

PINS Ref: CROWN/2025/0000002

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

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

1. Over the course of the last two weeks, we have heard detailed evidence and submissions, including valuable insights from interested parties, in respect of the first application submitted and being considered under the Crown Development Application route (s293D TCPA 1990) for the Inland Border Facility and Border Control Post at Sevington, Ashford.
2. As was set out in its Opening Statement¹ to this Inquiry, 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 which benefits from permission as a result of, and stemming from the SDO, albeit on a temporary basis until 31 December 2025.
3. In considering whether the site should benefit from the grant of permanent planning permission, it remains the position of the Council that the proposal should be considered against the provisions of the Development Plan and the requirements of national planning policy and guidance to ensure, where appropriate, its impacts are suitably minimised and where necessary mitigated. The Council is pleased that the Inspector has accorded considerable time in the Inquiry to consider those impacts and to take into account the evidence and views of interested parties.
4. To reiterate the position set out in its Opening Statement, the Council does not object to the granting of planning permission, subject to the securing of appropriate and suitable mitigation through the use of appropriate planning conditions and planning obligations. The Council very much welcomes the engagement that has continued throughout the Inquiry between all the parties, particularly in negotiating potential planning conditions and obligations.
5. There is now a set of proposed draft conditions² which have been prepared and largely agreed between the Council and the Applicant, and which have

¹ [Opening Statement - ABC](#)

² [Schedule of proposed Planning Conditions](#)

had considerable input from the interested parties. Of that set of proposed draft conditions, all are agreed bar one condition which relates to EV Charging requirements (Draft Condition 20).

6. In respect of EV Charging, the Council maintains its position that in the interests of furthering travel choices, modal shift, and in recognition of the commitment to net zero, a standalone condition is required, whereas the Applicant considers this is not necessary and instead advocates that the matter of EV Charging should be dealt with as part of the requirements of Draft Condition 4 (in respect of the submission of a new travel plan).
7. Given there has been no agreement reached on this point, the Council and the Applicant have agreed to refer the matter to the discretion of the Inspector. In the event he determines that the Council's position is preferred, Draft Condition 20 is suggested to be imposed; whereas if he determines the Applicant's position to be preferable, then an amended Draft Condition 4 is suggested instead. The Council is content that in the event that the Inspector prefers the Applicant's position, that the amendment to Draft Condition 4 would meet the tests for conditions set out in the National Planning Policy Framework. Notwithstanding this, it remains the case that the Council supports the imposition of a standalone condition as proposed in Draft Condition 20.
8. There is also now an agreed Planning Obligation in the form of a Unilateral Undertaking³ (submitted to the Inquiry in draft form pending its execution and submission before the close of the Inquiry), and which has had input from both the Borough and County Council's solicitors. The Council welcomes the approach of the Applicant in discussing the potential obligations in advance of finalising the Unilateral Undertaking and which has assisted in allaying some of the concerns and issues of the Council as referred to in its Opening Statement.

³ [DRAFT Unilateral Undertaking](#)

Inspector's Main Issues:

9. In his Statement of Matters⁴ ("SOM") the Inspector set out what he considered at that time to be the main issues for the Inquiry as follows:

- 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 Kent 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; 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; and,
- ix) the overall planning balance.

Council's Position:

10. The Council's position at the Inquiry stems from the report⁵ considered at, and endorsed by, the Planning Committee at its meeting of 24 September 2025.

Following that meeting a detailed representation⁶ was submitted to the Inquiry and which subsequently formed the basis for the Council's Statement of Case ("SOC")⁷ and responses to the Inspector's SOM.

11. Each of the matters, including areas of concern, outlined in the Council's SOC was the subject of discussion during the Inquiry with evidence presented by the relevant parties. Following the format of its Opening Statement, the

⁴ [Inspector's Statement of Matters](#)

⁵ [Officer's Report to Committee](#)

⁶ [Council's Representation to the Inquiry](#)

⁷ [ABC Statement of Case](#)

Council's position following the conclusion of the 'sitting days' at the Inquiry is set out below. Where relevant, reference is made back to the Inspector's Main Issues ("MI") along with any commentary considered appropriate.

Economic Benefits:

12. The Council acknowledges the proposal's compliance with Local Plan Policies SP1, SP3 and EMP1 in respect of employment, the strategic positioning of the site adjacent to the M20 motorway and the retention of some local employment opportunities. The Council agrees that this should be afforded positive weight in the planning balance (MI [ix]).

