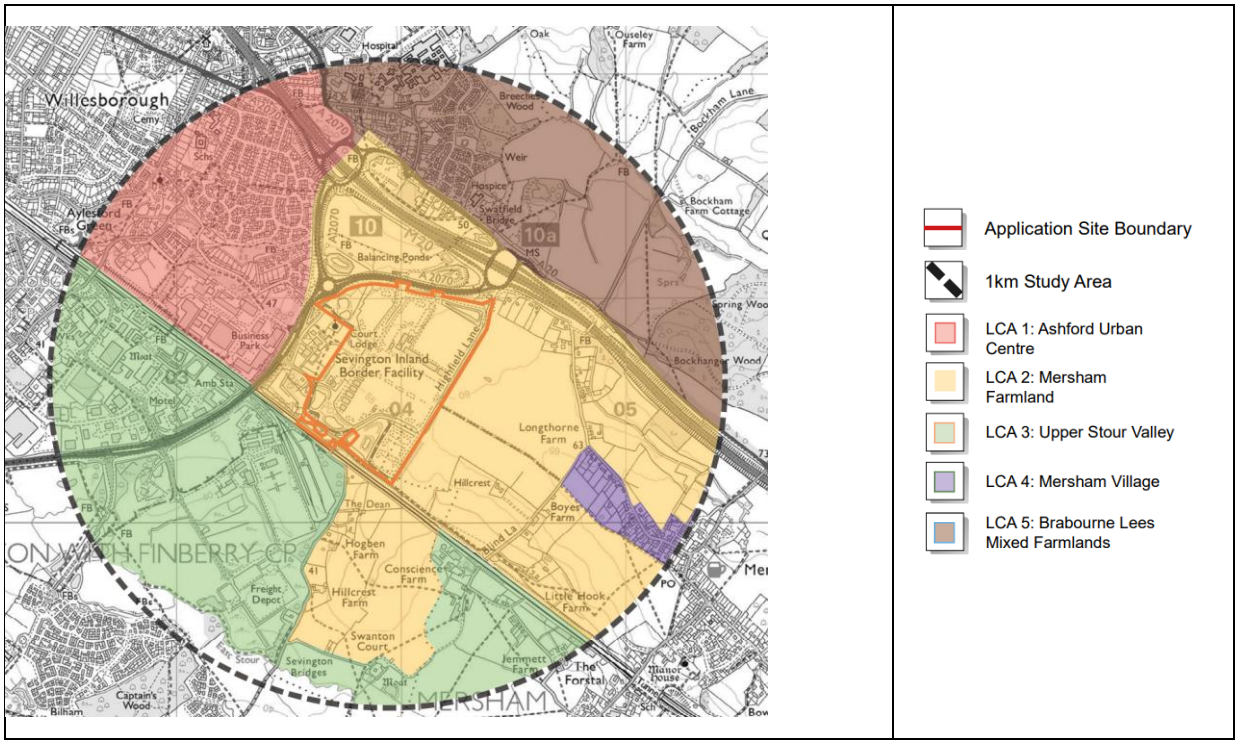
75. The Applicants have set out the Landscape and Visual Assessment within the Environment Statement (ES), at Volume 3.[28] There is little technical evidence before me which disputes or offers an alternative suggestion on

[26] Ashford Local Plan 2030 - adopted Feb 2019 page 55 of 389
[27] Ashford Local Plan 2030 - adopted Feb 2019 page 55 of 389
[28] See: Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1 Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 2 Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 3

this part of the ES. Nevertheless, it is incumbent on me to consider the information submitted, including the non-technical information submitted by interested parties in order to assess the application.

76. The application site is not situated within a national or locally designated landscape[29].

77. The Landscape Character Assessment (LCA), informed at a local level by the Ashford Local Development Framework Landscape Character Study (2005) and subsequently at a county level by the Landscape Assessment of Kent (2004), indicates that the site lies within the LCA 2 Mersham Farmland[30].



Source: Page 19 of 21; Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1

78. The LCA 2 Mersham Farmlands is detailed in the LCA as:

This LCA covers the entire Application Site and the largest proportion of the study area. Mersham Farmlands is defined by its undulating small scale farmlands and open arable fields. It contains limited vegetation, apart from a few hedgerows that act as field boundaries. The M20 and its junctions define the northern boundary of the LCA, although it is mostly hidden due to its topography and the road being in cutting. The western and eastern boundaries are defined by the residential areas of Ashford and Mersham respectively, while the CTRL is forming most of the southern boundary. The

[29] Page 17 of 21, paragraph 4.16; Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1
[30] Page 18 of 21, paragraphs 4.27 to 4.31; Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1

Application Site sits at the western edge of the LCA, where key characteristics are the open arable farms with surrounding hedgerows, a gentle slope of the land and the St. Mary's Church.

The local character is showing weak landscape patterns that are mostly interrupted by the transportation corridors and is providing a weak sense of place in terms of sensitivity to change. Additionally, the presence of nearby large-scale infrastructure reduces the susceptibility to change, resulting in a low sensitivity in and around the Application Site.[31]

79. The ES sets out, in tabular form, the assessed potential effects landscape character at both Complete and Operational Phase at a permanent basis. This details:

Table 9: Potential effects on Landscape Character at Complete and Operational Phase at a permenant basis

Landscape Character Area	Description of Effect	Sensitivity	Magnitude of Change	Significance of Effect Significant Effects shown in bold
LCA 1 Ashford Urban Centre	It is expected that the Development would not have any direct impact upon LCA 1 at its operational phase. There may be a degree of inter visibility between the scheme and the eastern edge of the LCA, but this would be set in context of the immediate townscape setting and existing highway network. Key existing vegetation is expected to be retained, aiding towards the enclosure of the LCA and retaining its character. Given the low sensitivity of the LCA and minor magnitude of change due to the Development, the effects are expected to be non-significant.	Low	Minor	Minor adverse long-term effects
LCA 2 Mersham Farmland	The proposed Development at operation would directly affect this LCA, particularly to its north west corner, with the new industrial development replacing arable land. There would be a loss of open fields and views, with the new development features re-forming the current landscape notably. Several built aspects are being introduced, along with associated hard surfaces, structures, roads and street lights. Additionally, increased traffic levels from HGVs would be attracted further into the centre of this LCA due to traffic movements in and around the Application Site. Night time impacts are also expected, as the Development will operate at all times. This would bring additional light to the LCA, which is currently unlit in most parts. However, this would be set in context with the neighbouring highway junctions which are also lit. The localised effects are likely to be significant, but given the scale of the changes to the LCA as a whole, the magnitude of the impacts is considered to be moderate.	Low	Moderate	Minor adverse long-term effects
LCA 3 Upper Stour Valley	LCA 3 would not be affected directly by the Development. However, as it does boarder LCA 2 and connects through A2070, it is expected that the presence of HGVs will increase during operation. Visual connectivity between the LCA and the scheme will not be significant, as there are limited views, and with the Ashford Waterbrook scheme and the CTRL in operation, they will be set in a similar context. Consequently, when the Development is complete and operational it is unlikely to notice character changes.	Low	Negligible	Negligible
LCA 4 Mersham Village	This LCA would not be affected directly by the Development, however it is expected that there would be some inter-visibility between the western edge of Mersham and the proposed scheme. The Development might bring some detracting features closer to the LCA, such as built form and lit infrastructure, but given the extend and localised effects, these should only lead to minor changes of the local character as a whole. As a result, the operational magnitude of change upon this LCA is considered to be negligible.	Medium	Negligible	Negligible
LCA 5 Brabourne Lees Mixed Farmlands	The Brabourne Lees LCA would not be directly impacted by the Development during its operation, however there might be some visual connectivity with LCA 2, where the scheme is proposed. The visual changes would be set in context with the existing highway network, as they would include features such as highways, lighting, and traffic. Given the small and indirect change to a localised area at the southern edge of this LCA, the magnitude of change for the entire local character is considered as minor.	High	Minor	**Moderate adverse long-term effects**

Source: Page 4 of 22; Table 9 Potential effects on Landscape Character at Complete and Operational Phase at a permanent basis: Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 2

80. I see no reason to take a contrary view from that within the ES, in that the proposal would affect the LCA 2 Mersham Farmland. This would be because what was formerly an open arable farmed field is now utilized for a very different purpose; namely as an inland border facility with associated infrastructure.

[31] Page 20 of 21, contained within Table 6: Landscape Character Areas; Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1 CTRL is Channel Tunnel Rail Link

81. However, I also find that the effect on the immediate landscape is moderated, in part, by the scale of the application scheme and the fact that it is located within a relatively restricted visual envelope when viewed from the edges of the site. This visual envelope also means that from many viewpoints, and especially those locally, the application scheme is experienced within a context of the A2070, Junction 10A of the M20, and the urban fringes of the main conurbation of Ashford.

82. At the same time, the application has introduced an urbanising feature within the landscape. This was an urbanising feature which has had a negative impact on the settlement of Sevington, which is now in landscape terms, wedged between the IBF on one side, and a railway and/or the A2070 (aka Bad Munstereifel Road) on the other sides. Given the 24/7/365 operation of the site, it is important to recognise that there are also impacts on the landscape which occur during nighttime hours, which arise from the operational need to light the site throughout its continuous operating hours[32].

83. Taken in the round, I concur with the assessment of the ES in respect of Table 9 above, in that the application has resulted in significant localised effects, with the magnitude of the impacts being moderate, in respect of LCA 2 Mersham Farmland. This results in minor adverse long term effects with regard to Likely Significant Effects and the LCA 2 area.

84. I also concur with the LVIA findings in respect to the LCA5 Brabourne Lees Mixed Farmland in that the magnitude to change for this characterised landscape would be minor. However, I disagree in terms of the 'moderate adverse long term effects' conclusion in respect of the Likely Significant Effects in relation to forming a planning judgement.

85. This is because the LCA 5 area is located to the north and east of the M20; whereas the application site lies to the south and within the LCA 2. As such, there is a clear and distinct functional and visual separation between these two LCA defined areas. Whilst respectful of the landscape assessment undertaken within the LVIA, in excising planning judgement, I find that the harm to the LCA 5 is no greater than minor in this case.

86. I therefore find that there is a minor breach of Policy ENV3a of the ABLP2030[33], which, amongst other aims, seeks to ensure that all proposals for development demonstrate particular regard to landscape characteristics.

[32] Whilst I consider the impact(s) of lighting throughout this Statement, at the relevant parts, it is also worth noting that I consider it within the living conditions section.
[33] Ashford Local Plan 2030 - adopted Feb 2019 page 303 of 389

National Landscape

87. In November 2023 Areas of Outstanding Natural Beauty (AONBs) were renamed as 'National Landscapes'. I have used the two terms interchangeably within this Statement, where applicable.

88. The Applicants set out in the ES, that *'Whilst the scheme sits outside of the Kent Downs National Landscape boundary, it is still relevant to take into consideration policies from the Kent Downs National Landscape Management Plan, due to the proximity of the Development.'*[34] I agree.

89. Indeed, s245 of the *Levelling-Up and Regeneration Act 2023* (LURA23) amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of National Parks, AONBs and the Broads. This sets out that decision-makers must 'seek to further' these statutory purposes rather than 'shall have regard' as in the earlier legislation.

90. Of noticeable concern in this case, are those matters raised in respect of the visibility of the application site from the Kent Downs National Landscape (KDNL) – including from Wye Nature Reserve Car Park and viewpoint, and from large tracts of footpath located along the escarpment (the North Downs Way National Trail) and including views from the Devil's Kneading Trough.

91. These views are possible as the land on and adjacent Coldharbour Lane is elevated above that of the application site. This degree of visibility is apparent during the day, and especially at night; where the illumination of the application site is clearly visible from this part of the National Landscape.

92. I do not agree with the assertion expressed by the Applicants that *'any residual nighttime impact is necessarily qualified in any event by the fact that the escarpment is extremely unlikely to attract a significant number of visitors after dark.'*[35] National Landscapes are a public resource freely available for people to explore and experience at any point of the day – and especially so when there is a National Trail running along this part which is affected by the application scheme. For example, it is not unreasonable to assume that some visitors to the National Landscape may wish to visit it to experience natural phenomena such as the Northern Lights or experience its natural beauty in the twilight period of a summers day.

93. Amongst others, the Kent Downs National Landscape team[36] (KDNLT) and the Campaign to Protect Rural England (CPRE) Ashford[37] have raised concerns on this matter. In particular, I heard at the Inquiry evidence from KDNLT, who indicated that the incongruous and industrial nature of the

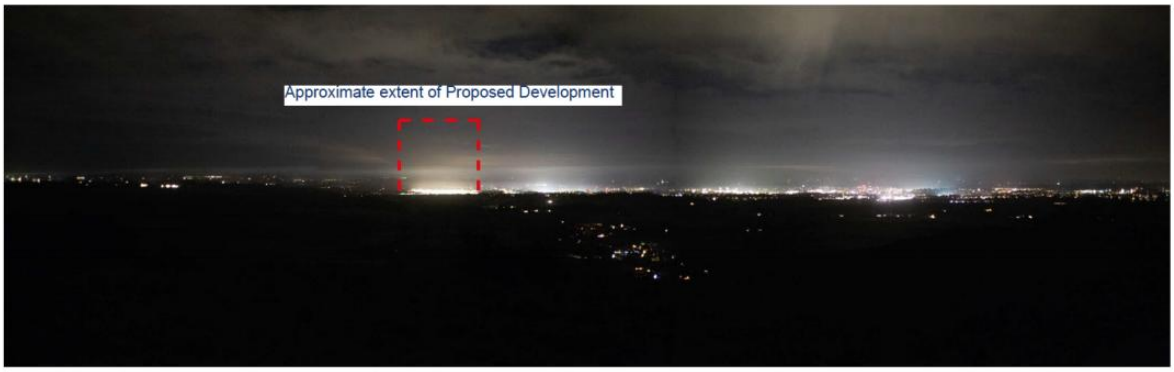
[34] Page 14 of 21, paragraph 3.16; Environmental Statement Vol 3 Landscape and Visual Impact Assessment Apr 2025 Part 1
[35] INQ - Applicants Closing Statement Sevington IBF page 10 of 23, paragraph 35
[36] Written Representation from Kent Downs National Landscape Team
[37] Written Representation from CPRE Ashford

application scheme, and the colours of the buildings (which are principally a light grey), has resulted in a deterioration of the views from one of the most visited parts of the KDNL during the daytime.

94. At nighttime, due to the 24/7, whole year operations of the site and the operational need for the site to be illuminated, the site and its associated light pollution is visible from the KDNL. I saw this in practice during my night-time visits to viewpoint 12[38] and that area.

95. Not only does this illuminate the application site in a highly visible way, but it also appears to result in an extension of the settlement of Ashford. This can be seen in nighttime and daytime images of viewpoint 12 contained within the Applicants *Landscape and Visual Impact Assessment* (LVIA)[39]:

Figure 32: Proposed Night Time Viewpoint 12 (Contextual Panorama)
View from Kent Downs National Landscape, looking south west and towards the constructed and operational Development



Source: Sevington ES Vol 3 Landscape and Visual Assessment Part 03 page 21 of 28

Figure 31: View with Development - Viewpoint 12 (Contextual Panorama)
View from Kent Downs National Landscape, looking south west and towards the operational Development



Source: Sevington ES Vol 3 Landscape and Visual Assessment Part 03 page 20 of 28

96. The LVIA[40] indicates that, in the assessor's view, the Likely Significant Effects (LSE) of the application during daytime from viewpoint 12 is 'None' and for

[38] Sevington ES Vol 3 Landscape and Visual Assessment Part 03
[39] Comprising three parts: Sevington ES Vol 3 Landscape and Visual Assessment Part 01 Sevington ES Vol 3 Landscape and Visual Assessment Part 02 and; Sevington ES Vol 3 Landscape and Visual Assessment Part 03
[40] Ibid.

