SEVINGTON
INLAND BORDER FACILITY

Department for Environment, Food & Rural Affairs

HM Revenue & Customs

Department for Transport

Environmental Statement

Volume 2: Appendices (Chapter 11)

Appendix 11.1

Legislation

POLICY, GUIDANCE AND LEGISLATIVE CONTEXT

National Planning Policy

National Planning Policy Framework 2024

1.1. The National Planning Policy Framework (NPPF) was published in 2012 and last updated in December 2024. Section 15 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', is of relevance to this report. No significant changes to Section 15 are noted between the 2021 and 2024 update. The Government Circular 06/2005 - Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System, remains valid and is still referenced within the NPPF.

1.2. The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:

"Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".

1.3. The NPPF also stipulates that Local Planning Authorities (LPA), when determining planning applications, should apply the following principles:

"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

Planning Policy Guidance (PPG) 2024

1.4. The Government's National Planning Practice Guidance 2016, updated in 2019, 2021 and 2024 (NPPG) is intended to provide guidance to local planning authorities and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements.

Local Planning Policy

Ashford Local Plan 2030

1.5. Ashford Local plan was adopted in 2019 and establishes a policy and delivery framework for the promotion, enhancement and protection of both the natural environment and provides clear and firm guidance to ensure that the Council's aims for the Ashford are achieved. It covers the period between 2011 and 2030. The relevant policies have been outlined below.

1.6. Green infrastructure plays an important role in supporting other policy areas of this Plan. By helping to create high quality environments which are attractive to businesses and investors it can drive economic growth and regeneration, deliver quality of life benefits and enhanced opportunities for recreation, social interaction and play in new and existing residential areas. Well-designed and managed green infrastructure can reinforce and enhance local landscape character, assist in halting the decline in biodiversity and mitigate the impact of climate change. In England, green infrastructure issues are dealt with through a combination of the planning system and legislation (European and national).

Policy ENV1 – Biodiversity

Proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve the wider ecological networks.

Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats, including BAP (Priority) habitats, and networks of ecological interest, including ancient woodland, water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife.

Development that will have an adverse effect on the integrity of European protected Sites, including the Wye and Crundale Special Area of Conservation and the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA sites, alone or in combination with other plans or projects, will not be permitted.

Any proposal capable of affecting designated interest features of European sites should be subject to Habitats Regulations Assessment screening.

Development that will have an adverse effect on nationally designated sites, including the borough's Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the benefits, in terms of other objectives including overriding public interest, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.

Development should avoid significant harm to locally identified biodiversity assets, including Local Wildlife Sites, Local Nature Reserves and the Ashford Green Corridor as well as priority and locally important habitats and protected species. The protection and enhancement of the Ashford Green Corridor is one of the key objectives of the Plan and therefore all proposals coming forward within or adjoining the Ashford Green Corridor should comply with Policy ENV2 in the first instance.

Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. A financial contribution - in lieu of on-site mitigation - will only be considered in very exceptional circumstances and where it is demonstrated that the proposed mitigation is deliverable and effective.

Opportunities for the management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Kent Biodiversity Strategy will be supported.

Biodiversity Action Plans

UK Biodiversity Framework 2024

1.7. The UK Biodiversity Framework (UKBF) was published in May 2024 and supersedes the previous Framework (the UK Post-2010 UK Biodiversity Framework), which was developed following agreement of the Convention on Biological Diversity (CBD) Strategic Plan for Biodiversity 2011-202 and the 'Aichi targets'.

1.8. The UKBF has been developed in response to the Kunming-Montreal Global Biodiversity Framework (GBF), agreed at the Fifteen Conference of the Parties of the CBD in December 2022. The UKBF has been produced through the Four Countries' Biodiversity Group which is the lead governance body for the UKBF, and which includes representatives from DAERA, Defra, Scottish Government, and Welsh Government, with JNCC providing an independent secretariat role.

1.9. Through the UKBF the four countries will agree on activities where joint action between the four countries is required to implement the GBF.

Local Biodiversity Action Plan

1.10. As part of the action plan process, Local Biodiversity Action Plans (LBAPs) have been produced by most Councils in the UK. The Site is covered by the Kent Biodiversity Strategy (KBS) 2020 to 2045. This document identifies habitats and species of importance locally and contains local targets relevant for planning and mitigation within Kent.