Landscaping:

13. One of the Council's primary concerns is in respect landscaping. In particular, the historic failures with respect to some of the landscaping mitigation and planting secured as part of the SDO has been a matter of local concern. Landscaping as a means of mitigation to address impacts from other aspects of the development is also of importance and thus overlaps somewhat with other parts of this Closing Statement.
14. The Council maintains that high quality landscaping is fundamental to mitigating harm, including from visual and lighting impacts and therefore welcomes the Applicant's commitments to further enhancements, as well as ongoing management, through the imposition of appropriate conditions and informatives.
15. As set out paragraph 22 of the Officer report to Committee, National Highways is an executive non-departmental public body delivering the strategic highway network and sponsored by one of the Applicants (the Department for Transport) and is wholly owned by the Secretary of State for Transport. Given this, the Council welcomes confirmation from the Applicant that they are in discussion with National Highways on landscaping matters and the ability for the development to be acceptably landscaped and screened at a key entrance to Ashford from the M20 corridor. This is consistent with paragraph 136 of the NPPF which requires that: "*Applicants and local*

planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.” The Council also welcomes the Applicant’s agreement to undertake ongoing monitoring of new and replacement planting. The significant planting failures that are acknowledged to exist must be rectified and future maintenance must be regular and appropriate to allow new and replacement planting to mature and, in so doing, help mitigate impacts: a repeated cycle of planting failures must be avoided.

Ecology and Biodiversity:

16. The overarching approach to ecology and biodiversity is welcomed by the Council and the securing of planning obligations to ensure biodiversity improvements are maintained and monitored for a minimum of thirty years is a positive benefit of the development which should attract weight in the planning balance (MI [ix]). The Council has no concerns in this regard and considers that MI [iv] is addressed appropriately.

Active Travel and Public Rights of Way Improvements:

17. The Council is pleased to see the agreement of the Applicant to planning obligations in respect of potential PRow upgrades and improvements in response to the requests of both the Borough and County Councils, as well as from interested parties, in furtherance of Active Travel. The benefits of such will spill over into improvements in local amenity for walkers and ramblers as well as assisting in influencing greater use of the PRow for employees to access the site from adjacent village locations and further afield.
18. In respect of the Council’s original position also seeking the inclusion of a commitment to reinstatement of the extinguished PRow route through the ‘viewing corridor’ part of the site if this part of the site is no longer required to be retained in a secure form, having further considered the evidence presented by the Applicant, and as updated in the Inquiry itself, the Council will no longer seek such a commitment. Further reference and a more detailed

explanation of the Council's position on this matter is made in Appendix 4 to the Council's Updated CIL Compliance Statement⁸.

Highways:

19. As set out in the Opening Statement and reiterated during the Inquiry, the Council supports the ongoing discussions between the Applicant and both Highway Authorities in respect of additional mitigation on the local and strategic road networks to address the impacts of the development (MI [v]). The inclusion of commitments in the draft planning obligation is welcomed. It is hoped that in carrying out such highway improvement works, consideration is given to the landscaping concerns referred to earlier in this Closing Statement so that these are not replicated as part of any future works.

20. Although not directly a 'highways' issue the Council welcomes the commitment of the Applicant to investigating potential pedestrian and vehicle conflicts at the staff entrance to the site, and to providing appropriate mitigation if required.

21. The Council acknowledges that some improvements have been made to driver signage during the operation of the site pursuant to the SDO albeit the evidence heard at the Inquiry identifies that some problems still remain. The Council therefore welcomes the commitment of the applicant to engage with the highway authorities to review how signage directing users to the main access at the J10A link road can be improved.

Lighting:

22. As was evident from the Inquiry itself, a significant concern of many local residents as well as that of the Kent Downs National Landscape Team and the Council for the Protection of Rural England is that of lighting and light spill from the existing development at the site and its effect on the National Landscape and its setting, as well as on the surrounding area. This is a matter relevant to MI [i], [ii] and [vi]. The Inquiry heard much from parties to the Inquiry, and indeed, this was a matter noted by the Inspector himself who

⁸ [ABC Updated CIL Compliance Statement](#)

remarked that the impact of lighting when viewed from the Kent Downs National Landscape was appreciably more noticeable when viewed with the naked eye, as compared to looking at the viewpoint photographs in evidence at the Inquiry.

23. The Council is pleased that the Applicant has taken these concerns on board in considering appropriate draft conditions, including the requirement for a lighting strategy to be agreed and implemented, and has also accepted the principle of engagement with key local stakeholders in terms of the formation of any strategy.

