

PINS Ref: CROWN/2025/0000002

**APPLICATION BY DEPARTMENT FOR TRANSPORT (DfT), DEFRA AND HMRC:
SEVINGTON INLAND BORDER FACILITY, MERSHAM, ASHFORD, KENT, TN25 6GE**

**OPENING STATEMENT
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. This is the first application submitted and being considered under the Crown Development Application route (s293D TCPA 1990) and is 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.
2. Unlike a planning application made to the Council as a local planning authority, the responsibility for the making of a decision on this application rests with the Planning Inspectorate, and the Council acknowledges that its role in this Inquiry is therefore as a consultee only.
3. The Council acknowledges that there is already an operational development on the site, as a result of the granting of a Special Development Order in 2020 (“SDO”) and that the development benefits from permission as a result of and stemming from the SDO, albeit on a temporary basis until 31 December 2025. The application made to the Planning Inspectorate seeks a permanent permission for the site.
4. Notwithstanding the existence of development on the site, given the application before this Inquiry is for a new, permanent planning permission, there is an opportunity to consider all aspects of the proposal against the provisions of the Development Plan and the requirements of national planning policy and guidance and to ensure, where appropriate, its impacts are suitably minimised and where necessary mitigated. Some of those impacts, unlike for a speculative application, can be felt and understood in very real terms by those experiencing them in going about their daily lives and we will no doubt hear more from participants in the Inquiry; others, such as on receptors like landscape and ecology for example, are equally important and need equal consideration.

5. It is important to note at this early stage that the Council does not object to the granting of planning permission, subject to consideration of these impacts and the securing of suitable mitigation through the use of appropriate planning conditions and planning obligations. The Council acknowledges that the proposal is for development of 'national importance' and brings with it benefits to the local economy, including through employment.
6. The Council has been working proactively with the Applicant in the lead up to this Inquiry seeking to narrow any areas of disagreement and to agree a suite of draft planning conditions and obligations for discussion in the coming days. There was also considerable pre-application discussion between the Applicant and the Council prior to the application being made under the s293D route, and which has been productive in addressing some concerns.
7. Through its detailed Statement of Case and Appendices and as set out in both the report to Ashford BC Planning Committee and its consultee response to this Inquiry the Council will provide evidence in support of its position, its specific concerns and its reasoning for seeking certain planning conditions and obligations, and this will be discussed in detail as the Inquiry progresses.
8. However, and for the benefit of persons other than the main parties to the Inquiry, I will set these out briefly here.

Economic Benefits:

9. The Council acknowledges the proposal's compliance with Local Plan Policies SP1, SP3 and EMP1 in respect of employment and notes the strategic positioning of the site adjacent to the M20 motorway. The proposal would secure the retention of some local employment opportunities whilst also fulfilling an important function of local, regional and national importance.

Landscaping:

10. The Council has noted historic failures with respect to some of the landscaping mitigation and planting secured as part of the SDO and welcomes the Applicant's commitments to seek to address this. However, the Council believes that high quality landscaping is fundamental to mitigating harm, including from visual and lighting impacts and that there is scope to go further and will therefore seek further enhancements, as well as ongoing management, through the imposition of appropriate conditions.

Ecology and Biodiversity:

11. The overarching approach to ecology and biodiversity is welcomed by the Council but concerns remain in respect of the adequacy of the mechanism to secure the detailed plans and strategy for management, monitoring and reporting of these matters. The Council will seek appropriate conditions and planning obligations to ensure biodiversity improvements are suitably secured, maintained and monitored for a minimum of thirty years.

Active Travel:

12. Since the granting of the SDO in 2020 the focus on securing alternatives to the use of the private car has sharpened, notably with the introduction of Active Travel England as a statutory consultee on large planning applications. Concerns have been identified by the Council in respect of travel to work patterns and active travel take-up and it considers there to be room for improvements in this regard particularly when noting that a proportion of the workforce resides in the local area.

13. Such improvements might be secured through a number of interventions including a new Travel Plan, consideration of expanding the shuttle bus service local pick-up points, the provision of increased on-site facilities to encourage non-car based travel options and also through improvements to local walking and cycling routes.

14. The Council will advocate the imposition of suitable planning conditions and planning obligations where these will support improvements to active travel in accordance with national planning policy requirements.