Guidance

Biodiversity 2020: A strategy for England's wildlife and ecosystem services

1.11. In October 2010, over 190 countries signed an historic global agreement in Nagoya, Japan to take urgent and effective action to halt the alarming global declines in biodiversity. This agreement recognised just how important it is to look after the natural world. It established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. England's response to this agreement was the publication of '*Biodiversity 2020: A strategy for England's wildlife and ecosystem services*'. The mission for this strategy is:

"to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people."

BS42020: 2013 Biodiversity: Code of Practice for Planning and Development

1.12. The UK commitment to halt overall loss of biodiversity by 2020 in line with the European Biodiversity Strategy and UN Aichi targets, is passed down to local authorities to implement, mainly through planning policy. To assist organisations affected by these commitments, BSI has published BS 42020 which offers a coherent methodology for biodiversity management.

1.13. This British Standard sets out to assist those concerned with ecological issues as they arise through the planning process in matters relating to permitted development and activities involved in the management of land outside the scope of land use planning, which could have site-specific ecological implications.

1.14. The standard has been produced with input from a number of organisations including the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Association of Local Government Ecologists (ALGE) and provides:

- Guidance on how to produce clear and concise ecological information to accompany planning applications;
- recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate; and
- direction on effective decision-making in biodiversity management a framework to demonstrate how biodiversity has been managed during the development process to minimise impact.

Legislative Context

The Environment Act 2021

1.15. The Environment Bill was given Royal Assent in November 2021 and is now the Environment Act 2021. The Act includes a target to halt the decline of nature by 2030 and to strengthen the existing biodiversity duty through the introduction of a mandatory requirement to achieve at least 10% biodiversity net gain (BNG) for new developments in England. These requirements commenced on 12th February 2024. The BNG requirement is framed as a pre-commencement condition and that

BNG information will need to be provided by the applicant as part of the planning application submission. The act is supported by secondary legislation comprising six statutory instruments:

- The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024;
- The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024;
- The Biodiversity Gain Requirements (Exemptions) Regulations 2024;
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024;
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024; and,
- The Biodiversity Gain Site Register Regulations 2024.

Habitats and Species

1.16. Specific habitats and species receive legal protection in England under various pieces of legislation, including:

- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- The Countryside and Rights of Way (CRoW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- The Protection of Badgers Act 1992.
- The Hedgerow Regulations 1997; and
- Wild Mammals (Protection) Act 1996.

1.17. Further details of legislation in respect of legally protected and notable flora and fauna of relevance to the Site are provided below.

Amphibians

1.18. Common species of amphibian (smooth newt *Lissotriton vulgaris*, palmate newt *Lissotriton helveticus*, common frog *Rana temporaria* and common toad *Bufo bufo*) are partially protected by the WCA 1981 (as amended). This prohibits the trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy) of these species.

1.19. Great crested newts *Triturus cristatus* are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the WCA 1981 (as amended). In summary, taken together, it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a great crested newt;
- Disturb great crested newts in such a way as to be likely significant to affect:
- the ability of any significant group of great crested newts to survive, breed, or rear / nurture their young; or
- the local distribution of great crested newts;
- Damage or destroy any breeding or resting place used by great crested newts; or

- Obstruct access to any place used by great crested newts for shelter or protection and disturbing great crested newts while occupying such as place.

Badger

1.20. The Protection of Badgers Act 1992 aims to protect badgers *Meles meles* from persecution, rather than being a response to an unfavourable conservation status. As well as protecting the animal itself, the 1992 Act makes the intentional or reckless destruction, damage or obstruction of a badger sett an offence. A sett is defined as "any structure or place which displays signs indicating current use by a badger". In accordance with Natural England guidance, 'current use' is not synonymous with current occupation . In addition, the intentional elimination of sufficient foraging area to support a known social group of badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment'. Badgers are also protected under the WCA 1981 (as amended).

Bats

1.21. In summary, all bat species in England are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) and by the WCA 1981 (as amended). Taken together it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a bat;
- Disturb bats in such a way as to be likely significant to affect
- the ability of any significant group of bats to survive, breed, or rear / nurture their young; or
- the local distribution of that species;
- Damage or destroy any breeding or resting place used by bats; or
- Obstruct access to any place used by bats for shelter or protection and disturbing bats while occupying such as place.

Birds

1.22. The level of protection afforded to birds under the law varies from species to species. A few game and pest species may lawfully be hunted and killed, usually under licence, whilst the rarest species are listed on Schedule 1 of the WCA 1981 (as amended) and are protected by special penalties for offences.