Night Time Effects the LSEs are assessed as being 'Moderate adverse' for recreational users of the North Downs Way within the National Landscape[41].

97. The Applicants indicated in their Statement of Case, given that there is very limited visibility of the development within the wider view, and reviewing their initial assessment, the 'Magnitude of Change' is considered to be 'negligible' rather than 'no change' as previously stated in the LVIA[42].

98. In November 2025, prior to the Inquiry, the Applicant's Landscape advisers undertook further LVIA survey work[43]. At the Inquiry, the KDNLT indicated that it would have been beneficial if those undertaking this additional survey work had contacted the KDNLT to agree and/or confirm appropriate locations for assessments. I consider that this would have been helpful; so that those parties could have agreed various viewpoints from which to undertake further assessments from.

99. At the same time, I consider that the viewpoints contained within the Applicants Appendix 12 Technical Note, are a fair representation of views from and around viewpoint 12. Furthermore, I am content that when these viewpoints – from the LVIA, the Appendix 12 Technical Note, and the views of interested parties - are considered in light of my own site visits to the surrounding areas; (including visiting the approximate viewpoint 12 location and other locations) I have adequate environmental information before me from which to determine the application scheme in relation to the National Landscape and potential impacts on it.

100. In this respect, I concur with the findings of the LVIA (including the Appendix 12 Technical Note) in that the proposal does result in moderate adverse LSE at nighttime – due to the lighting installed as can be seen in the 'Figure 32' image above.

101. During the day, I find that a visual impact remains, but this is moderated by the fact that the prominence of the site during daylight hours is much reduced when viewed within the wider landscape – as can be seen in the 'Figure 31' image above. Therefore, I concur with the findings of the Appendix 12 Technical Note in that there is a negligible LSE during the day.

102. In both instances, I find that there would be some harm to the setting of the National Landscape, arising from views out of the KDNL towards Ashford and the IBF and BCP.

[41] Sevington ES Vol 3 Landscape and Visual Assessment Part 03 As set out in Table 42: Potential Night Time effects on Visual Amenity at Completion and Operation, page 21 of 28.
[42] INQ Applicants Statement of Case 241125 pages 80 and 81 of 146, Applicant's response to Query number 29, and see also INQ - Applicant - Appendix 12 - Landscape Technical Note
[43] INQ - Applicant - Appendix 12 - Landscape Technical Note

103. The KDNLT have suggested two principal mitigation measures which they consider could help in reducing the above identified impacts. I now consider these in further detail.

104. With regard to the colours of the buildings on the application site, the KDNLT have suggested that the use of different tonal shades could help reduce their visual impact during daytime hours. To that end, at the Inquiry, they supplied a copy of the *Kent Downs Area of Outstanding Natural Beauty – Guidance on the selection and use of colour in development* (undated)[44]. This document sets out that:

> *'The topography of the AONB and in particular the escarpment along much of its southern border affords panoramic and compelling views to the south. The Kent Downs AONB was designated in part because of these views beyond its setting and these views have remained critical to its value and to public enjoyment ever since. It is essential therefore that careful assessment of form, materials and colours be given when considering development within the setting of the AONB."*[45]

105. I also heard of examples, such as the former John Lewis store near to Junction 9 of the M20, where the use of darker colours was considered by the KDNLT to be visually more appropriate and could be used on the application site.

106. Whilst noting these suggestions, it is important to consider the potential impact of differing colours of building on the more immediate surroundings of the application site – which include the setting of the Grade I listed building of St Marys Church[46]. I saw the currently light grey colour used for the boxy one and two storey flat roofed buildings, and also for the pitched roofed buildings, when viewed from the boundaries or near to the boundaries of the site, help reduce the visibility of these buildings. This is especially so during grey and/or overcast days where the buildings visually merge against this backdrop.

107. Contrastingly, painting or covering these buildings in a darker tonal colour – even a darker grey – would be likely to increase their visual prominence within this immediate site context. This would result in users of the nearby PRoWs and visitors to the church being adversely affected by these buildings if they were altered by use of a different tonal colour. This potential adverse immediate context impact needs to be set against the

[44] INQ - Kent Downs AONB - Guidance on the selection and use of colour in development: guidance

[45] INQ - Kent Downs AONB - Guidance on the selection and use of colour in development: guidance page 32 of 38 – Development within the setting of Kent Downs AONB

[46] I consider this in greater detail within the heritage assets section of this Statement.

potential mitigation benefit of using different tonal colours in order to reduce the visual prominence of the site from the KDNL.

108. In this respect, given the distances involved of approximately 5km[47] I consider that it is unlikely that changing the tonal colour of the buildings on site would result in a discernible change to the experience of users of the Kent Downs National Trail. The ability to use soft landscaping as mitigation and which is highly likely to ameliorate further the prominence of the application site during the daytime, further supports my view that it is not necessary for the Applicants to change the colour of the buildings in order to address this identified harm.

109. With regard to nighttime impacts, a planning condition has been suggested for the submission of a lighting mitigation and implementation plan. This is a reasonable and pragmatic way in which to ensure that light pollution from the site is minimised insofar as is practicable, whilst at the same time allowing the site to be fully and safely operational at all times. In reality, it is unlikely that the moderate adverse effects identified arising from the application scheme could be mitigated by use of condition in a way that could reduce these effects to a lower level. Lighting is an operational necessity on the site. Nonetheless, the use of the suggested condition should assist in reducing this wherever possible; even if the moderate adverse effect remains.

Duty to seek to further the National Landscape

110. Policy ENV3b of the ABLP2030[48] sets out :

> **Policy ENV3b – Landscape Character and Design in the AONBs**
>
> **The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.**
>
> **Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.**
>
> **All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:**
> - **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.**

[47] INQ Applicants Statement of Case 241125 pages 80 and 81 of 146, Applicant's response to Query number 29
[48] Ashford Local Plan 2030 - adopted Feb 2019 page 303 of 389

111. Similarly, the *National Planning Policy Framework* sets out the policy at a national level in Chapter 15. Conserving and enhancing the natural environment. In particular, Paragraph 189 sets out that *'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.'*

112. Lastly, but no less importantly, s245 of the *Levelling-Up and Regeneration Act 2023* amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of AONBs. These included requiring that authorities 'must seek to further' these statutory purposes rather than 'shall have regard' to them as was set out in the previous legislation (amended s.85 of the *Countryside and Rights of Way Act 2000*). The effect is to strengthen the duty in terms of making it a more proactive consideration of how those purposes may be furthered.

113. The statutory purposes of National Landscapes (areas of outstanding natural beauty) are set out in DEFRA's Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes.

114. These are:

> *'**conserving and enhancing the natural beauty** of the area of outstanding natural beauty."*[49]

115. It is important to set out clearly at this stage, that no party is putting forward the case that the application site itself lies within the KDNL. Furthermore, there is no suggestion that the application itself will directly affect the natural beauty of the KDNL within the KDNL itself.

116. Being mindful of my duty to seek to further the statutory purposes of the KDNL as a National Landscape, I am satisfied that the application scheme leaves the natural beauty of the KDNL unharmed.

117. I have properly sought to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape, by satisfying myself that to grant planning permission for the application scheme will leave the specified characteristics of the KDNL, within the National Landscape itself, unharmed in this instance.

118. The issue here relates to the setting of the KDNL; for which I have concluded amounts to negligible adverse effects at daytime and moderate adverse effects at nighttime.

[49] https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes#statutory-purposes-of-protected-landscapes Published 19 December 2024

119. DEFRA's guidance goes on to indicate, under the section labelled 'The setting of Protected Landscapes', that:

> *'The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.*
>
> *Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting.'*[50]

120. In this respect, both dark skies and long views from the KDNL are affected by the application scheme and result in residual harms to the KDNL and the users and/or visitors of this protected landscape. In this respect, I find that the proposal would fail to seek to further the statutory purpose of conserving or enhancing the natural beauty of the KDNL in regard to the adverse effects on its setting. However, this does not automatically mean that planning permission should be refused.

121. In this case, there are various mitigation measures, which principally revolve around establishing soft landscaping and planting schemes in and around the application site and the submission and implementation of a lighting strategy. These would go some way to helping reduce the impact of the application scheme on the setting of the KDNL. Furthermore, I consider that in this instance, there are justified benefits – which are set out in greater detail in the planning balance section of this Statement – which outweigh this limited harm to the setting of the KDNL.

Dark skies

122. With regard to dark skies, the Borough Council have referred me to the *Dark Skies SPD – Preserving our skies: Light pollution and the need for darkness* Adopted July 2014. Reference is also made to Policy ENV4 of the ABLP2030[51], which provides various design requirements and that all proposals will be expected to demonstrate clear regard to the guidance and requirements set out in the Council's Dark Skies SPD (2014).

123. Paragraph 198 c) of the Framework sets out that:

> *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the*

[50] https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes#the-setting-of-protected-landscapes Published 19 December 2024
[51] Ashford Local Plan 2030 - adopted Feb 2019 page 307 of 389

likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:…

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

124. In considering these policies, I note that the application site itself does not appear to lie within a local planning policy defined 'Dark Sky Zone'[52]. Nevertheless, I have considered lighting within the context of national and local landscapes above, and go on to consider lighting in terms of impact on living conditions within that section of this Statement.

125. Put simply, whilst the lighting on the application site does result in light pollution, it is possible to use various mitigation strategies (including landscaping and approval of a lighting strategy) to reduce this impact. This would be in addition to measures which the Applicants have undertaken in the past few months; as recognised by the Rule 13 Party Parish Councils[53].

126. In this respect, I find that the application scheme has sought to demonstrate clear regard to the Dark Skies SPD 2014. I therefore find that it accords with Policy ENV4 of the ABLP which seeks the aforesaid aims.

Heritage assets

Designated Heritage Assets

127. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, sets out that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

128. The Framework sets out at Paragraph 212 that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

[52] Ashford Local Plan 2030 - adopted Feb 2019 page 305 of 389
[53] INQ - SWFPC & MPC Closing Statement page 3 of 8

The designated heritage assets

129. In this case, the designated heritage assets near to the application site comprise:

Name	DHA[54] type	NHLE[55]
Church of St Marys, Sevington	Grade I Listed Building	1233902
Court Lodge	Grade II listed building	1276463
Barn about 20 metres southeast of Court Lodge	Grade II listed building	1276464
Ashdown Cottage	Grade II listed building	1233932
Orchard Cottage	Grade II listed building	1233763
Maytree Cottage	Grade II listed building	1233936
Bridge Cottage	Grade II listed building	1233764
Ransley Cottage	Grade II listed building	1233755
Church of St John the Baptist	Grade I Listed Building	1276693

130. The listing descriptions can be found here: INQ Listing Descriptions

Together with various heritage reports and assessments including:

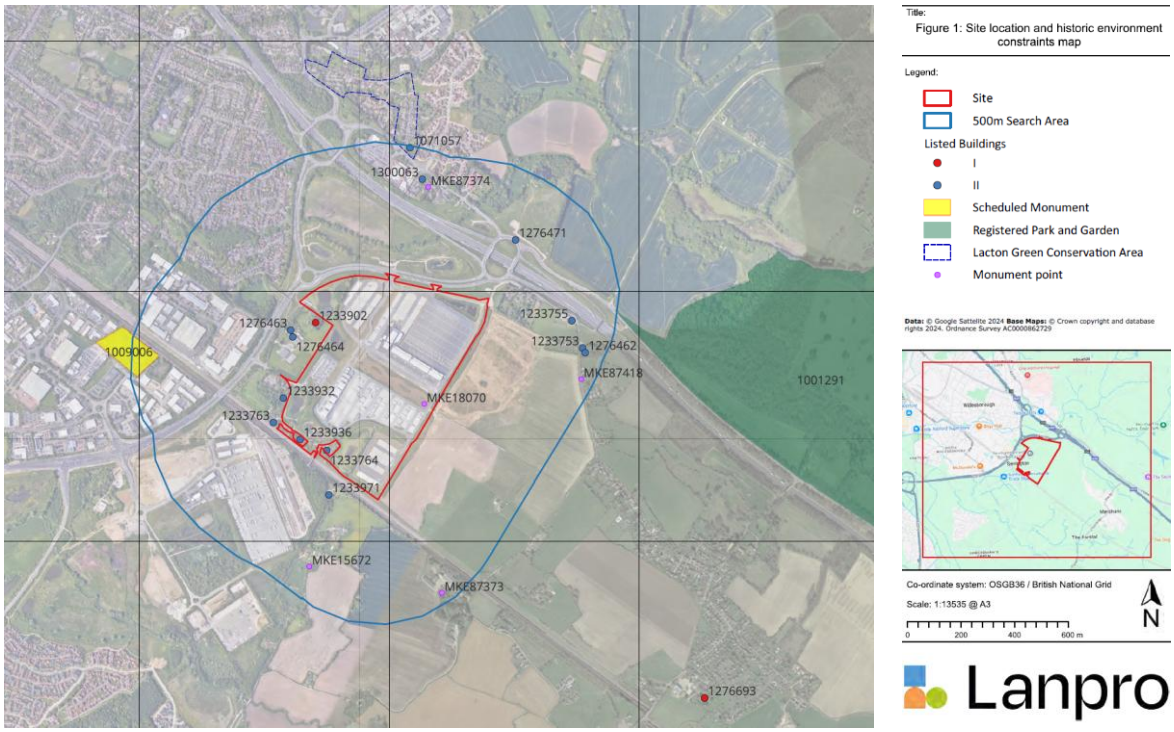
Sevington ES Vol 1 Chapter 10 Cultural Heritage

INQ - Applicant - Appendix 17 - Heritage Technical Note

INQ - Applicant - Appendix 7 - Heritage Map showing ROC location

131. The overleaf plan is an excerpt which shows the approximate location for the various heritage assets:

[54] DHA – Designated Heritage Asset
[55] NHLE - National Heritage List for England



Source: INQ - Applicant Appendix 6 - Site Location and Historic Environment Constraints Map (Although it should be noted that the marker labelled MKE18070, which represents a ROC post, should be on the eastern side of Highfield Lane)

The views of certain parties on heritage

132. The Applicants set out that they consider the proposal would result in 'less than substantial harm' within the middle of the scale to the heritage assets of (Grade I listed Church of St Marys, and six Grade II listed buildings, namely Court Lodge and Barn, Ashdown and Ashdown Cottage, Orchard Cottage, Maytree Cottages and Bridge Cottage).

133. As set out in its Officer Report and agreed response of 25 September 2025[56], the comments made by Historic England are 'fully endorsed' by Ashford Borough Council. Historic England, who are the governments advisor on the historic environment, submitted a representation dated 12 September 2025[57]. It should be noted the Historic England focussed their response on the Grade I listed building of St Marys Church; with the decision-maker advised to seek out local heritage advice on other nearby heritage assets.