Public Rights of Way Improvements:

15. The Council is disappointed that the previous commitment in an earlier draft of a planning obligation to fund the re-establishment of PRow through the heritage 'viewing corridor', should future use circumstances arise which obviate the need for a secure fence preventing access to that corridor has not been carried forward in the submitted UU. The viewing corridor is an important component of the setting of St. Mary's Church and a PRow passing through that area which gives that corridor further meaning as part of the historic route to the nearby village of Mersham enjoyed by the local community. The Council agrees with the views expressed by KCC in this respect and requests that the funding provisions that were originally discussed and appeared to be agreed with the DfT in the earlier iterations of the s.106 agreement are reinstated in any new unilateral undertaking or s106 agreement.
16. The Council considers there to be merit in respect of the potential for funding of PRow upgrades to provide an all-weather specification link connecting the development site to the village of Mersham, furthering opportunities for pedestrian and cycle links and modal shift to more active travel behaviours and which could be secured through planning conditions and/or obligations. This was a matter of specific interest to the members of the Ashford Planning Committee when it met in September 2025 and is supported by KCC.
17. The Council will therefore make the case for these PRow upgrades to be secured in the event that the application is permitted.

Highways:

18. The Council is aware of ongoing discussions between the Applicant and both the local and strategic highway authorities in respect of highway matters and notes there are SOCGs in this regard before the Inquiry. The Council supports the need for consideration of additional mitigation where necessary on both the local and strategic road networks.

Lighting:

19. A significant concern of many local residents is that of lighting and light spill from the existing development at the site. This is also noted as a concern by the Kent Downs National Landscape Team, Natural England and the Council for the Protection of Rural England in their own responses to the Inquiry. The Council will be seeking appropriate planning controls to ensure that the most appropriate balance can be struck in consideration of the operational requirements of the proposed development, the amenity of local residents as well as those experiencing views of the site from further afield and the impact of lighting on the setting of the National Landscape.

Noise and Air Quality:

20. Adverse noise impacts on local residential amenity are acknowledged to be a key planning consideration. The Council will therefore seek the Applicant's commitment to monitor and where necessary further mitigate harm in this respect, including through controlling the use of those parts of the site that do not benefit from any existing noise mitigation.

21. Given the nature of the proposed development, which includes over 850 HGV parking spaces and over 350 car parking spaces, the Council and other interested parties have raised concerns about the potential impact of this major development on local air quality, including from idling vehicles.

22. Again, the Council will be seeking appropriate planning controls, including through ongoing air quality monitoring and encouraging a shift to the use of sustainable low emission transport to improve air quality or mitigate impacts in accordance with national planning policy.

Other matters:

23. Recent improvements to local road signage are welcomed and the Council encourages the continued collaboration between the Applicant and the highway authorities to consider further improvements in this regard and also liaison with sat-nav providers to ensure appropriate route guidance from the motorway and associated link road.

24. Any archaeological finds should be fully referenced and recorded, and the Council requests the imposition of suitable conditions to secure appropriate public access to that information through signage and information boards in publicly accessible areas.

25. The Council will be seeking that any grant of planning permission is subject to an appropriate planning condition that ensures that alternative uses of the site (or the diminution of certain uses accompanied by the intensification of others – for example, involving general HGV parking uses similar to the periodic use of the ‘Romeo’ and ‘Tango’ parking areas) are brought within planning control so that the acceptability of such other uses involving parking is able to be considered by the Council.

Planning Obligations:

26. The Council welcomes the commitments already given in the completed unilateral undertaking dated 7 October 2025. As indicated in this opening statement and as will be further elaborated on through more detailed discussions during the Inquiry, the Council considers that further obligations

ought to be required to mitigate the impacts of the development and to supplement the use of planning conditions.

27. The Council notes the comments of the Inspector in his detailed Statement of Matters in respect of the submitted planning obligation and would welcome the opportunity to work with the Applicant to consider a draft planning obligation agreement that will allay those concerns and address the requested additional obligations as have been referred to in this opening statement.

Concluding comments:

28. The Council notes that the permanent planning permission that is sought identifies the national importance of the facility and is therefore broadly supportive of the application and the employment benefits that it delivers and therefore raises no objection to it in principle. There are, however, some concerns which remain, and which warrant further consideration and discussion through this Inquiry so that the planning harms identified can be minimised and appropriately mitigated where necessary. The Council is keen to continue to work with the Applicant to ensure the development is provided to an exemplary standard that meets its operational requirements, addresses the concerns of consultees and local residents and is sustainable in accordance with the requirements of the Development Plan and national planning policy and guidance.

Cheryl Parks.

Senior Planning and Development Lawyer,

On behalf of Ashford Borough Council.

02-12-2025