1.23. Statutory protection is given to all nesting birds in England under the WCA 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird, take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for species listed on Schedule 1 of the WCA 1981 (as amended), it is an offence to intentionally or recklessly disturb birds while they are nest building, or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

1.24. In addition to statutory protection, the bird species of Britain are also subject to various conservation designations intended to indicate their rarity, population status and conservation priority. These do not have statutory force but may be instrumental in determining local, regional and national planning and development policy. The main categories of designation comprise the British Trust for Ornithology (BTO) 'Species Alert' lists, the Royal Society for the Protection of Birds (RSPB) 'Birds of Conservation

Concern' lists and species listed under Section 41 of the NERC Act 2006 and local Biodiversity Action Plans (BAPs).

1.25. The BTO Conservation Alert System lists of 'Birds of Conservation Concern' include a 'Red List' for birds of high conservation concern and an 'Amber List' for birds of medium conservation concern. Red List species are those that are globally threatened, and Amber List species are those with an unfavourable conservation status in Europe, according to the International Union for Conservation of Nature (IUCN) criteria . An updated list of 'Red' and 'Amber List' species was published in 2021 but as amended for seabirds only in 2024.

Reptiles

1.26. All native reptiles in England are protected in accordance with the WCA 1981 (as amended). There are two levels of protection afforded to reptiles through the WCA 1981 (as amended); these result from different parts of the Act applying to the different species.

1.27. In summary, common species of reptile such as common lizard *Zootoca vivipara*, slow worm *Anguis fragilis*, grass snake *Natrix helvetica* and adder *Vipera berus* are partially protected under the WCA 1981 (as amended); this prohibits the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy). It is not an offence under the WCA 1981 (as amended) to disturb or possess these species.

Terrestrial Invertebrates

1.28. The majority of invertebrate species are not legally protected. However, a total of seventy-two terrestrial and aquatic invertebrate species are protected under the WCA 1981 (as amended). Certain species of invertebrate are also protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Appendix 11.2

Habitat Suitability Index (HSI) Scores

FULL HSI RESULTS

Pond Number	1. Geographic Location:		2. Pond Area:		3. Permanence:		4. Water Quality:		5. Shade:		6. Waterfowl:		7. Fish:		8. Pond Count:		9. Terrestrial Habitat:		10. Macrophytes:		Result Score:	Score Status:
P1	Zone A	1	1600-2000 m^2	0.85	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	50%	0.8	0.76	Good
P2	Zone A	1	1600-2000 m^2	0.85	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	10%	0.4	0.71	Good
P3	Zone A	1	1600-2000 m^2	0.85	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	10%	0.4	0.71	Good

P4	Zone A	1	1600-2000 m^2	0.85	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	5%	0.35	0.70	Good
P5	Zone A	1	1600-2000 m^2	0.85	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	5%	0.35	0.70	Good
P6	Zone A	1	800-1200 m^2	0.95	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	20%	0.5	0.73	Good
P7	Zone A	1	100m^2	0.2	Never dries	0.9	Good	1	0-60%	1	Minor	0.67	Possible	0.67	2-3	0.7	Poor	0.33	0%	0.6	0.6	Average

Appendix 11.3

Habitats Regulations Assessment Screening

SEVINGTON
INLAND BORDER FACILITY

Department for Environment, Food & Rural Affairs

HM Revenue & Customs

Department for Transport

Habitat Regulations Assessment

Screening Report

Client Name: Department for Transport
Document Reference: WIE20982-103-R-3-1-2-HRAs
Project Number: WIE20982-103

Quality Assurance – Approval Status

This document has been prepared and checked in accordance with
Waterman Group's IMS (BS EN ISO 9001: 2015, BS EN ISO 14001: 2015 and BS EN ISO 45001:2018)

Issue	Date	Prepared by	Checked by	Approved by
Draft	March 2025	[redacted] Senior Ecologist	[redacted] Principal Ecologist	[redacted] Technical Director
2nd Draft	March 2025	[redacted] Senior Ecologist	[redacted] Principal Ecologist	[redacted] Technical Director

Comments

Disclaimer

This report has been prepared by Waterman Infrastructure & Environment Limited, with all reasonable skill, care and diligence within the terms of the Contract with the client, incorporation of our General Terms and Condition of Business and taking account of the resources devoted to us by agreement with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at its own risk.