134. In particular, Historic England set out that they consider the application scheme *'causes a high level of harm to the significance of the grade I listed Church of St Mary by greatly compromising the church's remaining rural setting.'* It goes on to indicate that the harmful impacts could be reduced

[56] ABC Response to Consultation Officer Report and ABC Agreed Response dated 25 09 25
[57] Historic England Representation dated 12 September 2025

by deepening areas of planting and through steps made to ensure that a capital contribution for the Church of St Mary, proposed as mitigation for the development of the application site, can be secured and delivered. In conclusion, the view of Historic England, which remains similar to that provided in 2020, is that the harm caused by the application scheme would '*be towards the upper end of less than substantial harm*'[58].

Setting and significance

135. The significance of the Grade I listed building of St Marys Church, Sevington and its setting, derives from both its architectural and historical features. Indeed, the site is within the setting of several designated heritage assets, the closest of which being the Church of St Mary and a small collection of Grade II listed buildings on Church Road.

136. This cluster of historic buildings is the historic rural hamlet of Sevington, which mainly consisted of small farmsteads and agricultural workers' cottages, and had a historic functional relationship to surrounding agricultural fields as the land worked by each farmstead.

137. The field to the east of the Church of St Mary, prior to the construction of the IBF and BCP, made an important contribution to the church's significance as its historic rural setting that helped explain the church's rural origins and its relationship with the local landscape and nearby buildings.

138. In particular, an appreciation of this setting was enhanced by expansive views of the church across the site of the IBF and BCP, in which the church and particularly its visible church spire (which is a highly visible and noticeable landmark) could be appreciated, alongside other historic buildings on Church Road as a rural historic hamlet.

139. This understanding of the church's origins and its association with a rural hamlet, remained, prior to the construction of the IBF, despite the expansion of the town of Ashford to its west and north with both residential development and infrastructure associated with the M20 and A2070.

140. However, the application scheme has resulted in development almost entirely encircling the Church of St Mary. It is both the encircling of development and the type of development, which in the case of the IBF and BCP includes utilitarian style buildings that means that the church's once rural setting and its contribution to significance is now substantially reduced.

141. In this respect, I find that the application scheme has had a negative impact on the setting of these listed buildings, including the Grade I listed building of St Marys Church, and therefore has failed to preserve their

[58] Historic England Representation dated 12 September 2025

setting. Great weight should be given to the assets conservation, and the more important the assets, the greater the weight should be given. In light of the fact that that St Marys Church is a Grade I listed building (therefore of the highest category and subsequently importance in those terms) I give considerable weight to the assets conservation.

142. As such, I concur with the views of the Applicant's heritage adviser, the Borough Council, and the government's adviser Historic England, in that the proposal results in *'less than substantial harm'* to these designated heritage assets, as set out in Paragraph 215 of the Framework.

143. However, the application scheme has resulted in what amounts to an almost complete loss of the rural setting of the historic church; a feature which was one of the key attributes to its setting. This loss not only occurs during the daytime where visitors to the church and its surroundings experience its setting through the prism of the sight and sounds of the IBF and BCP in operation 24 hours a day, every day of the year, but also at night.

144. I saw during my nocturnal visits to surroundings of the church that when the application site is illuminated, the church no longer enjoys a quiet, peaceful and mainly dark setting but is instead seen in the context of a well-lit IBF and BCP site behind it. (This is especially so when viewed from the front of the church, along the northern part of Church Road leading to the pedestrian footbridge over the A2070).

145. I therefore, respectfully, disagree with the findings of the Applicants heritage advisers and Historic England in respect of articulating the extent of harm within the 'less than substantial' category of harm[59]. Rather than 'medium' or 'towards the upper end', for the reasons given above, I find that the proposal results in less than substantial harm which is unambiguously at the upper end of that category of harm.

146. Having found less than substantial harm and at the upper end of this category, it is necessary to weigh the public benefits of the application against this harm, as set out in Paragraph 215 of the Framework. I complete this assessment within the overall planning balance section of this Statement.

Heritage mitigation

147. Having now identified less than substantial harm (as did the main parties), and before considering the potential effects of the application scheme on other heritage assets, it is useful to consider some of the measures the

[59] https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment How can the possibility of harm to a heritage asset be assessed? Paragraph: 018 Reference ID: 18a-018-20190723 Revision date: 23 07 2019

Applicants have suggested to mitigate the visual impacts on the setting of the nearby listed buildings.

148. Measures within the application to mitigate the negative impacts on the setting of St Marys Church and the other nearby listed buildings, include; a green buffer between the IBF and BCP, and the church, a landscaped viewing corridor, which is considered by Historic England to retain an important and historic visual link between the Church of St Mary and the Church of St John the Baptist in Mersham, and soft landscaping more generally, and implementation of an agreed lighting strategy. Historic England consider that these measures *'are positive but sustain only a sense of its once expansive rural setting'*.

149. The Applicants have also put forward as mitigation an obligation to secure monies for the church works, which include repairs to the church roof. This is supported by both the Borough Council and Historic England. This capital contribution is related to earlier permissions for the development of the application site. It would enable restoration works to take place at church, and I understood from oral representations at the Inquiry, that meetings to agree applications for such are currently ongoing.

150. These capital investments would ensure that the Grade I listed building and its grounds could continue to be used by staff to the IBF and BCP, who can benefit from the comparative quiet within the church compared to its external environment during breaks. It would also be of benefit to the local community; allowing the sustained use of the church for community use in into the future.

151. I will consider these mitigation factors within my overall planning balance stage.

Other designated heritage assets

152. I note that there are the Scheduled Monument of a moated site and associated garden earthworks 460m south east of Boys Hall (NHLE ref 1009006; shown in the yellow polygon above) and around 380 metres to the west of the application site, the Registered Park and Garden (Grade II) at Hatch Park (NHLE ref 1001291 about 480 metres east from the application site, the green polygon above), and the Lacton Green Conservation Area (blue dotted line in above image) which is located around 450 metres north of the application site.

153. However, given the distances, the intervening features such as buildings, landform and/or landscaping, and the lack of specific historical and historical inter-relationship between the application site and these, I do not consider that the proposal would result in any harm to these designated heritage assets; including their setting.

Non-Designated Heritage Assets

Archaeology

154. The Applicants Heritage Technical Note[60] sets out that archaeological mitigation works on site were completed as part of the construction of the temporary facility. All archaeological remains within affected construction areas were fully excavated, recorded, and sampled under approved Written Schemes of Investigation (WSI).

155. It goes on to indicate that there are no further potential impacts to buried archaeological remains as a result of the IBF, and the ES scoped out any impacts to archaeological assets as a result of the change to a permanent IBF operation.

156. The known archaeological features include a Royal Observation Corps (ROC) post, an Anglo-Saxon cemetery and a Bronze Age Barrow (and interpretive replica).

The ROC post

157. In terms of the ROC Monitoring Post (from the Cold War) situated close to the site. Historic records suggest that this is located on the western side of Highfield Lane. However, the Applicants have confirmed that the actual location is on the eastern side[61]. Nonetheless, the Applicants indicate that this is considered to be a non-designated heritage asset[62] (NDHA) comprising below ground remains and limited above ground remains, dating from circa 1961.

158. During the various approvals given under the SDO, the Applicant's submitted information which confirmed that 'no works are proposed to the area containing the remains of the ROC post, which is to be left *in situ*'[63]. I note that the ROC post is located within the area known as 'Sevington East', in which the biodiversity net gain measures are proposed to be delivered and secured on. Nevertheless, there is little before me which suggests that any development, in planning terms, would occur on the site of the ROC post.

159. Whilst consideration would need to be given to planting species so as to reduce the risk of roots, for example, damaging the NDHA, I am confident that the obligations and associated approvals required would ensure that such factors are considered and appropriately controlled[64].

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[60] INQ Applicant Appendix 17 - Heritage Technical Note At paragraphs 4.2.1 and 4.2.2
[61] INQ Applicant Appendix 8 ROC Technical Note, including photo record 18.12.20 and INQ Applicant Appendix 7- Heritage Map showing ROC location
[62] INQ Applicants Statement of Case 241125, page 92 of 146
[63] INQ Applicant Appendix 8 ROC Technical Note, including photo record 18.12.20, page 3 of 8
[64] I consider this in greater detail within the BNG and obligations sections of this Statement.

160. Furthermore, it is possible to secure, by suggested planning condition 7[65], the provision of information boards so that future generations can understand the part that structures such as these played in civil defence planning during the Cold War era, and the monitoring of nuclear fallout should that have occurred.

Anglo-Saxon Cemetery

161. With regards to the remains of the Anglo-Saxon cemetery, this can be found within the application site itself, adjacent to Highfield Lane.



Source: Sevington ES Vol 2 Chapter 10 Appendices Part 2 Appendix 10.2 Archaeological Desk Based Assessment Appendix 2 – Plan showing Excavation Area 6 containing Anglo-Saxon cemetery (AOC, 2022) Page 39 of 40

162. This part of the application site has already been developed, though the below ground archaeology has been identified by the Applicants as having been preserved in situ. In this respect, I do not consider that the application scheme has an impact in terms of archaeological impacts with regard to the Anglo-Saxon cemetery.

Bronze Age Barrow

163. As detailed in the Applicant's *Heritage Statement* and *Archaeological Desk Based Assessment*[66] Archaeological Statement, the remains of a Bronze Age barrow lie below ground to the east of the IBF.

164. As this remains in situ, I concur with the findings of the Applicants *Archaeological Statement* that *'due to the implementation of the programme of archaeological mitigation, the operation of the development*

[65] INQ CD12.2 Final Proposed Condition Schedule 08 12 25

[66] Sevington ES Vol 2 Chapter 10 Appendices Part 1 - Appendix 10.1 Heritage Statement and Sevington ES Vol 2 Chapter 10 Appendices Part 2 Appendix 10.2 Archaeological Desk Based Assessment

will have no impact to archaeological assets"[67] on the application site or within its immediate surroundings.

Name of site

165. The Parish Councils, as a Rule 13 Party, requested at the Inquiry and in Closings[68] whether the name of the IBF and BCP could be altered. Concerns were raised that naming it 'Sevington' has eroded the identity of the original small settlement; with a historic parish dating from the Domesday Land Survey of 1086. Whist not a heritage matter in the TCPA planning sense; it clearly is of concern to the local community.

166. To that end, it has been suggested that the usage of 'Ashford Inland Border Facility' or 'Kent Inland Boarder Facility' would be more fitting for an inland border facility of national importance. I note this point. As recognised in the Rule 13 Party's Closings, it is not within my gift to insist on one name or another, or to set out a mechanism as to how to such a name could be changed. These are clearly outside the remit of planning controls. Although it makes some sense, to help avoid confusion for site users, for this suggestion to be seriously considered by the site operators/owners as Ashford, Kent (taking its name from the largest nearby conurbation) is likely more recognisable than the tiny settlement of Sevington.

Ecology and biodiversity (including biosecurity and nutrient neutrality)

Local ecology

167. Within the SOM, queries 48 to 65 related to biodiversity and ecology matters. The responses provided by the main parties, and the information before me has informed my consideration of these matters.

Lighting (in relation to ecological matters)

168. With regard to lighting[69]; 16 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.

169. These mitigation measures include the switching-off of luminaires within 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.

[67] Ibid. Page 32 of 40, paragraph 8.1.7
[68] INQ - SWFPC & MPC Closing Statement page 6 of 8
[69] INQ Applicants Statement of Case 241125, pages 106 to 107 of 146

170. 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 site is located along the operational areas, roads and access points.

171. In terms of lighting on the areas protected for biodiversity value, the Biodiversity Assessment for the temporary (SDO) IBF included the following committed measures to address lighting impacts on bats:

- 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

172. I have taken this information into account in considering the potential impact of the development on nearby ecology. I am also mindful of the comments of Natural England, who raise no objection in respect of the application scheme, subject to mitigation measures in the form of an adjusted lighting strategy which allows lighting to be switched off in certain areas and shielded to prevent light spill[70].

173. In the next few sections, I set out the Applicant's position with regard to protected species and local ecology. I then indicate thoughts in a summary, before going onto to consider related biodiversity and/or ecology related matters.

174. The Applicants set out that:

Dormice

175. 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 six dormouse boxes as set out in the Natural England European Protected Species ('NE EPS') dormouse licence.

176. 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.

[70] S Moore on behalf of Natural England submitted 10 September 2025

177. The dormouse licence has been in place since 13 September 2021 and extends until 31 December 2025, with dormouse box 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).

178. 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).

179. 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.

180. 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.

181. 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.



182. The mitigation incorporated to address potential adverse lighting effects on bats as part of the temporary IBF also addresses the potential lighting effects for any dormouse which may colonise the site in the future.

Bats[71]

183. 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.

184. 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 located in the central viewing corridor has been replanted in December 2023, and the LEMP (2020) needs to be fully implemented.

185. The post construction bat monitoring surveys undertaken in 2023 and 2025 showed a decline in both pipistrelle species activity, noctule activity has increased slightly in 2025 and Myotis 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.

186. 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 (as contained within Table 11.10 of the Ecology ES Chapter).

Birds[72]

187. There is no new loss of habitat (for nesting or holding of territories) as a result of the permanent facility.

188. 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.

189. Paragraph 11.123 of the ES 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, to minimise light spill for nocturnal sensitive species.

190. 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.

[71] INQ Applicants Statement of Case 241125, pages 109 to 110 of 146
[72] INQ Applicants Statement of Case 241125, pages 110 to 111 of 146

Reptiles[73]

191. 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 temporary translocation sites demarked by a blue line and the receptor site demarked by an orange dashed line).

192. 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.

193. 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.



Water voles[74]

194. 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

[73] INQ Applicants Statement of Case 241125, pages 111 to 112 of 146
[74] INQ Applicants Statement of Case 241125, page 113 of 146

14 November 2024, no species-specific surveys were completed for protected species as set out in Paragraph 11.34 - third bullet point.

195. 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.

Invertebrates[75]

196. 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.

Summary on Protected Species

197. Taking into account the various site specific surveys undertaken, the multitude of benefits for both protected and non-protected species arising from the biodiversity gains on both the site and on Sevington East (which are secured by means of planning obligation), and the ability to use mitigation such as LEMP and soft landscaping, I find that the application scheme does not have an adverse effect on Protected Species.

Biosecurity[76]

198. In terms of biosecurity, interested parties raised the fact that the site is located a number of miles inland from the principal points of entry at the Port of Dover and the Eurotunnel. The concerns raised included how the location of the site and its operation in practical terms could ensure that biosecurity risks to both Kent and the wider UK could be minimised.

199. The Applicants have explained within their SoC, that 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.

200. 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.

[75] INQ Applicants Statement of Case 241125, page 113 of 146
[76] INQ Applicants Statement of Case 241125, pages 114 to 115 of 146

201. 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.

202. Therefore, in essence, there is a layered approach to ensuring biosecurity measures to protect the UK are in place. This includes an intelligence-led approach at the physical point of entry, with a risk based check at the BCP part of the Sevington IBF site.

203. There is no technical or other information before me which suggests that this approach is inadequate or does not work in practice. Indeed, I saw during my accompanied site inspection how the site operated in a well-managed way; with marshals across the site directing vehicles and drivers, and operatives of the Border Force, HMRC, DEFRA and the Port Health Authority working in positive collaboration to ensure that at this part of the border, the goods travelling through the Short Straits (of the Channel primarily between Dover/Folkestone and Calais) were checked.