Noise and Air Quality:

24. Positive discussions between the parties have ensured that proportionate and appropriate conditions are now proposed to deal with matters of noise and air quality. Draft conditions are agreed that require the submission of an updated and detailed Noise Impact Assessment for the approval of the Council, and also a detailed Air Quality Management Plan, again for the Council's approval.
25. Further, an additional condition is proposed to reflect concerns about frequency of use of the 'Tango' emergency parking area, such that if it is required to be used for more than ten occasions in any year, this would trigger the need to submit (for the Council's approval) details of a scheme for a new acoustic buffer which would then be implemented once approved and thereafter retained. Coupled with a proposed condition in respect of an Emergency Use Strategy designed to keep local residents and Parish Councils informed in the event of an emergency on site, the Council considers that this secures an appropriate level of protection for local residents in respect of noise and air quality issues (MI [vi]).

Other matters:

26. The only remaining matter where there is a difference of views between the Council and the Applicant is in respect of EV Charging. The Applicant has identified that at present the staff car park accommodates up to 357 vehicles, including 3 electric vehicle ('EV') spaces sharing 2 chargers.

27. The Council remains disappointed that the Applicant still appears reluctant to commit to providing any additional electric vehicle charging (EVC) infrastructure as part of its proposals. With only 2 active EVCs provided to serve 3 of 357 parking spaces within the staff car park, this equates to less than 1% of the overall staff parking provision. There is also no firm commitment to inclusion of any on-site passive provision that would easily facilitate future provision of additional EVCs.

28. It is the Council's case that the Applicant's proposal to monitor on-site EV use to assess future demand and take-up prior to increasing provision is an inappropriately reactive approach which would fail to incentivise staff to use electric vehicles. The Council contends that the existing and planned EVC provision for this major development is inadequate and that all applications, but particularly those submitted for land owned by the Department for Transport, should be proactive by making appropriate provision for active and passive EVC infrastructure to support sustainability objectives, including to reduce carbon emissions and mitigate impacts on air quality and future-proof the workplace.

29. In order to achieve sufficient EVC's, the Council seeks the imposition of a dedicated standalone condition in this respect, but notes this is not agreed by the Applicant, who contends that this should be dealt with as part of the travel plan condition. This is further discussed in the paragraphs below on Planning Conditions.

Planning Conditions and Obligations:

30. As indicated in both its SOC and Opening Statement to the Inquiry, the Council considered that further obligations ought to be required to mitigate the impacts of the development and to supplement the use of Planning Conditions. The continuing dialogue in respect of both obligations and conditions as the Inquiry progressed was therefore very much welcomed. Equally positive was the open engagement undertaken by the Applicant with Interested Parties, including a commitment to ongoing engagement with

relevant Parish Councils as part of seeking to ensure concerns about the impacts of the proposed development could be adequately resolved where appropriate.

31. The result of this engagement and dialogue is a 'final draft' planning obligation in the form of a Unilateral Undertaking which has been discussed and agreed by both the Borough and County Councils with the Applicant, and which secures a number of obligations sought by the Councils. A completed Unilateral Undertaking will be submitted in advance of the close of the Inquiry.
32. Further, the Council and the Applicant, along with Interested Parties, have agreed a suite of proposed Planning Conditions which deal with matters of approved plans, landscaping, highways and transport related matters, noise and air quality, amenity issues, and conditions relating to use of the site and communication with neighbours.
33. The need for one particular draft condition, in respect of EV Charging, remains disputed and is therefore left for the Inspector to determine. The Council contends that a standalone condition is necessary as set out in its evidence and submissions to the Inquiry, but in the event the Inspector disagrees, and prefers the position of the Applicant, then the Council is prepared to accept a revised draft Condition 4 as put forward by the Applicant.
34. The remaining draft Planning Conditions as proposed, are, as set out above, agreed by all parties, and therefore the Inspector is respectfully requested to give these due consideration and impose them should he consider it appropriate to do so.
35. The Council considers that by imposition of each of the proposed Planning Conditions and alongside the Unilateral Undertaking, that the identified impacts of the development can be appropriately mitigated, and adequate provision made for appropriate infrastructure, in pursuance of MIs [i] to [viii].

Concluding comments and Planning Balance:

36. In taking into account the evidence presented to the Inquiry, the proposed draft Planning Conditions and the draft Unilateral Undertaking, the Council is in general agreement with the assessment of weight to be afforded to the various planning harms and planning benefits arising from the proposed development as advanced by the Applicant.
37. The national importance of the facility is acknowledged as are the employment benefits that it delivers and therefore the Council raises no objection to the development proposal in principle, subject to the imposition of suitable conditions and the completion of the Unilateral Undertaking in the form agreed.
38. The Council thanks the Applicant for its approach to continued discussions with the Council and the Interested Parties to ensure the development is provided to an exemplary standard that equally meets its day-to-day operational requirements, whilst addressing 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.

12-12-2025