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1. Introduction

Background

1.1. Waterman Infrastructure & Environment Ltd (Waterman) was commissioned by the Department for Transport (DfT), His Majesty's Revenues and Customs (HMRC), and Department for Environment, Food and Rural Affairs (DEFRA) (hereafter referred to as 'the Applicants') to undertake ecological surveys and associated assessments to inform proposed works for a permanent Inland Border Facility (IBF) (hereafter referred to as 'the Permanent IBF Scheme') at the Temporary IBF facility in Sevington, Kent (hereafter referred to as the 'Application Site'). The objective of this appraisal is to identify whether the development, either alone or in combination with other plans or projects, is likely to have a significant effect on European Statutory Designated Sites (hereafter referred to as 'European sites') which include Ramsar, Proposed Ramsar (pRamsar), Special Area of Conservation (SAC), Possible Special Areas of Conservation (pSAC), Special Protection Areas (SPA) and Potential Special Protection Areas (pSPA) or European marine sites including Special Areas of Conservation (Marine Components) (mSAC) and Special Protection Areas (Marine Component) (mSPA) within an allotted zone of influence (ZoI). Currently there are no proposed new construction works and the Temporary facility which has been in place since 2021 will operate as it has for the last three years.

1.2. At the time of writing the following ecological surveys and associated reports have been/are being produced by Waterman IE for the Application Site:

- Environmental Impact Assessment (EIA) Ecology Chapter[1] (including Site visit and desk study) (February 2025)
- Biodiversity Net Gain Assessment[2] (March 2025)

1.3. Historic assessments undertaken by Mott Macdonald also include:

- Biodiversity Assessment (November 2020)[3];
- Habitat Regulations Assessment (Stage 1 Screening & Stage 2 Appropriate Assessment) (November 2020)[4];
- Landscape and Environmental Management Plan (November 2020)[5]; and
- Landscape and Environmental Management Plan (April 2023)[6].

1.4. This report has been produced to inform a Habitats Regulations Assessment (HRA) screening for the Application Site to consider the potential for the Permanent IBF Scheme to result in significant effects on the integrity of European sites within 10km of the Application Site, these include: Wye & Crundale Downs (SAC) located approximately 4.8km northeast of the Site and Dungeness, Romney Marsh and Rye Bay (Ramsar & SAC) located 8.2km southwest of the Site.

[1] Waterman (2025) Sevington Inland Border Facility, Ashford: ES Volume 1; Main Text; Chapter 11: Ecology & Biodiversity.
[2] Waterman IE (April 2022) Biodiversity Net Gain Report, Sevington Inland Border Facility (IBF)(Ref. WIE20982-103-1-1-3-BNG).
[3] Mott Macdonald (2020) Sevington Inland Border Facility, Biodiversity Assessment (Ref. 419419 | 419419-MMD-XX-MO-RP-BD-0001 | P02).
[4] Mott Macdonald (2020) Sevington Inland Border Facility, Habitat Regulations Assessment Stage 1: Screening: Stage 2: Appropriate Assessment (Ref. 419419 | 419419-MMD-XX-SV-RP-BD-0001 | P03).
[5] Mott Macdonald (2020), Land East of Highfield Lane, Landscape and Ecological Management Plan (Ref. 419419 | 419419-MMD-XX-SV-RP-L-0001 | P02).
[6] Mott Macdonald (2023), Land East of Highfield Lane, Landscape and Ecological Management Plan (Ref. 419419 | 419419-MMD-XX-SV-RP-L-0004 | P08).

1.5. A historic HRA[7] was undertaken by Mott Macdonald for the Temporary IBF facility which included several other European sites outside of the 10km ZoI due to hydrological connections to the Site and/or within 200m of an Affected Road Network (ARN). The sites included:

- Dungeness, Romney Marsh and Rye Bay mSPA;
- Stodmarsh Ramsar, SPA & SAC;
- North Downs Woodland SAC; and
- Folkstone to Etchinghill Escarpment SAC.

1.6. As requested within the consultation response of the scoping report[8], the European sites assessed beyond 10km have also been included within this HRA screening for the Permanent IBF Scheme. All of the European sites listed above were included within the historic HRA screening and Appropriate Assessment (AA) found no significant effects to the integrity of any of the European sites. The locations of all of the European sites assessed within this HRA screening report can be seen in Figure 1.

Site Location and Surrounding Land Use

1.7. The Application Site covers an area of approximately 48 hectares (ha) and is centred on National Grid Reference TR 03976 40758. The Application Site is bound by the A2070 Link Road and M20 motorway (M20 Junction 10a) to the north, Highfield Lane and Kingsford Street to the east, Highfield Lane and Church Road to the south and Church Road and A2070 (Bad Munstereifel Road) to the west. The Application Site is also bounded by the rail link for the Channel Tunnel to the south.