Nutrient neutrality and Habitats Regulations Assessment (HRA)[77]

204. A Habitat Regulations Assessment Screening Assessment (Habitats Regulations Assessment – Screening Report, March 2025 – WIE20982-103-R-3-1-2-HRAs[78]) has been completed and submitted by the Applicants. This concluded that there would be no significant changes as a result of changing the temporary IBF facility into a permanent IBF facility, and no adverse effects on the integrity of the European sites in respect of the integrity of European sites including:

- Wye and Crundale SAC,
- Dungeness, Romney Marsh and Rye Bay Ramsar, SPA and SAC,
- Stodmarsh Ramsar, SPA and SAC,
- Folkestone and Etchinghill Escarpment SAC, and;
- North Downs Woodland SAC.

205. As the 'Competent Authority' in this case, it is my responsibility to consider the submitted HRA, undertake an Appropriate Assessment (AA), and be

[77] INQ Applicants Statement of Case 241125, pages 115 to 117 of 146
[78] Sevington ES Vol 2 Chapter 11 Appendices - Appendix 11.3 Habitats Regulations Assessment Screening, pages 13 to 44 of 45

accountable for its conclusions. In this respect I have taken into account the Applicants HRA and the advice provided by Natural England, who are the government's adviser on the natural environment.

206. Natural England made representations on the application scheme on 27 August 2025[79]. They indicated that they have no objection to the application subject to mitigation measures being secured in the form of:

- *'Continuation of current drainage arrangements whereby trade effluent is discharged outside of the Stour Valley catchment…'*

207. These 'mitigation measures' are in relation to the Stodmarsh (Ramsar, SPA, SAC).

208. Returning to the AA, I concur with the findings of Natural England, in that the development contains measures intended to avoid or reduce the likely harmful effects on European sites, which cannot be taken into account when determining whether a plan or project is likely to have a significant effect on a site.

209. Having carefully considered the measures, which are already in place in relation to the temporary planning permission approved under the SDO and due to continue, I consider that these appropriately mitigate the impacts from foul water on the Stodmarsh designated sites. This can be secured by planning condition, to ensure that effluent and foul water from the application site continue to not be discharged into a Wase water Treatment Works (WwTW), but rather that it is captured and stored in tank(s) onsite before being removed and treated outside of the Stour Valley catchment. This would avoid the discharge of nutrients, arising from foul water created within the development, being discharged into the Stour Valley catchment in which the Stodmarsh Ramsar, SPA, SAC is located.

210. As competent authority, I am content that these measures, which appear to have worked well over the past 4-5 years operations on the site, can be robustly secured, monitored and enforced in perpetuity. Natural England have set out their preferred approach in that foul water should be connected to the mains sewerage wherever possible as this reduces the risks associated with the failure of cesspits and private package treatment plants. I agree.

211. However, I consider that in this instance an exceptional circumstance exist which justify the use of this specific mitigation approach. These circumstances include that the application site is used to check goods which include liquids, foodstuffs and manufactured items. As part of these checks, environmental controls are in place to control and contain the

[79] S Moore on behalf of Natural England submitted 10 September 2025

spread of harmful or hazardous substances where they may harm the local environment.

212. Indeed, I saw at my site inspection that there are specific areas within the site where sloped HGV hardstanding areas are located. This arrangement allows any escaped hazardous substance (which can include seemingly benign substances like ice cream or other hazardous substances) to run towards isolated underground storage tanks, which can then be emptied by tanker.

213. Moreover, when considering the scheme as a whole, it is clear that no accommodation is provided or proposed to be provided for employees and/or visitors to the site. Therefore, any foul water and/or trade effluent is likely to be minimal, albeit this would not be insignificant.

214. Given the above, I conclude that the proposal could have an adverse effect on the Stodmarsh Ramsar, SPA, SAC. However, I am satisfied that the existing process of removing effluent offsite, which has been implemented since 2020, and which can be secured by condition, provide sufficient confidence that these effects would be adequately mitigated in this instance.

Biodiversity Net Gain

215. In a CDA, under CDAO25 Article 4, applicants are required to indicate whether or not the scheme is subject to the mandatory Biodiversity Net Gain (BNG) condition (introduced by the Environment Act 2021, and inserted by section 90A and Schedule 7A to the 1990 Act, which requires new applications (after February 2024) to provide a minimum of 10% BNG).

216. In this case, the Applicants[80] indicated that they did not consider the application should be subject to the mandatory BNG condition as the development is '*de minimis*'. This is because the Applicants consider that the development for which permission is sought has already taken place, and therefore the proposal is not a new development.

217. The mandatory BNG condition does not automatically apply to retrospective planning applications made under s73A TCPA: as set out under regulation 2(2) of the 2024 Regulations. This is the situation here, whereby a development has already occurred, albeit for a time limited period, and this application seeks to obtain 'permanent' planning permission (which is unencumbered by such limitations). As such, the requirement does not apply to the existing development on the application site that is sought to be retained through the CDA.

[80] INQ Applicants Statement of Case 241125, pages 102 to 105 of 146

218. Nonetheless, the Applicants have voluntarily submitted completed BNG matrix. This indicates that the development of the site results in an approximately -16% for habitats and an approximate +58% gain for hedgerows; so essentially the proposal would result in a minus 16% biodiversity loss for habitats as measured against the metric in retaining the existing development on site.

219. However, if **both** the Application Site and the site known as Sevington East (to the east of Highfield Lane) were assessed in combination with the information submitted by the Applicants, there would be a positive net change of approximately +65.35.% for habitats and +58.49% net change for hedgerows.

220. This is a voluntary contribution which would be secured by means of a submitted legal agreement under s106 TCPA, and for a period of no less than 30 years. It also requires that the habitat enhancement works are carried our within 36 months of completion of the unilateral undertaking[81]. Because of this mechanism, it would be possible for the Local Planning Authority to monitor and/or enforce any breaches over the relevant time period. I am, therefore, content that there is an adequate mechanism through which to secure this voluntary obligation.

221. Clearly, the use of both sites would enable there to be a biodiversity gain achieved from the site. This is a key aspiration of the government, who has declared a biodiversity emergency. As such, it should be considered within any planning balance.

222. At the same time, there is no legal requirement or basis for imposing the minimum 10% BNG condition in this instance, for the aforementioned reasons. Nevertheless, it would be illogical to not afford this voluntary (and legally binding) biodiversity net gain weight as a benefit of the scheme. The issue here is the level of weight that should be afforded by myself as the decision-maker.

223. In this respect, I afford this benefit of the proposal significant weight in favour of the application. This is because whilst it is not a statutory requirement in this case, the application nevertheless would secure a considerable biodiversity net gain in both habitat and hedgerow terms, well in excess of the 10% statutory requirement (were that applicable). I consider the provision of the land at Sevington East for biodiversity in compliance terms in greater detail within the obligations section of this Statement.

224. It is important to acknowledge at this stage that with regard to Article 49 of the CDAO25, the application in this case is exempt as it is either *'de minimis'* (as no new development is sought to take place) or conversely

[81] INQ - Completed unilateral undertaking dated 12 December 2025 page 10 of 22, section 4.1

'retrospective' under s73A TCPA (as the development and use sought is already in place under the temporary planning permissions granted by the SDO. The deemed condition in paragraph 13 of Schedule 7A to the 1990 Act (biodiversity gain condition) is not imposed in this instance.

Local traffic network and onsite parking

225. Concerns raised regarding the local traffic and highway network fall into two principal areas:

    i. The impact on the local road network

    ii. The impact on the Strategic Road Network, on Junction 10A of the M20, and on local A-roads.

The impact on the local road network

226. Both Parish Councils[82], and local residents[83], have raised numerous concerns arising from the impact of the development on the local road network. This includes concerns that there have been significant increase in litter and congestion issues on local roads. Of particular note, this includes lorries taking wrong turns, and/or lorries making last minute turns or moving lanes, of lorries causing congestion at Junction 10A at the junction of the A20 from Mersham/Sellindge arm, and increased litter and detritus.

227. Some of these matters are for other authorities to enforce – such as the driving skills of lorry drivers. However, it also appears to me, through the representations made and from what I saw during my various site inspections that there are some deficiencies in signage.

228. For example, as I approached Junction 10A of the M20 from the direction of Folkestone/Dover (so traffic entering from the EU), there appeared to be very limited signage on the M20 informing drivers of vehicles of the IBF and BCP. Indeed, I only saw one smallish sign with a symbol indicating lorry drivers to follow the symbol; and this appeared to have some plant growing in front of it. This contrasts with two large signs for the International Truck Stop; which I saw were highly visible. Given the strategic and international importance of the IBF and BCP, including to cross-Channel trade, the absence of clear signage off the M20 at Junction 10A appears inadequate.

229. Whilst such signage is not located on the site, and is the responsibility of the relevant highway authority to provide and maintain, it would appear reasonable and sensible to impose a planning condition requiring a clear signage strategy. This is so that the site operators can work collaboratively with National Highways, Kent County Council (as the local highways

[82] INQ SWFPC & MPC Statement of Case See pages 18 and 19
[83] Written representations – Find a Crown Development Application

authority), the Port of Dover, and the Channel Tunnel, to ensure that drivers to and from the entry/exit points can easily locate and access the site. Similarly, the continued engagement with satellite navigation providers to ensure that software is updated should assist in preventing lorry drivers trying to access the IBF and BCP via Church Road off the A2070, or off the A20 at Mersham via Kingsford Street; both of which I saw are not suitable for large lorries.

230. I also note that there are a number of tankers which I understand access near to or within the site. The Applicants are aware of this issue, which do not necessarily wholly relate to activities on the application site itself. I am certain that further dialogue between those parties, the Borough Council, and the Parish Councils could help reduce the impact when tankers are required to access the site (in relation to trade effluent, which can be secured by planning condition) or access near to the site (in terms of ongoing Southern Water activities).

231. In terms of litter, it is unclear as to the source of this. However, I did see during my accompanied site visit that there was litter within the site. This included plastic crisps packets or similar, and plastic drinking bottles. Therefore, whilst I cannot say that all increases in local litter levels are due to the application sites use, there appears to be an obvious link between the site and litter in the local area.

232. I also saw during my site inspection that there were a number of large capacity refuse bins located around the site, so it is somewhat strange that these are not being utilised fully to minimise the escape of litter into the local environment.

233. A planning condition requiring the submission and agreement of a Litter Maintenance and Management Plan for the site has been suggested by the main parties. I consider that this would be reasonable in order to address this matter and ensure that litter from users of the site is minimised so far as is practicable.

The impact on the Strategic Road Network, on Junction 10A of the M20, and on local A-roads

234. In their representation of the 12 September 2025 Kent County Council (KCC), as the local highways authority, raised a holding objection with concerns that the proposal would result in a *'severe impact from the proposals on M20 Junction 10A, specifically on the A20 Hythe Road arms..'*[84]

235. At the Inquiry, KCC were represented, amongst others, by a Highways Engineer. They explained the various measures required at Junction 10A of

[84] Kent County Council Written Representation 12 09 25

the M20 on the A20 arms (for which they are responsible) in order to ensure that the application would not result in a severe impact in highway terms.

236. To that end, an obligation has been agreed and secured providing funds for the improvements required to these arms to increase capacity and reduce impacts on road users. I have considered this in greater detail within the planning obligations section of this Statement. Suffice to note at this point, that the securing of this obligation would address the impacts on this part of the road network, and therefore this 'holding objection' is no longer pursued by KCC. I concur with that position; in effect the obligation would render the development acceptable in these planning terms.

237. With regard to National Highways, there are two key aspects to their case. Firstly, the creation of Junction 10A and funding for that, and secondly the strategic road network and how the site could assist in ensuring traffic movements on it during times when emergencies arise and/or resilience strategies are required to be implemented (for example when there are strikes or storms affecting cross-Channel travel).

238. I understand that in relation to Junction 10A, this was funded by another government department (Homes England) in order to facilitate housing and employment development within Ashford[85]. The monies for that forward-funding is sought to be recovered by developments occurring within the area; which logically should include the IBF and BCP which clearly directly benefit from large numbers of lorries exiting and entering the M20 at Junction 10A.

239. I have considered whether or not this obligation meets the CIL Regulation tests within the planning obligations section of this Statement. (I have found that it does meet the tests for the reasons set out in that section). As such, the monies required as a contribution towards the forward-funding of Junction 10A are secured and mean that lorries using the site for entry or exit into the United Kingdom and the impact of such movements on the Strategic Road Network can be adequately mitigated.

240. With regard to emergency and resilience planning for the SRN, this is related to the well-publicised operational measures that are put in place when there is anticipated to be high demand at the Port of Dover and/or Channel Tunnel (due to school holidays for example) or when storms and similar events causes disruption to cross-Channel travel. Other related measures include the implementation of Operation Brock on the M20 (between junctions 8 and 9) and TAPP on the A20 into Dover.

[85] INQ Ashford Borough Council - Cil Compliance Statement 08 12 25 Pages 7 to 8 of 19, paragraphs 3.1 to 3.10

241. Clearly, any contribution that the IBF and BCP site could make to reducing the stationing of lorries on the public highway, and thus ensure that domestic traffic can continue to move freely, is welcome. It is suggested by the Applicants that this could be provided through the use of the Tango and Romeo parking areas.

242. At the same time, it is important to recognise that the use of such areas, even on an infrequent basis, is likely to have a negative impact on occupiers of nearby homes and buildings. As such, I consider that the imposition of a planning condition requiring details to be agreed (including that no overnight stays or facilities are provided) and limiting the number of days and/or times that such emergency uses occur is reasonable. This should provide reassurance to the Borough and Parish Councils, and also to local residents.

On site parking spaces

243. The Applicants provided differing numbers within their original submissions. Within their Statement of Case, clarity was provided in that:

244. *'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.*

245. *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.*

246. *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.'*[86]

247. I have, therefore proceeded on the basis that the application seeks a total of 833 marked spaces for lorry parking spaces on site.

Best and Most Versatile Agricultural Land (BMVAL)

248. Paragraph 187 of the Framework sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits

[86] Applicants Statement of Case, Page 18 of 146, paragraph 4.5

from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

249. The application site (both Sevington East and Sevington West) were/are classified as Grade 2 agricultural land. Accordingly, both the land on which the IBF is on and the land for which BNG is to be voluntarily secured on, is Best and Most Versatile Agricultural Land (BMVAL) in planning policy terms.

250. The Applicants point to the fact that the IBF site has already been developed and that this has resulted in the loss of the BMVAL on the site[87]. Reference is also made to an informative number 5 on the 2022 approval, which would permit the retention of certain parts of the development implemented. It is also unclear what grade of agricultural the IBF and BCP (Sevington West) is presently; not only because of the development and land reforming on the site, but also that, I understand some soil was removed from the Sevington West site in order to create bunds.

251. In light of these facts, it is logical to conclude that the Sevington West part of the site (the IBF and BCP) is no longer BMVAL in planning policy terms. With regard to the Sevington East part of the wider site (outlined in blue line and the biodiversity net gain area), the land could, if necessary and in line with planning policy at that time including relating to biodiversity, be returned to active agricultural land in 30 years at the end of the period set out in the submitted legal agreement.

252. Conversely, development is not taking place on this part of the site and any works implementing the biodiversity net gains (such as planting trees or plants) are unlikely to require planning permission. As such, I find that the application scheme will not result in the loss of BMVAL on the application site.

