

Applicant's Note on Matters Raised by the Inspector

Use of the Site for the Kent Resilience Forum and Emergency Uses

1. The use of the Site for the Kent Resilience Forum and the emergency uses detailed in the Applicant's response to Matter 13 of the Inspector's Statement of Matters do not require any new development or separate permission.
2. The use of the Site for these purposes is already established and derives its consent from:
 - (i) Condition 9 of the latest relevant approval dated 28 April 2022 stipulates that Plots E and F ("Romeo" and "Tango") on the approved plans shall not be used other than during an on-site systems failure, during significant repair and/or maintenance on site or for traffic management purposes under the Civil Contingencies Act 2004.
 - (ii) Schedule 2, Part 4, Class B of the General Permitted Development Order ("GPDO") permits the site to be used for traffic management purposes for 28 days in any calendar year.
 - (iii) Furthermore, Part 19, Class Q of the GPDO grants emergency use permission for 12 months for development by or on behalf of the Crown on Crown land for emergency purposes. "Emergency" is defined at para Q2(2)(g) as including "*disruption of facilities for transport*".
 - (iv) Article 3(1)(a)(i) and (ii) of the SDO allow for "*any activity that ... is incidental to, functions required to be carried out by or on behalf of a border department in connection with vehicles ... entering or exiting, or that are about to enter or exit, Great Britain*" and "*the associated stationing of vehicles*". The provision of emergency parking of HGVs is clearly incidental to those functions as it facilitates the border control functions taking place at the ports.

Update on the Reinstatement Plan

3. The Reinstatement Plan was submitted to SoS MHCLG, who had previously agreed the level of detail in advance of its submission, on 26th June 2025. SoS MHCLG has advised that it is actively working to review the discharge of the condition governing the Reinstatement Plan. The SoS MHCLG has therefore not yet decided the application for discharge of this condition.

Clarification on the Informatives on Reinstatement

4. Condition 5 of the current relevant approval dated 28 April 2022 requires certain specified matters to be included as part of the Reinstatement Plan. Informative 5 includes further details on what is expected to be retained on Site following formal reinstatement.
5. The Planning Practice Guidance on Use of Planning Conditions clarifies that: *“Informative notes allow the local planning authority to draw an applicant’s attention to other relevant matters – for example the requirement to seek additional consents under other regimes. Informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes.”* (Paragraph: 026 Reference ID: 21a-026-20140306)
6. The content of any Reinstatement Plan is ultimately dictated by the SoS who, under the SDO, has the power to approve the scope of the reinstatement works to be carried out.

Status of the 2017 Planning Permission

7. Reserved matters approval for Phase 1A of the 2017 permission (ref: 14/00906/AS) was granted on 5 July 2019 for *“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 (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space).”* A Certificate of Lawfulness of Existing Use or Development (“CLEUD”) was granted on 15 August

2019 confirming that development had commenced in relation to Phase 1A. The CLEUD included a plan demonstrating the extent to which Phase 1A had been implemented. This is included as a separate attachment alongside this note.

8. An application was never submitted for Phase 1B (buildings, means of access within the site interior, and landscaping of individual building plots). This breaches Condition 2 of the permission which required the submission of an application for the approval of the reserved matters to be made to the Local Planning Authority no later than the expiration of 7 years from the date of the permission. The expiry of this time period means that Phase 1B of the permission is no longer capable of implementation.
9. In accordance with the Pilkington principle, the development of the Sevington IBF and BCP means that the 2017 permission is no longer capable of implementation due to its physical incompatibility with the current development. In the event that works carried out under the Reinstatement Plan were to remove this physical incompatibility, the only element of the 2017 that could be reverted to would be the works under Phase 1A.
10. The status of the 2017 planning obligation is covered in para. 3 of the CIL Compliance Statement.

5% of vehicles are refrigerated vehicles – how many vehicles in total does this add up to?

11. The yard management system used by the Site operator to record all vehicles in and out of the Site recorded the following:
 - (i) Jan – Oct 2025: 37,381 temperature-controlled vehicles out of 431,691 (including Defra) which calculates as being 8.65% across the whole Site (i.e. BCP and IBF).
 - (ii) However, Defra vehicles stay to the north of the Site. Excluding Defra vehicles and limiting the analysis to the IBF, there were 18,058 out of 397,794 which is 4.53%.

On behalf of the Applicant

03 December 2025