1.8. The Application Site is located within a semi-rural area on the outskirts of Ashford. Land uses in the wider area are varied in character, being primarily open and agricultural land, with scattered farms and dwellings to the north-east through to the south, and a mixture of industrial, commercial and residential development to the south-west and west. North-west and north of the Application Site, uses are primarily residential.

1.9. The Application Site is located within a National Character Area (NCA) 120 (Wealden Greensand) and NCA 121 (Low Weald). These areas are rich in biodiversity, with woodland and farmland present across the landscape. Low Weald comprises an intricate mix of woodlands, much of it ancient, including extensive broadleaved oak over hazel and hornbeam coppice, shaws, small field copses and tree groups, and lines of riparian trees along watercourses. Veteran trees are a feature of hedgerows and in fields. In the east of Kent, the Wealden Greensand has a gentler and more open aspect than in the wooded west. This part of the area is also more marked by development, with the presence of major towns and communication corridors including the M26,

1.10. M25 and M20 motorways and railway lines including the HS1 line.

Legislative Background

1.11. The development of this report has been specifically influenced by:

- The Conservation of Habitats and Species Regulations 2017 (as amended) ('The Habitats Regulations')[9]; and

[7] Mott Macdonald (2020) Sevington Inland Border Facility, Habitat Regulations Assessment Stage 1: Screening: Stage 2: Appropriate Assessment.

[8] Waterman (2024) Sevington Inland Border Facility, Ashford-Request for an Environmental Impact Assessment (EIA) Scoping Opinion (Ref. WIE20982-100-R-1-2-1-EIA Scoping).

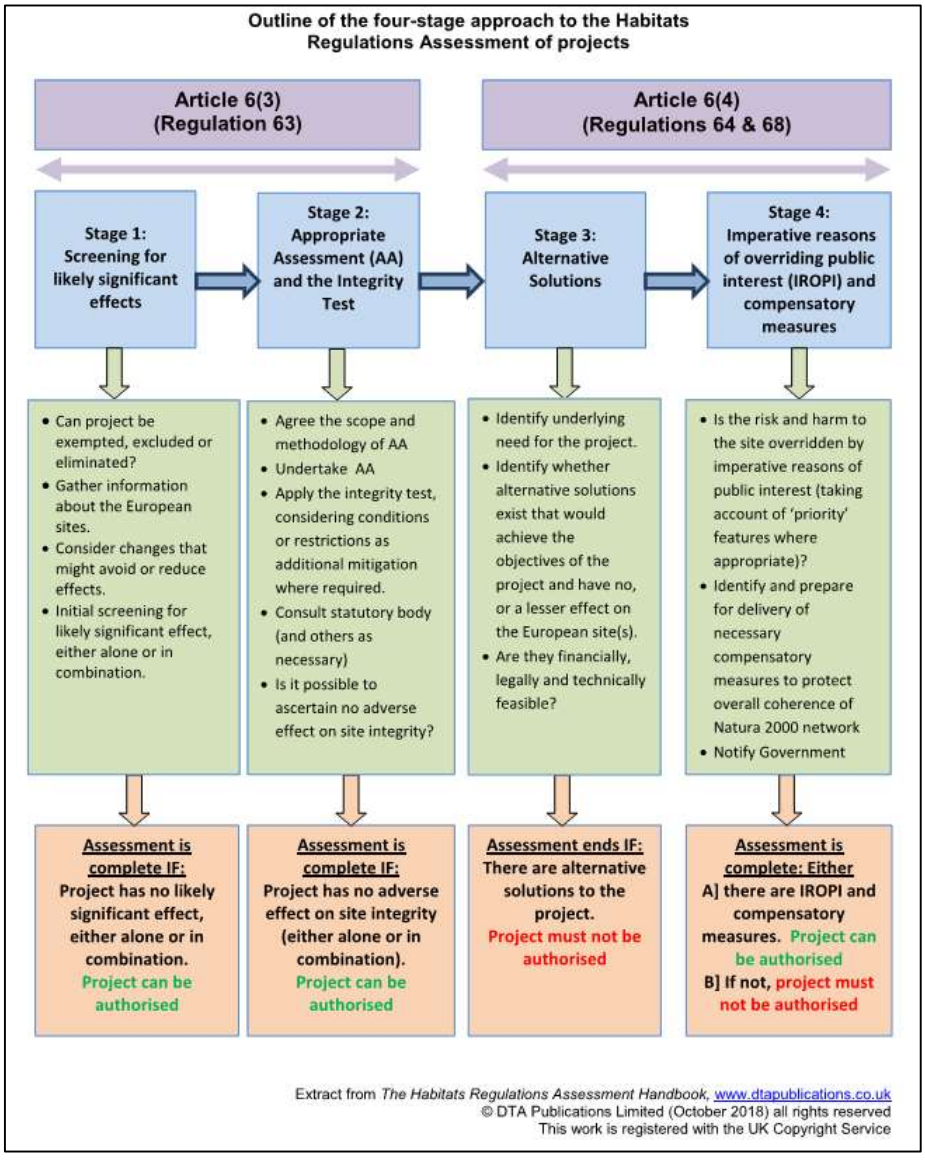
[9] It should be noted that these regulations take into consideration The Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019 which came into effect after 31st December 2020. The 2019 amendments resulted in only relatively minor changes. As such reference to The Conservation of Habitats and Species Regulations 2017 (as amended) remains unchanged