The effects on living conditions, including residential amenity

Lighting

253. As set out in the Parish Councils Closings[88] and elsewhere[89], lighting and light pollution has been an issue locally for residents. In particular, the Parishes set out how the application site has caused a glow within the local area for the past five years across its 24/7 operations. However, recent measures have alleviated some of this impact – such as not illuminating Romeo and Tango areas when not in use.

254. As considered elsewhere in this Statement, lighting clearly has had an impact; at both a local level and more widely (for example in relation to the

[87] Applicants Statement of Case, Page 40 of 146, paragraphs 8.61 to 8.64
[88] INQ - SWFPC & MPC Closing Statement page 3 of 8
[89] INQ SWFPC - appendix D - lighting - Supporting Information

National Landscape). However, it appears clear[90] that the use of an agreed Lighting mitigation and implementation plan planning condition, which would be approved by the Local Planning Authority in consultation with the Parish Councils, could reasonably be imposed.

255. Whilst acknowledging that the use of the application site would continue to result in lighting impacts on local residents, this could be ameliorated and or mitigated so as to be reduced to the minimum required to operate the site whilst minimising the impact on local residents.

256. In this respect on living conditions, I find that the application scheme has sought to demonstrate clear regard to the Dark Skies SPD 2014. I therefore find that it accords with Policy ENV4 of the ABLP which seeks the aforesaid aims and also Paragraph 198 c) of the Framework.

Noise

257. The baseline year for the noise data submitted is 2022[91]; which reflects the first full year of operation without Covid-19 pandemic restrictions. Road noise traffic was identified as the dominant source of noise.

258. In November 2024 the Applicants undertook a baseline noise survey to capture prevailing ambient noise and background sound levels, and these measures were compared with the modelled 2022 noise levels to derive a representative background sound levels for 2022 as part of the ES process. Further to this, a *Technical Note – Noise Statement of Matters*[92] was undertaken by the Applicants on 24 November 2025.

259. The Rule 13 Party, Sevington with Finberry Parish Council and Mersham Parish Council (SWFPC & MPC) have submitted a number of documents[93] in support of its concerns regarding noise; and in particular tonal and low frequency noise which is considered to emanate from the application site. The effects of the noise disturbances are indicated to include nausea, muscle tensions and problems sleeping.

260. I also heard at the Inquiry from the SWFPC & MPC spokesperson as to how the noise which they consider comes from the site, has resulted in local residents needing to use devices such as noise cancelling headphones inside their residences to reduce their effects. It has also meant that in many cases for residences along Church Road, residents are less inclined to use the rooms to the front of dwellings (facing the IBF and BCP site) and/or external amenity areas. Clearly, such impacts are not satisfactory for the occupiers of those dwellings.

[90] INQ - SWFPC & MPC Closing Statement page 3 of 8
[91] Sevington ES Vol 1 Chapter 09 Noise & Vibration
[92] INQ - Applicant - Appendix 15 - Noise Technical Note
[93] INQ SWFPC - appendix B - IBF Noise Records - Oct 2024 (Record of noise disturbances at nearby residential dwelling) and INQ SWFPC - appendix B - Noise supporting information

261. At the same time, I heard from the Council's Environmental Health (EH) Officer and the Applicant's Noise Expert at the Inquiry. Both pointed out that it is difficult to specifically identify the source of the low frequency and low tonal noises being heard by local residents. They also indicated that it can be difficult to put measures in place to mitigate these effects.

262. I acknowledge that within the context of the application site, it is difficult to pinpoint the exact source of certain noises. For example, the dwellings along Church Road are, in many respects, wedged between a noise environment characterised by the A2070 dual carriageway, the local and High Speed railway lines, traffic along Church Road, and to a lesser extent traffic using the M20 motorway, the International Truck Stop (to the south of the railway lines) and warehouse like retail buildings on the western side of the A2070.

263. I also acknowledge the limitations of noise surveying and how the scientific measured outcomes can be different to how a person experiences or perceives noise, and indeed the varying levels of impact it can have on different individuals.

264. That said, it would be peculiar if the IBF and BCP site did not contribute to an increase in noise and related disturbance – whether in absolute or perceptual terms. To address this in the first instance, the Applicants have erected a number of timber acoustic fences. This and other measures implemented, including interventions from the Council's EH Officer appear to have provided some respite for local residents as identified in the submission from SWFPC & MSP. There still remains, however, residual noise impacts which are experienced by local residents (and indeed by users of nearby PRoW).

265. To address these, the Applicants and Borough Council have suggested a planning condition requiring the submission of an updated Noise Impact Assessment, which would not only cover measuring various sounds and noises, but also include mitigation measures should noise from the application site be found to be unacceptable when considered against published standards. As suggested, this should also include assessment of the use of the Tango and Romeo parking areas for 'emergency' or planned 'resilience' purposes (such as storms affecting cross Channel passage).

266. In considering the use of a planning condition, and the ability of the Local Planning Authority to enforce such a condition, I am content that the harms to local residents and users of the PRoW in relation to noise can be mitigated. As such, the proposal is consistent with the requirements set out in the Framework at Paragraph 198 a), which requires taking into account the likely effects of new development including mitigation and to reduce to a minimum potential adverse impacts resulting from noise and

avoid noise giving rise to significant adverse impacts on health and the quality of life.

Air quality

267. Concerns have been raised by local residents and the Parish Councils with regard to air quality impacts[94]. This includes when refrigerated lorries are not hooked up to electric points, and therefore reliant on diesel engines to keep the goods within the lorries stored at an appropriate temperature.

268. I also note the comments from the Borough Council's Environmental Protection Team, as set out in the Statement of Matters, who considered that the impact of the application scheme on air quality is likely to be no greater than 'negligible' with regard to NO2 concentrates.

269. At the Inquiry, both the Borough Council's Environmental Protection Officer and the Applicants Air Quality Expert contributed to discussions on this matter. In particular in using a variety of data sources, the impacts for NO2 and PM (PM10, PM2.5) were considered negligible[95]. Furthermore, a planning condition has been suggested (Condition 6)[96] to require an Air Quality Management Plan (AQMP) to be submitted and approved in writing to the Local Planning Authority to assure that emission levels remain within these acceptable tolerances.

270. Taking into account the above on this matter and the evidence before me, I consider that the application scheme complies with existing air quality requirements. Moreover, there are opportunities in this case to improve or mitigate impacts through a site specific AQMP. Accordingly, I find that the application scheme accords with the requirements of Paragraphs 110 and 199 of the Framework.

Litter

271. The Applicants have set out that within the Site, there are numerous 1,100 litre capacity bins, positioned within the goods vehicle parking areas in locations accessible to drivers, so as to allow drivers to deposit their rubbish. During my accompanied site inspection I saw these bins, which are located across the site.

272. I also saw that there was some detritus which had not made its way into these bins. This was located within both the application site and its palisade fencing. This suggests that it emanated from within the site, rather than from outside it.

273. I note that outside of the site boundary, the Applicants have little control over litter, and responsibility for the maintenance of bins / litter removal

[94] INQ - SWFPC & MPC Closing Statement page 2 of 8
[95] INQ - Applicants Closing Statement Sevington IBF page 22, paragraphs 86 and 87
[96] INQ CD12.2 Final proposed conditions schedule 08 12 25

falls to Kent County Council or other bodies. The Applicants do, however, recognise the commitment to be 'good neighbours' to those that live near to the site, and wants to assist where possible, and so Sodexo (the site operator) regularly carry out litter-picks around the premises.

274. The Applicants and the Borough Council have suggested a planning condition requiring the submission and approval of a litter maintenance and management plan. This is suggested Condition 13[97], and appears to be a reasonable way in which to ensure that any litter arising from the site or its users is adequately and appropriately managed.

CCTV Cameras

275. Concerns have been raised by local residents with regard to the CCTV on site, and how it could, in limited cases, potentially be positioned so as to appear to look into living areas within residential properties and/or garden areas. During my site inspection cameras situated within the Tango (near to the southern end/high speed railway line part of the site) were pointed out by the Brough Council Ward Member.

276. I also saw that there were a number of CCTV cameras mounted on poles throughout the site; which is not unexpected given that it is operated as an Inland Border Facility and Border Control Post. During my visit it appeared as though all of these were situated to face towards or into the site.

277. The Applicants confirmed at the site inspection, and similarly within Appendix 3[98] of their Closings, that the CCTV is controlled by operators in relation with the overall site operator. This confirms that CCTV operators are required to be licensed and there is an understanding of both the relevant law and best practice as delivered through training on the duties on CCTV operators. This includes the balance between monitoring the site, and in very limited circumstances discharging their duty of care to the public.

278. Such circumstances appear to be a rarity and there is nothing before me which indicates that the CCTV has not been operated lawfully in this way for the past five years of operations on the site, nor that this would change in the future. As such, I do not find that this provides justification for the refusal of permission in this case.

Conclusion on living conditions

279. In considering the effect of the application scheme on the living conditions of nearby neighbours, whilst I consider that the scheme has resulted in some adverse impacts on residential occupiers, it is possible to mitigate

[97] INQ CD12.2 Final Proposed Condition Schedule 08 12 25
[98] INQ - Applicants Closing Statement Appendix 3 - Update on CCTV usage

these impacts. These are mitigation measures which can be reasonably and effectively secured via the imposition of planning conditions.

Other Matters

Mineral Safeguarding Area

280. With regard to Policy DM7 of the *Kent Minerals and Waste Local Plan 2024-2039* (adopted 2025), the evidence before me does not indicate that the application site contains any safeguarded land. I understand this to be located on the southern/western side of the railway line. Furthermore the local minerals planning authority, Kent County Council, have not raised any substantive concerns on this matter. As such, I do not consider the application scheme does not infringe this policy.

Flooding and drainage

281. A *Sevington Inland Border Facility, Ashford, Flood Risk Assessment*, dated April 2025, was submitted with the application. This was prepared in December 2024, with its scoped set out as:

> '*This report assessed the potential effects of tidal, fluvial, pluvial (surface water), sewers, groundwater and artificial sources of flooding upon the Development, in line with national and local planning policy.*
>
> *No assessment of drainage has been undertaken since there are no changes proposed to the existing drainage system.*'[99]

282. In terms of Fluvial and Tidal flooding, the site is identified as being within Flood Zone 1[100]. At the same time, it is clear that no residential or overnight accommodation is to be provided on site in any shape or form. Even with emergency use of Romeo and/or Tango areas, drivers would not 'reside' on the site for any length of time (as evidenced by the lack of basic amenities on the site, for example no showers or food provision).

283. I also note Appendix D of the SWFPC & MPC Statement, which shows images of instances where flooding has occurred near to the site[101].

284. Kent County Council (KCC), as the Lead Local Flooding Authority, raised a 'holding objection' on the grounds that it has not been demonstrated that the current drainage network complies with the latest required standards[102]. This position was re-iterated in the County Council's Statement to the Inquiry[103].

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[99] *Flood Risk Assessment*, April 2025, Page 8 of 55 (pdf), Paragraph 1.4
[100] Ibid, page 12 of 55, Section 3 – Sources of Potential Flooding
[101] INQ SWFPC - appendix E - Footpaths & Drainage - Supporting information
[102] Kent County Council Written Representation dated 12 September 2025
[103] INQ Kent County Council Statement pages 10 and 11 of 11, paragraphs 4.1 to 4.4

285. In this statement, KCC set out that if modelling cannot be completed prior to the Inquiry closing, then a planning condition could be imposed. To that end, a planning condition numbered 17[104] has been suggested. This would require that a detailed sustainable surface water drainage scheme for the site is submitted to and approved by the Local Planning Authority.

286. This appears to be a pragmatic and reasonable way in which to ensure that the development, which has had temporary planning permission for the past five years, can mitigate any adverse effects in terms of drainage and local flooding issues. As such, whilst noting the localised flooding issues, I find that the proposal would accord with Policy ENV6 of the ABLP2030[105], which, amongst other aims, seek to ensure that new developments should contribute to an overall flood risk reduction and that development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere.

Planning Obligations

287. There is provision, under s106 TCPA, for an applicant to use a legal agreement to secure obligations which meet certain tests. These are set out in the Community Infrastructure Levy Regulations (CIL) 2010, and in Paragraph 58 of the Framework. Namely, planning obligations must only be sought where they meet all the following tests:

    a) necessary to make the development acceptable in planning terms;

    b) directly related to the development; and

    c) fairly and reasonably related in scale and kind to the development.

288. In this instance, the Borough Council[106], the County Council[107], and the Applicants[108] have provided CIL Compliance Statements in order to justify the obligations secured via a completed legal agreement. I have taken these into account in considering this matter.

289. I have also taken into account the representations made by National Highways, Natural England, and the Church Commissioners, in respect of their comments relating to obligations or matters sought to be secured by obligation.

290. Originally, a completed legal agreement was submitted, dated 7 October 2025. For the avoidance of doubt, that unilateral undertaking was superseded by that dated 12 December 2025[109]. It is the latter

[104] INQ CD12.2 Final Proposed Condition Schedule 08 12 25
[105] Adopted Ashford Borough Local Plan 2030 page 310 of 389
[106] INQ Ashford Borough Council - Cil Compliance Statement 08 12 25
[107] INQ KCCs CIL Compliance Statement submitted 08 12 2025
[108] INQ Applicants Draft Final CIL Compliance Assessment 08 12 2025
[109] INQ - Completed unilateral undertaking dated 12 12 25

unilateral undertaking, submitted as agreed following the adjournment of the Inquiry, which I have taken into account here. As requested by the Applicants, the 'superseded' obligations contained within the 7 October 2025 unilateral undertaking are not required nor meet the tests set out above.

291. It is also important to note that the legal agreement in this case is a unilateral undertaking; with Ashford Borough Council and Kent County Council (or any successor body(ies)) responsible for the enforcement of the obligations and ensuring that monies destined for other bodies – such as the Church Commissioners – are paid, and promptly. There is nothing before me which indicates that either Council would not endeavour to discharge their responsibilities accordingly, mindful that in this instance as it is a unilateral undertaking only the Applicant (DfT) is technically bound by the obligations it has entered into, as set out in the legal agreement.

292. The submitted unilateral undertaking[110] (herein UU) and comprises two schedules; Schedule 1 relating to obligations made to Ashford Borough Council and Schedule 2 to Kent County Council, secures obligations for:

Description of obligation	What it secures
Junction 10A works (To Ashford Borough Council)	A contribution amount of £4,973,012.83 (as a proportionate contribution towards the developer funding of Junction 10A of the M20 in accordance with Policy TRA1 of the ALP 2030)
Pedestrian and Cycle Connection Improvement (To Ashford Borough Council)	Comprising: £3,416.37 - Additional Pedestrian and Cycle Connection Contribution £38,327.40 - Pedestrian and Cycle Connection Improvement Contribution - for the funding of Improvements to facilitate improved pedestrian and cycle connections between the Site and Duckworth Close, Willesborough
Church Works (To Ashford Borough Council)	Comprising: £23,961.02 – for Additional Church Works Contribution (Remainder)

[110] INQ - Completed unilateral undertaking dated 12 12 25

Description of obligation	What it secures
	£203,578.93 - for Church Works Contribution (Remainder) - for the funding of the Church Works (which for the avoidance of doubt shall be added to the £40,000.00 part payment already received by the Borough Council pursuant to the Original S106 Agreement)
Habitat Enhancement Works and Off Site BNG Land (including the Off Site BNG Land) (To Ashford Borough Council)	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, notify the Borough Council of the completion of the Habitat Enhancement Works, and to maintain the Off Site BNG Land for a period of 30 years from the date of completion of the Habitat Enhancement Works
Supplementary Junction 10A Works (To Kent County Council)	£1,436,122.68 - for the widening of the A20 eastbound approach to Junction 10A of the M20, the signalisation of the A20 westbound approach and the corresponding section of the circulatory carriageway
PRoW Improvements Contribution (To Kent County Council)	£88,000 PRoW Improvements Contribution - for the improvement of approximately 670 metres of footpath AE363 between Blind Lane and Mersham, the relevant length of footpath AE 363
Resurfacing Contribution (To Kent County Council)	£19,000 Resurfacing Contribution -for resurfacing works: (a) resurfacing so much of the footpath running alongside the eastern side of Church Road that lies between the zebra crossing at the entrance to the staff car park and a point approximately 30 metres south-southwest of that zebra crossing and (b) installing surface water drainage in the adjacent parts of Church Road to reduce the issue of water pooling.

293. In total, the planning obligations secures monies of approximately £6,785,419.23 for the purposes stated within the unilateral undertaking, in addition to the off-site habitat enhancement obligations relating to biodiversity.

294. Section 2.8 of the unilateral undertaking indicates that if the Planning Inspector concludes that any of the planning obligations set out in the unilateral undertaking are incompatible with any of the tests set out at Regulation 122 of the CIL Regulations (which reflect those set out at Paragraph 58 of the Framework above) and attaches no weight to that obligation, then the relevant obligation shall cease to have effect.[111]

Junction 10A of the M20 works and Supplementary Junction 10A Works

295. The monies for the J10A works (to Ashford Borough Council) contributions toward the Junction 10A works are 'required to be collected from certain strategic development schemes and ultimately recycled back to a different part of Government as part of the funding arrangements for taking J10A forward'.

296. This contribution reflects the Borough Council's and the Applicant's intention that the Junction 10A Works Contribution would satisfy an obligation in the 2017 agreement, which remains necessary now. Paragraphs 3.4 and 3.5 of the Borough Council's *CIL Compliance Statement*[112] confirm that the updates to the UU are intended to clarify the status of the Junction 10A Works Contribution payments over time.

297. This obligation is directly related as the development has had an impact on the strategic highway network. Occupiers and users of the development travel to and from the development using Junction 10A.

298. This obligation is fairly and reasonably related in scale and kind as the contribution amount of £4,973,012.83 is a *'proportionate contribution to the developer funding of Junction 10A of the M20 in accordance with Ashford Local Plan policy TRA1'*, according to the UU definition.

299. The amount represents only a slight uplift from the original 2017 agreement's indexed amount of £4,756,431.68, which was assessed in Table 1 of the 2016 planning report to be fairly and reasonably related in scale and kind 'considering the extent of the development and because the amount has been calculated based on the scale of the development and the estimated number of relevant trips and the need not to prejudice the J10A scheme in accordance with Policy U24 of the Urban Sites & Infrastructure DPD'. Paragraph 183 of the Council's written representations confirms that the corresponding UU obligation is policy compliant.

[111] INQ - Completed unilateral undertaking dated 12 12 25
[112] INQ Ashford Borough Council - Cil Compliance Statement 08 12 25

300. The supplementary Junction 10A works are necessary as it has been identified by both Kent County Council (as the Local Highways Authority) and the Applicants, that the existing capacity constraints at J10A and identifies the potential to mitigate the development's impact on traffic in the area with a scheme to widen the A20 eastbound approach and signalise the westbound approach, including the corresponding circulatory carriageway at that junction. Such mitigations are required to ensure the development does not adversely impact the safety and capacity of the highway network in the area – particularly over time, as explained within the Transport Assessment[113] from paragraph 7.90 onward, and how the constraints will only increase during the modelling period.

301. It is directly related as set out in paragraph 7.88 of the Transport Assessment[114], J10A 'is the junction by which Goods Vehicle traffic accessing Sevington is directed to travel to and from the M20'.

302. It is fairly and reasonably related in scale and kind as the scheme has been costed by KCC's cost consultants based on the current information supplied by the Applicants. The cost of the scheme is estimated to be £1,436,122.68 based on delivery in 2026.

303. These costs appear to be reasonably related in scale to the development overall, subject to confirmation of detailed design. The process for confirming the detailed design will be addressed in the Applicant's approval of KCC's proposed scheme.

Pedestrian and cycle connections

304. The original index-linked £30,000 contribution from the 2017 agreement was considered necessary:

'in order to assist a modal shift in travel patterns, as is required by Travel Plans for the site, by overcoming a known poor onward pedestrian and cycle connection to the west of the application site that in its current form would dissuade adoption of sustainable movement choice to and from the site by staff and visitors. Improving this poor connection is necessary pursuant to policies CS1, CS2, CS15 and CS18 of the Core Strategy, Policy U24 of the Urban Sites and Infrastructure DPD, the provisions of the Kent Local Transport Plan and guidance in the NPPF'.

305. Because the corresponding planning obligation in the UU is intended to satisfy that obligation at the site, and the original contribution was index-linked so an uplift is required, both of the contributions within this planning obligation are also necessary now. Support for this approach is contained

[113] Transport Assessment April 2025 From page 98 of 152 onwards
[114] Transport Assessment April 2025 page 96 of 152

at paragraph 184 of the Council's written representations. I see no reason to not concur and find that this contribution is necessary.

306. This contribution is directly related as the contributions in the submitted planning obligation are intended to satisfy an existing 2017 obligation at the site, they are directly related to the site now as they were when the 2016 report noted that *'employees and visitors will travel to the site and how they will travel is appropriate to plan for and resolve any connection problems that currently exist and which left unresolved would be likely to impact on meeting Travel Plan objectives'*.

307. I also find that this obligation is fairly and reasonably related in kind and scale as the obligation in the 2017 agreement was assessed in Table 1 of the 2016 report to be fairly and reasonably related *'taking into account the scale of the development and the need to ensure that appropriate enhancements are put in place to minimise the environmental impact of travel to and from the development'*. These circumstances continue to exist in the current scheme.

Church works

308. The Borough Council has set out that it considers that the obligations sought for church works are CIL and Paragraph 58 compliant[115]. This is because, they are necessary as the Applicant proposes to honour relate to the harm of the proposed permanent development to the significance of St Mary's Church, a Grade I listed building pursuant to Policies SP1, SP6, ENV13, COM1 and IMP1 of the Ashford Local Plan 2030.

309. The obligations would be directly related as St.Mary's has suffered harm through the development of the site now proposed to be granted a permanent planning permission and coupled with the layout of the development refraining from providing buildings in the 'viewing corridor' the funding of the Church Works will help secure its future serving the local community (which necessarily includes those employed at the site).

310. The obligations would be fairly and reasonably related in scale and kind taking into account the comprehensive nature of the proposed permanent development in the national interest, the retention of the 'no-build' viewing corridor site layout helping ensure that the historic rural setting enjoyed by the of the Church is partly retained through commitment to place-making and the importance of the provision of funding in relation to the agreed Works that will help secure the future of the Church serving the local community and which recognise its contribution to local distinctiveness and sense of place.

[115] INQ Ashford Borough Council - Cil Compliance Statement 08 12 25 pages 11 to 12 of 19

311. I have also taken into account the Applicants responses on this matter[116]. In particular they set out that, these contributions are directly related to the current application for the same reasons as the corresponding contributions under the 2017 agreement, which were directly related to the temporary planning permission for the reasons summarised in Table 1 of the 2016 report: '*as the development site is located on both adjoining land and land close to St. Mary's church and the community needs generated by the development can therefore be addressed through the upgrading and adaptation works discussed with the Diocese.'*

312. The Applicant goes onto to indicate that they consider these monies are fairly and reasonably related in scale in kind as the original Church Works Contribution was noted as 'to be agreed with the diocese' in the 2016 report, and it was intended to be index-linked in the 2017 section 106 agreement. These contributions simply pay the remaining balances and provide a suitable uplift given the passage of time.[117]

313. I also note, as considered within the heritage assets section of this Statement, that the mitigation, which includes a capital contribution secured by this condition, are part of the measures to address the identified harm to the Grade I listed building.

314. In this instance, and on the basis of the evidence before me, I find that the contributions toward church works meet the tests set out in the CIL Regulations above and a similarly reflected within Paragraph 58 of the Framework.

Habitat enhancement / Biodiversity Net Gain Land

315. The site is exempt from the statutory deemed condition for 10% Biodiversity Net Gain (BNG) and BNG requirements were not in place when the 2017 permission was granted. Nevertheless, a LEMP covering the land east of Highfield Lane was required under condition 11 of Relevant Approval 4 in 2022, granted under the SDO. This LEMP was intended to provide biodiversity enhancements in a previously arable field. The ongoing implementation of this LEMP remains necessary now.

316. The Off Site BNG Land is directly adjacent to the IBF site and owned by the Applicant. The Statement of Matters included several queries expressing concern about how the Applicants will ensure the IBF site does not coalesce with nearby villages. Paragraph 185 of the Council's written representations notes the Applicant's approach to BNG 'is supported, the enhancement works are welcome and securing the maintenance of the land at Sevington East will ensure that an appropriate buffer is created preventing coalescence as per ABLP2030 Policy SP7'. For these reasons, I

[116] INQ Applicants Draft Final CIL Compliance Assessment 08 12 2025 pages 3 and 4 of 7.
[117] Ibid.

find that the Off Site Habitat Enhancement Works planning obligation does relate directly to the site.

317. The Off Site Habitat Enhancement Works are intended to be implemented pursuant to the existing 2023 LEMP that was previously approved by the Secretary of State under condition 11 of Relevant Approval 4. The implementation of the LEMP and by extension the Off Site Habitat Enhancement Works align with prior plans, statute and local policy.

318. It is fairly and reasonably related in scale and kind to the development as the Off Site BNG land would enable the implementation of the LEMP and provide areas of habitat which would positively benefit the remaining areas of soft landscaping on the site; including the viewing corridor which would consist of wildflower meadow during certain months of the year.

PRoW Improvement Works

319. In terms of monies secured via an obligation for PRoW improvement works, measures to comply with national and local policies is necessary for planning purposes. The Borough Council's Statement of Case[118] sets out in its response to Statement of Matters queries 18 and 74, and KCC notes at paragraph 3.5 of its Statement of Case[119], how PRoW enhancement would align with national and local policy.

320. The Council's Officer report to Planning Committee[120] also notes at paragraph 173 that the lack of upgrades to this section of PRoW represents a 'missed opportunity' and runs contrary to the Officer's pre-application suggestion that the Applicant should fund same. Accordingly, if the landowners are willing to have upgraded rights of way on their property, the Applicant should fund this.

321. This obligation is directly related as the section of PRoW to be upgraded is directly related to the development site because it sits directly between the sections that have already been upgraded (from the site through 'Sevington East'), and the village of Mersham. Providing continuity and connection for active travel modes in this area should 'help connect people with places'.

322. Moreover, it is fairly and reasonably related in scale and kind, as the Borough Council's Statement of Case notes in its response to Statement of Matters query 74; the PRoW remaining to be upgraded is fairly short, therefore the costs to upgrade it are relatively small in order to achieve multiple planning objectives. While the existing right of way is not in the

[118] INQ Ashford Borough Council Statement of Case
[119] INQ KCC Statement of Case
[120] INQ Ashford Borough Council Appendix 2 - Ashford Borough Council Officer report to Planning Committee

Applicant's ownership, the proposed obligation is conditional on the landowners' agreement which, again, is reasonable.

Resurfacing Works (to PRoW)

323. The obligation relating to the resurfacing works are necessary to reduce issues of pooling around the PRoW, will mitigate the impacts currently experienced by those using the PRoW. This is not only the local community, but also includes staff members from the site.

324. It is directly related as the existing PRoW and Church Road are both located adjacent to the entrance to the site. Therefore mitigations proposed for the area are intended to improve use of the PRoW directly by mitigating the development's impacts on the quality of the land in the area.

325. This obligation is fairly and reasonably related in scale and kind as a small area of PRoW resurfacing and provision of surface water drainage near the staff car park entrance would mitigate the development's remaining impacts on the PRoW network in the area of the development.

Conclusion on obligations

326. In concluding on this matter, and taking into account all my considerations above, I find that the contributions sought and secured by planning obligation in this case comply with the CIL Regulations (including Regulation 122) and Paragraph 58 of the Framework. I therefore attach weight to all of those secured within the unilateral Undertaking dated 12 December 2025.

Conditions

327. Section 70(1)(a) empowers a planning authority, subject to s62D(5), s91 and s92 TCPA, to grant planning permission on application unconditionally or 'subject to such conditions as they think fit'. The powers under s70(1)(a) TCPA must be considered and interpreted with regard to the legal tests and policy tests, the development plan, and both the National Planning Policy Framework and national Planning Practice Guidance.

328. Section 72(1) TCPA describes particular types of conditions which may be imposed under s70(1) 'without prejudice to the generality of' that section:

> *'(a) for regulating the development or use of any land under the control of the applicant…or requiring the carrying out of works on any such land, so far as appears…to be expedient for the purpose…'*

329. It is well established principle, as set out in the case of *Newbury*[121], that planning conditions should be:

- Imposed for a planning purpose and no other purpose, however desirable;
- Fairly and reasonably related to the development permitted; and,
- Not so unreasonable that no reasonable planning authority could have imposed them – that is, 'Wednesbury' unreasonable.

330. Paragraph 57 of the Framework sets out that:

> *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

331. Prior to the Inquiry both the Applicants and the Council submitted suggested conditions[122]. During the Inquiry it became apparent that these required further refinement. To this end, the main parties spent time on the morning of Friday 5 December 2025 discussing these between themselves in order to assist the Inquiry. This resulted in submission of a final list of suggested conditions on 8 December 2025[123].

332. I have reworded these where appropriate for clarity and/or in order to meet the above requirements. This includes, where appropriate, greater consultation with local Parish Councils and/or other bodies. To be clear, the decision on the approval of submitted details and enforcement of any breaches of condition(s) remains with the Local Planning Authority.

333. I also note that there is a dispute between the Borough Council and Applicants in respect of imposing a condition relating to electric vehicle (EV) charging points within the staff car park[124]. I consider that such requirement could be reasonably incorporated into the suggested condition 4, and have done so for the reasons set out for that condition.

334. As the application scheme has already been carried out, and no new development or use is sought, I have not sought to impose any pre-commencement conditions in this case.

335. The full reasons for the imposition of the conditions is correspondingly given under each planning condition.

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[121] Newbury DC v SSE & Others [1980] 2 WLR 379, [1981] AC 578
[122] INQ Applicant Appendix 19 Draft Condition Schedule 24 11 25
[123] INQ Final Proposed Condition Schedule 08 12 25
[124] INQ Final Proposed Condition Schedule 08 12 25 – see suggested conditions 4 and 21.

Human Rights and Public Sector Equality Duty

Human Rights

336. In consideration of the matters before the Inquiry and within this Statement of Reasons, I have taken into account Human Rights issues relevant to the scheme before me. This includes consideration of: Article 8(1), which provides that everyone has the right to respect for their private and family life, their home and their correspondence.

337. This is because the decision here could adversely affect living standards or living conditions (such as the health, wellbeing or quality of life) of persons within their home, whether they be (or related to) an interested party living on or off the site. The issues may include the effects of loss of light, privacy, or outlook, or of traffic congestion, pollution (light or noise) or flooding on the occupiers.

338. Article 1 of the First Protocol (A1FP) states that: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. 'The preceding provisions shall not…in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties'.

339. A1FP may be relevant wherever the development or order could affect the interested person(s) peaceful enjoyment of any property.

340. Article 6(1) provides that in the determination of their civil rights and obligations…everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law…

341. In my view, and following an Inquiry where interested persons were able to express their views; the 'Reasons' section above and the considerations below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

342. The application scheme still results in some interference with Article 8 rights, especially in the case of noise and light pollution, and CCTV. Crucially, however, various conditions could bring the interference down to the minimum necessary.

343. Article 8(2) states that there shall be no interference by a public authority with the exercise of this right [under Article 8(1)] except such as is in

accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

344. To be clear that these engaged human rights were weighed against all other material considerations bearing on the legitimate interests of others and the wider public, before the decision was made. Interference with the Article 8 right may be permissible if there is a clear legal basis for it and it is necessary in a democratic society. I have found that to be the case here. Furthermore, the use of planning conditions in this case would bring the interference with these rights to the minimum necessary.

Public Sector Equality Duty (PSED)

345. The Equality Act 2010, at s149(1) imposes the 'public sector equality duty' (PSED) on 'a public authority…in the exercise of its functions'. The duty is applied under s149(2) on any person who is not a public authority but who exercises public functions which are, under s150(5), functions 'of a public nature for the purposes of the Human Rights Act 1998'.

346. The PSED is that 'a public authority must, in the exercise of its functions, have due regard to' what are known as the three aims, namely the need to–

> *a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under.*
>
> *b. Advance equality of opportunity between persons who share a relevant protected characteristic and…do not share it.*
>
> *c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it*

347. I have carefully taken into account the impact and/or effects of the application scheme on those who have protected characteristics – including age, disability, and race. To that end, I have imposed conditions relating to signage (which could reasonably be provided in multiple languages for road signs, or braille or QR codes for historic information boards).

348. I have also taken into account that the application scheme provides for PRoW improvements and pedestrian and cycle connections; which would enable all members of society to access the Rights of Way network and beyond regardless of age or disability.

349. I have also carefully considered the impact of the application scheme in respect of the human rights of neighbouring occupiers, as detailed in the above section.

350. The combination of the considerations above and below, and mitigation measures proposed which can be reasonably secured, means that I have had due regard to the three aims, and in particular to advance equality of opportunity between persons who share relevant protected characteristics and those who do not, and to foster good relations between those that share protected characteristics and those who do not.

The Overall Planning Balance

351. In undertaking the overall planning balance, I have thoroughly considered all the evidence before me. This includes the application papers as a whole, (including the Environmental Statement and the totality of environmental information before and at the Inquiry), the submissions made by all parties; both in writing and at the Inquiry.

352. I first consider the harms I have identified, then set out the benefits suggested, and then undertake a harm versus benefits balance.

353. I then consider whether or not the application accords with the adopted development plan for the area, and what, if any, material considerations weigh in favour of the proposal if it conflicts with the development plan.

Identified Harms

354. The application would result in harms to:

- The local landscape, which I afford moderate weight to;
- The setting of the Kent Downs National Landscape, to which I afford moderate weight to;
- Less than substantial harm (in the upper end) to the settings of designated heritage assets, including a Grade I listed building, to which I attach significant weight to in the planning balance;
- Some limited harms in respect of nutrient neutrality (when considered without off-site the mitigation measures that can be reasonably secured), which I attribute moderate weight to; and,
- Infringements of human rights and on living conditions in limited cases, including in terms of the impacts from light pollution, noise pollution and surface water flooding, which I afford moderate weight to.

355. These harm weigh against the grant of permission in this case. Although I appreciate in many cases there are mitigation measures which could reduce the harms identified.

Benefits

356. The Applicants have put forward a number of benefits[125] which they consider address and/or outweigh the identified harms.

357. Before considering these in greater detail, it is important to deal with the matter of 'National Importance' and whether in and of itself it should carry 'very substantial weight' in the planning determination process.

358. The Applicants point to the fact proposal is of 'National Importance' which should be afforded very substantial weight. National importance is set out in the Written Ministerial Statement (WMS) made by the Minister of State for Housing and Planning on 13 February 2025[126].

359. In particular, the Applicants point to the fact that the WMS expressly points to border infrastructure as being of 'national importance'.

360. However, on plain reading, this is the criteria that Secretary of State will apply in considering whether the application made is capable of consideration under s293D TCPA or not. Principally, as set out in the first paragraph of the WMS, in limited circumstances, where the issues of more than local importance are involved, it is appropriate for the Secretary of State to make planning decisions.

361. It does not, for example, infer or indicate in planning policy terms the weight that should be attributed to the application on the basis that it is progressing under the CDA route rather than by application to the Local Planning Authority. Instead, it is the specific benefits arising from the development to which weight in planning terms could be applied. I have proceeded on this basis.

362. These benefits include (emphasis mine):

- The application is for a development relating to the ongoing operation of critical national infrastructure; specifically border infrastructure. This has been required for border security in the national interest since the UK's exit from the EU. Of note:

    i. The Sevington IBF and BCP together cover approximately **a third of EU trade**.

    ii. 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 (across from Calais to Dover/Folkestone) is vital for UK manufacturing.

[125] Applicants Statement of Case, Pages 137 to 144 of 146
[126] Crown Development Statement made on 13 February 2025 https://questions-statements.parliament.uk/written-statements/detail/2025-02-13/hcws454

iii. 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**.

iv. The majority of checks are customs and transit, and these remain unaffected by the 'EU reset'.

- The criticality of the national infrastructure at 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. This includes:

  i. The Short Straits are **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).**

  ii. 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.

  iii. 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 the maximum capacity to handle RORO at other UK ports is unknown, it is unlikely that there would be sufficient spare capacity at other sites to accommodate all 84% of the RORO in the UK market.

  iv. It should be noted that it is considered by the Applicants, that 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 (for example load-on, load-off) and significant economic and supply chain disruption.

- 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.
- 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 **training to over 55 SMEs and 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.
- 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.

363. I have also taken into account the mitigation proposed (and secured by obligation) in respect of the church works. These are also public benefits which weigh in favour of the application scheme.

364. I consider that these benefits should be afforded substantial weight in favour of the application.

365. Moreover, I consider that they outweigh the harm identified. This includes these public benefits as outweighing the less than substantial harm in the upper end of that scale found to the setting of heritage assets in this case.

366. It also includes the benefits in this case which I find outweigh the harm to the setting of the KDNL and also the harms to the living conditions of neighbouring occupiers. That is because is these cases it is possible to

impose planning conditions and/or use planning obligations to secure mitigation against these harms.

367. Whilst there are other harms identified; such as to Junction 10A of the M20 and the interaction with the A20 entry/exits; to the setting of heritage assets, to the living conditions of local residents, to the Stodmarsh Ramsar, SPA, SAC, and to the setting of the Kent Downs National Landscape, these can be mitigated or militated through the use of planning conditions and/or planning obligations.

The development plan and material considerations

368. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* (PCPA) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.

369. In this case, I consider that whilst there are some policies that are infringed by the application scheme, when the development is considered as a whole the scheme accords with the development plan.

370. I also find that the application scheme is in accordance with the Framework, which is an important material consideration. There are also a number of other material considerations which warrant the grant of planning permission in this instance. For example, the national economic, trading, security, and biosecurity benefits of the application scheme to the United Kingdom cannot be understated. As material considerations, these alone would justify the grant of planning permission in this case; subject to the imposition of planning conditions and the securing of planning obligations.

371. Even if the assessment above under s38(6) PCPA is incorrect (and no party presented a case here that the scheme should be refused on the grounds of non-compliance with the development plan) I consider that the numerous benefits put forward in this instance amount to material considerations which clearly indicate that planning permission should be granted, subject to conditions.

Conclusion

372. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan when read as a whole.

373. I therefore conclude that planning permission should be granted subject to the conditions as set out in the attached Decision Notice.

C Parker

INSPECTOR and Appointed Person under s293I TCPA

Appendix 1 - Consultee responses

Consultee responses were summarised in the Statement of Matters, which can be found here:

Statement of Matters Sevington 0000002

The full text of consultation response can be found here:

Written representations – Find a Crown Development Application

Appendix 2 – Documents

The documents the form the application and related matters including the Inquiry, can be found at:

CROWN/2025/0000002 - Documents – Find a Crown Development Application

Appearances

For the Applicants

Advocates

James Strachan KC **Michael Fry, Barrister** **Claire Nevin, Barrister**	Lead Counsel, instructed by Elizabeth Sutton and Lee Taylor, Government Legal Department, Department of Transport Legal Advisers
James Sheppard, MA, BA(Hons) MRTPI, AIEMA	Planning Agent
Tom Hurlstone, Honours Degree in Landscape Architecture with Planning, Master of Landscape Architecture, Chartered Member of the Landscape Institute (CMLI).	Landscape
Jason O'Loughlin, NVQ Level 3 in Electrical Technical Services, BSc Hons, MSc. Member of the Chartered Institution of Building Services Engineers (CIBSE)	Lighting
Andrew Beard, BSc (Hons), Member of the Chartered Institution of Highways and Transportation (MCIHT)	Highways
Innes Urbanski, BSc (Hons), MSc ,Member of the Institute of Acoustics (MIOA).	Noise
Mark Maclagan, BSc (Hons), Post Graduate Diploma, member of the Institute of Acoustics (MIOA).	
Sarah Slater, C.Env, Member of the Institute of Air Quality Management (IAQM)	Air Quality
Alice James, BA (Hons) MSc, MCIfA	Heritage and Archaeology
Lorraine Mayo, BA Archaeology, MA Archaeology, MCIfA, Fellow of the Society of Antiquaries	

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

For the Local Planning Authority

Roland Mills BSc (Hons), Dip. Town Planning, MA, MRTPI	Strategic Planning & Delivery Manager & (acting) Planning Applications Manager
Cheryl Parks MCILEX	Senior Planning and Development Lawyer
Vicky Stoodley	Deputy Principal Solicitor-Planning /Section 106
Mr Steve Musk BA (Hons), MA, MRTPI	Team Leader Strategic Development & Delivery
Mr Matthew Durling BA (Hons), MSc, Licentiate member of the RTPI	Deputy Team Leader Strategic Development & Delivery
Mr Ben Dengate BSc (Hons) MA Chartered Town Planner Degree Apprenticeship, Licentiate member of the RTPI	Graduate Planner
Tanya Lomakin	Environmental Protection Team

Rule 13 Parties

Darren Coppins, BEng CEng MCIBSE MASHRAE BEMP	Parish Council Chairman, Sevington with Finberry Parish Council, representative for Mersham Parish Council, and local resident
*Kevin Bown BSc(Hons), MPhil, CMS, MRTPI	Spatial Planner, National Highways*

Interested Parties

Kent County Council:

Sarah Bonser	Deputy Head of Law
Nicholas Vale	Senior Solicitor
Matthew Hogben BSc (Hons), MA	Principal Transport and Development Planner
Councillor Paul Bartlett	Ward Member and local resident
Padraig Herlihy	The Ramblers
Christine Drury	Chair, CPRE Ashford Branch
Katie Miller	Planning & Place Manager Kent Downs National Landscape Team
Linda Arthur**	The Village Alliance**

*Prior to the Inquiry opening, by email dated 1 December 2025, National Highways confirmed that they would not be attending in person, and were content that their written submissions, including their Statement of Case documents, be considered.

** The Village Alliance confirmed that it was unable to attend the Inquiry in person. Nevertheless, their oral submissions were read out by Mr Herlihy and added to the Crown website.

In both situations above, the representations made have been taken into account.

***** END OF STATEMENT OF REASONS *****

Planning Inspectorate

Decision Notice

Town and Country Planning Act 1990

Reference: CROWN/2025/0000002

Dated: 17 December 2025

Decision:

Planning permission is **GRANTED, subject to the attached conditions,** for 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 at Sevington Inland Border Facility, Mersham, Ashford, TN25 6GE, in accordance with the terms of the application referenced CROWN/2025/0000002, dated 16 June 2023.

Planning Conditions imposed on CROWN/2025/0000002:

1. Approved plans

The development shall be carried out in accordance with the following approved plans:

Document Title	Author	Date	Reference
Building Reference Plan	Plowman Craven	02 April 2025	49502-PCL-RP-XX-DR-Y-00001 Rev P02
Existing Block Plan	Chetwoods	15 April 2025	5861 CA ZZ ZZ DR A 00005 Rev P03
Off Plan Area Measurement Report	Plowman Craven	28 February 2025	49502-001 Rev C01
Site Boundary & Land Ownership Plan	Chetwoods	01 April 2025	5861 CA ZZ ZZ DR A 00001 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 1	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00451 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 2	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00452 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 3	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00453 Rev P01

Document Title	Author	Date	Reference
Existing Site Sections Sectional Elevations – A Sheet 4	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00454 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 5	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00455 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 6	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00456 Rev P01
Existing Site Sections Sectional Elevations – A Sheet 7	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00457 Rev P01
Existing Site Sections Sectional Elevations – B Sheet 8	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00458 Rev P01
Existing Site Sections Sectional Elevations – B Sheet 9	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00459 Rev P01
Existing Site Sections Sectional Elevations – B Sheet 10	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00460 Rev P01
Existing Site Sections Sectional Elevations – B Sheet 11	Chetwoods	15 April 2025	5861 CA 00 XX DR A 00461 Rev P01

Reason: To ensure the development is retained in accordance with the submitted drawings and documents.

2. Lighting mitigation and implementation plan

Within six-months of the date of this decision, a *Lighting Mitigation and Implementation Plan* for the entire site shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The Lighting Mitigation and Implementation Plan shall include evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council. It should be informed by the recommendations for measures to reduce lighting impacts set out in the External Lighting Assessment (Document Reference: SEV-WBS-ZZ-ZZ-RP-E63000) (or any replacement document) and include a written timetable for implementation.

The approved details shall be implemented within the agreed timetable, and retained and maintained thereafter.

Reason: In order to balance the requirements for safety and security with the requirements to protect areas of nature conservation, the setting of the Kent Downs National Landscape, and the residential amenity of the occupiers of

surrounding properties in accordance with Policies ENV1, ENV3B, ENV4 and ENV5 of the Ashford Local Plan 2030 and Paragraph 198 of the Framework.

3. Signage strategy

Within three-months of the date of this decision an updated 'Signage Strategy' for directing HGVs to the site shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The Signage Strategy shall include evidence of proactive engagement with National Highways, Kent County Council (or subsequent Local Highways Authority), Sevington with Finberry Parish Council, Mersham Parish Council, and relevant satellite-navigation companies. The Signage Strategy shall include a timetable for implementation.

The approved details shall be implemented within the agreed timetable, and retained and maintained thereafter.

Reason: In the interests of highways safety and to prevent the use of inappropriate routes by HGVs to the site in accordance with Policies TRA7 and TRA9 of the Ashford Local Plan 2030 and Paragraph 89 of the Framework.

4. Travel Plan

Within three-months of the date of this decision an updated Staff Travel Plan shall be submitted for the written approval of the Local Planning Authority, in consultation with Kent County Council (or subsequent Local Highways Authority). The Travel Plan shall include the following:

i. setting of objectives and targets in response to review of success of the 2022 Staff Travel Plan;
ii. measures to promote and facilitate public transport use, walking and cycling (including details of cycle storage, staff changing and shower facilities, and associated storage space);
iii. measures to reduce car usage, including staff bus service;
iv. measures to reduce air pollution;
v. promotion of practices/facilities that reduce the need for travel;
vi. monitoring and review mechanisms;
vii. Travel Plan co-ordinators and associated support;
viii. Provision of travel information and marketing together with a timetable for the implementation of each element;
ix. Measures to monitor the use of EV charging, including 6 monthly monitoring updates to the Local Planning Authority. Where evidence of need is demonstrated, the number of proposed additional active EV charging units shall be submitted and agreed with the Local Planning Authority.

The agreed Travel Plan measures shall be implemented in accordance with the details approved within three-months of the date of such approval and thereafter maintained.

Reason: In order to take into account the cumulative impacts of major development on air quality and climate change and to assist modal shift by encouraging the use of sustainable transport modes by staff in accordance with Policies ENV12, TRA6 and TRA8 of the Ashford Local Plan 2030 and Paragraph 118 of the Framework.

5. Noise impact assessment

Within six-months of the date of this decision an updated 'Noise Impact Assessment' shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The updated Noise Impact Assessment, accounting for the bespoke operational requirements of the site, shall include but not be limited to:

i. evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council;
ii. investigation of low frequency noise from plant and HGVs;
iii. investigation of tonal noise from refrigerated HGVs;
iv. investigation of reversing beepers;
v. investigation of clanging of curtain sider poles and horns;
vi. investigation of frequency of use of Romeo and Tango areas of the site;
vii. investigation of use of the southern perimeter road by HGVs to exit the site;
viii. mitigation measures (including but not limited to the investigation of options for the cessation of use of the southern perimeter road by HGVs during the night-time period) and a written timetable for implementation;
ix. a scheme for ongoing monitoring and reporting of noise impacts to the Local Planning Authority and where those impacts indicate further mitigation measures are required, details of those measures and a written timetable for implementation.

Assessment of noise shall be undertaken in accordance with BS4142 apart from low frequency noise which will be assessed (if present) using NANR45 procedure (or any subsequent replacement standards).

The development shall be implemented in full accordance with the details so approved.

Reason: To protect the residential amenity of the occupiers of surrounding properties and users of the surrounding public right of way network and the area generally in accordance with Paragraph 198 of the Framework.

6. Air quality

Within three-months of the date of this decision an 'Air Quality Management Plan' (AQMP) shall be submitted for the written approval of the Local Planning Authority.

The AQMP shall include but not be limited to:

i. arrangements for ongoing monitoring and annual reporting of air quality to the Local Planning Authority for a period of 10 years from the date of this decision;
ii. measures to mitigate operational impacts on air quality, including relating to minimising vehicle idling and provision and use of electric hook-up points for refrigerated vehicles across the site; and
iii. a timetable for implementation.

The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

Reason: In order to take into account the cumulative impacts of major development on air quality on the surrounding area, to protect the residential amenity of the occupiers of surrounding properties and to ensure that a satisfactory working environment is provided on site in accordance with Policy ENV12 of the Ashford Local Plan 2030 and Paragraphs 198 and 199 of the Framework.

7. Heritage / archaeological interpretation boards

Within six-months of the date of this decision details of heritage / archaeological interpretation measures, including evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council, details of the design and siting of interpretation boards, and a written timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The archaeological interpretation boards shall be implemented in accordance with the approved details.

Reason: To ensure that appropriate conservation and interpretation of the heritage and archaeological assets within and in the setting of the application site is achieved and that information on the assets is publicly accessible in accordance with Policy ENV15 of the Ashford Local Plan 2030 and Paragraphs 218 and 219 of the Framework.

8. Waste management plan

Within three-months of the date of this decision an 'Operational Waste Management Strategy' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. Thereafter, the approved Operational Waste Management Strategy shall be implemented in full.

Reason: To ensure that waste is managed in a sustainable and environmentally responsible manner, in accordance with the Paragraph 8 of the Framework.

9. Alternative uses of the site to be brought within planning control

The use of the site shall be limited to that associated with the Inland Border Facility, Border Control Post, and traffic management purposes, and for no other purpose whatsoever.

The number of parking spaces for lorries on site (including refrigerated spaces) and as marked out on site, shall not exceed 833 spaces in total.

The total number of visiting vehicles (as lorries, HGVs, LGVs, vans, or similar) occupying the marked parking spaces on site shall not exceed 984 spaces.

Reason: To ensure that any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to the planning policy and material considerations at that time. The limitation on the number of spaces and total vehicles reflect the operational requirements of the site as put forward by the Applicants, whilst taking account that any increase in activity on site may result in harm to neighbouring occupiers which would need to be assessed if further visiting vehicles are to be parked or stationed on the site.

10. Landscape Maintenance and Management Plan (LMMP)

Within six-months of the date of this decision an updated 'Landscape Maintenance and Management Plan' (LMMP) shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The updated LMMP shall include evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council, and a mechanism for annual monitoring for a minimum period of 10 years from the date of this decision of all new and retained trees and planting.

The updated LMMP shall demonstrate that suitably qualified ecologists, arboriculturist, landscape architects, and archaeologists, or similar, have been

proactively engaged in its formulation, so that it takes into account the need to protect or enhance local features wherever possible.

Where any trees or planting die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species. The development shall be implemented in accordance with the details so approved.

Reason: To ensure that adequate details of the proposals are submitted and to ensure the new landscaped areas are maintained in the interest of nature conservation, the setting of nearby listed buildings, the setting of the Kent Downs National Landscape, and the general amenity of the area in accordance with Policy ENV1 of the Ashford Local Plan 2030 and Paragraphs 8, 162, 187, 202 and 215 of the Framework.

11. Landscape Ecological Management Plan (LEMP)

Within six-months of the date of this decision an updated 'Landscape Ecological Management Plan' (LEMP) shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The LEMP shall include evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council.

The updated LEMP shall demonstrate that suitably qualified ecologists, arboriculturist, landscape architects, and archaeologists, or similar, have been proactively engaged in its formulation, so that it takes into account the need to protect or enhance local features wherever possible.

The development shall be implemented in full accordance with the details so approved.

Reason: To ensure the protection of wildlife and supporting habitat, enhance the nature conservation value of the site and character of the area, secure opportunities for the enhancement of the ecological value of the site, and to recognise the need to consider setting of nearby listed buildings and subterranean archaeology, in accordance with Policy ENV1 of the Ashford Local Plan 2030 and Paragraphs 8, 162, 187, 202 and 215 of the Framework.

12. Enhanced Soft Landscaping Scheme

Within six-months of the date of this decision full details of an enhanced soft landscaping scheme shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The landscaping scheme shall include evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council.

The enhanced soft landscaping scheme shall demonstrate that suitably qualified ecologists, arboriculturist, landscape architects, and archaeologists, or similar, have been proactively engaged in its formulation, so that it takes into account the need to protect or enhance local features wherever possible.

The details shall relate to land within the site, including but not limited to land within the heritage viewing corridor, and the raised bunds to the east of Highfield Lane.

The details shall identify how they respond to the specific ground conditions in each area and include:

i. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed trees and tree pit size and specification to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays;
ii. all soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within 2 planting and seeding seasons following the date of the approval of these details or in accordance with a timetable agreed by the Local Planning Authority;
iii. any trees or plants whether new or retained which within a period of 10 years from the completion of the relevant phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure adequate details of the proposals are submitted in the interests of the protection and enhancement of the area and to recognise the need to consider setting of nearby listed buildings and subterranean archaeology, in accordance with Policy ENV1 of the Ashford Local Plan 2030 and Paragraphs 8, 162, 187, 202 and 215 of the Framework.

13. Litter maintenance and management

Within 3-months of the date of this decision a 'Litter Maintenance and Management Plan' for the Site, including a plan denoting the extent of adjacent surroundings to be included, shall be submitted to the Local Planning Authority for approval in writing, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The Litter Maintenance and Management Plan shall include evidence of proactive engagement with Sevington with Finberry Parish Council, Mersham Parish Council, Kent County Council and National Highways.

Thereafter, the approved Litter Maintenance and Management Plan shall be implemented in full.

Reason: To protect the appearance of the area, nature conservation and residential amenity in accordance with the requirements of Paragraphs 96 and 135 of the Framework.

14. Waste or foul water

Any and all waste or foul water tankered off-site must be taken to a wastewater treatment works outside of the Stour Valley catchment.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes in accordance with policies SP1, ENV1 and ENV8 of the Ashford Local Plan 2030 and the Conservation of Habitats and Species Regulations 2017 (as amended).

15. Landscaped enhancement to staff entrance on Church Road

Within six-months of the date of this decision a strategy for the landscaped enhancement of the land within the landownership of the Applicant between Church Road and the staff entrance shall be submitted to the Local Planning Authority for approval in writing, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The strategy shall include evidence of proactive engagement with Sevington with Finberry Parish Council and Mersham Parish Council, details of hard and soft landscaping measures designed to mitigate the visual impact of the staff entrance and adjacent boundary treatments on the rural character of Church Road and the setting of surrounding heritage assets, and a timetable for implementation.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is of a high quality in the interests of safeguarding the visual amenity and rural character of the area and the setting of designated heritage assets in accordance with Policies SP6, ENV5 and ENV13 of the Ashford Local Plan 2030 and Paragraphs 8, 202 and 215 the Framework.

16. Emergency use strategy

Within three-months of the date of this decision an 'Emergency Use Strategy' for both the Tango and Romeo areas of the site (in relation to disruptions at or related to the international Borders affecting the Strategic Road Network (SRN)) shall be submitted to the Local Planning Authority for approval in writing, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The Strategy shall include details for arrangements for proactive liaison between the site operator, the Local Planning Authority (Ashford Borough Council), Sevington with Finberry Parish Council, Mersham Parish Council, and surrounding residents.

It shall also contain measures and methods of regular communications between the site operator, the Local Planning Authority (Ashford Borough Council), Sevington with Finberry Parish Council, and Mersham Parish Council; including details of how such parties would be notified in the event when the 'Emergency use strategy' is implemented on an operational basis.

The Emergency Use Strategy shall be implemented as approved.

Reason: To protect the residential amenity of the occupiers of surrounding properties, including through effective communication with the local community at times when the site is used partially or fully for emergency uses.

17. Drainage strategy

Within six-months of the date of this decision, a detailed sustainable surface water drainage scheme for the site shall be submitted to the Local Planning Authority for approval in writing, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

The detailed drainage scheme shall be based upon the Flood Risk Assessment (Document Reference: 21082104-WAT-XX-XX-RP-N-770001_P02.02) along with the as-built drainage information, information gathered from site visits and information set out in the Drainage Strategy (Document Reference: 419419 | 0001| P02 419419-MMD-XX-MO-RP-D-0001) approved for the Special Development Order, Relevant Approval 1, dated 01 December 2020.

The submitted scheme shall demonstrate compliance with the required technical standards or as agreed with Kent County Council (as lead Local Flood Authority, LLFA) or Ashford Borough Council at the time of submission.

It shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

i. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
ii. appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered;
iii. a programme for the implementation of the drainage changes proposed.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off-site flooding in accordance with Policy ENV6 of the Ashford Borough Local Plan 2030.

18. Entry arrangement to the staff car park

Within three-months of the date of this decision, investigate issues of potential vehicle and pedestrian conflict in the vicinity of the main staff car parking gate A statement of findings shall be submitted for the written approval of the Local Planning Authority, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

If evidence of vehicle and pedestrian conflict is confirmed, the statement of findings shall include details of measures designed to reduce vehicle and pedestrian conflict adjacent to the staff vehicle entrance, including a timetable for implementation.

The approved details shall be implemented in full, and thereafter retained as approved.

Reason: To safeguard the safety and amenity of users of the surrounding public right of way network in accordance with Policies TRA5 and TRA6 of the Ashford Local Plan 2030.

19. Use of Tango area in respect to noise mitigation

The site operator shall ensure that a written record is retained of the dates and times that the Tango area is used operatively over a rolling-period of no less than 18 months. This written record shall be made available to the Local Planning Authority on request within 5 working days of such a request.

In the event that the Tango area is used operatively more than 10 times (each time defined as any 24-hour period, or part thereof) within any single calendar year, within 3-months a detailed scheme for the provision of a new acoustic buffer (and/or other mitigation measures) shall be submitted to the Local Planning Authority for approval, in consultation with Sevington with Finberry Parish Council and Mersham Parish Council.

Following written approval, the acoustic buffer scheme shall be fully implemented within three-months.

Reason: In the absence of acoustic mitigation for the Tango area to safeguard the living conditions of the occupiers of surrounding residential properties, users of the surrounding public right of way network, and the area generally in accordance with Paragraph 198 of the Framework.

20. Staff vehicular parking

The onsite vehicular parking shall be limited to a maximum of up to 357 staff car parking spaces.

Reason: To ensure the development is carried out in accordance with the approval and ensure provision of a level of parking proportionate to the activity in accordance with Policies TRA3(b) and TRA9 of the Ashford Local Plan 2030.

***** END OF CONDITIONS *****

INFORMATIVES:

i. **Biodiversity Net Gain:**

Article 49 of *The Town and Country Planning (Crown Application) (Procedure and Written Representation) Order 2025* sets out that the contents of the notice must include, where planning permission is granted, '*information relating to the condition in paragraph 13 of Schedule 7A to the 1990 Act (biodiversity gain condition) including that there are exemptions…'*

Part 1, Schedule 7A to the 1990 Act, at Article 13(1) (biodiversity gain condition), sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the conditions set out in Article 13(2).

In this case, no new develop or habitats loss, over and above that already approved and/or occurred under the SDO is proposed or sought in this case. Accordingly, the application scheme qualifies under the 'de-minimis' exemption in respect of Biodiversity Net Gain (BNG). As such, it is **not**

subject to the deemed biodiversity gain condition as set out in Schedule 7A to the 1990 Act.

ii. The Applicants will use reasonable endeavours to help facilitate the replanting and establishment of tree screening on third-party land situated between the Site's northern boundary and the southern boundary of the A2070. The responsibility for delivery of a scheme of replanting in this area falls with National Highways and Kent Country Council (as the Local Highways Authority).

iii. In determining this application the appointed Inspector and Planning Inspectorate, on behalf of the Secretary of State, has worked with the Applicants in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.

ii. The Planning Inspectorate, on behalf of the Secretary of State, has taken the environmental information contained within the submitted Environmental Statement provided, and as submitted orally during the Inquiry into account during the determination of this application.

iv. The decision of the appointed person (appointed under s293I TCPA1990, acting on behalf of the Secretary of State) on an application under section(s) 293D and 293H of the TCPA1990 is final; which means there is no right to appeal.

An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under section 293D can be challenged. An application must be made within 6 weeks beginning with the day after the date of the decision

v. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: www.gov.uk/courts-tribunals/planning-court

vi. Responsibility for ensuring compliance with this Decision Notice rests with the relevant Local Planning Authority for the area, which at the time of the decision was Ashford Borough Council. Any applications related to the compliance with the conditions must be submitted to the Local Planning Authority.

***** END OF DECISION NOTICE *****