- Relevant case law (referenced within this report where relevant).

Requirement for a Habitats Regulations Assessment

1.12. In accordance with The Habitats Regulations[10], all competent authorities must undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of 'National Site Network' (i.e., for European sites located within the UK, herein referred to as 'European sites') before deciding whether to undertake, permit or authorise such a plan or project. For all plans and projects which are not wholly directly connected with or necessary to the conservation management of the European site's qualifying features, this will include formal HRA screening for any likely significant effects on the European site's designated features (either alone or in combination with other plans or projects). The HRA Process is outlined in **Plate 1**.

Plate 1: Outline of the four stage approach to the assessment of projects under the Habitats Regualtions



[10] https://www.legislation.gov.uk/uksi/2017/1012/contents/made

1.13. As the Permanent IBF Scheme involves the use of the Application Site as a permanent customs facility for HGVs, guidance from the Design Manual for Roads and Bridges (DMRB) has been used, along with additional input from the Habitats Directive guidance[11]. The ecological network is defined in the DMRB LA115 (formerly HD44/092)4.

1.14. The types of European sites' subject to screening include the following:

- Sites of Community Importance (SCIs);
- Special Protection Areas (SPAs), and potential SPAs (pSPAs) (including with marine components (mSPA);
- Special Areas of Conservation (SACs), and candidate SACs (cSACs) or potential SACs(pSACs) (including with marine components (mSAC); and
- Ramsar sites[12].

Stage 1 HRA Screening

1.15. In brief terms, the first test of this methodology (see Stage 1 in **Plate 1**) determines if the project can be excluded from the need for HRA simply because it is inconceivable it could result in an effect on a European site. If not, the HRA assesses whether the project is *'… likely to have a significant effect on a European Site … either alone or in combination with other plans or projects'*. If significant effects are found to be absent, the project may be consented without further scrutiny. Together, these tests are referred to as '*Screening*'. For the avoidance of doubt, an *in-combination* assessment is required only where an impact is identified which is so small that *alone*, its effects would not be significant but, when combined with other minor effects on the same feature from other plans or projects, the combined 'residual effects' become significant. Under the Habitats Regulations, an effect is "likely" if;

1) It cannot be excluded, in that it is capable of having a measurable effect, even if this is to be very small on the basis of objective information (i.e., unless 'no reasonable scientific doubt remains as to the absence of such effects').
2) It is likely to undermine a European site's conservation objectives.

1.16. If a project would result in pathways to likely significant effects on a European site's designated features, then the project should be subject to an Appropriate Assessment (AA).

Stage 2: Requirement for Appropriate Assessment

1.17. If likely significant effects cannot be ruled out, the greater scrutiny of an AA is required (see Stage 2 in **Plate 1**). This employs the precautionary principle and seeks to determine if the competent authority can ascertain that the proposed works '*will not adversely affect the integrity of the European site*'. In other words, the competent authority must be able to prove the absence of harm. If it can, consent may be granted. If not, consent cannot normally be granted although derogations apply if strict tests are met. However, it is not anticipated these would be met with the proposed works. These tests are explained in greater detail below.

1.18. Mitigation measures incorporated into a project must not be considered at screening stage but must be taken into account at AA stage. This has been ruled by the Court of Justice of the European Union following the verdict in in 'People Over Wind' and 'Sweetman v Coillte Teoranta' legal cases (European Court of Justice Case C-323/17).

[11] European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

[12] Although Ramsar sites are not subject to the same legal protection as SACs and SPAs, they are included for the purposes of this report as they are of international importance, and it is UK Government policy that they should have the same level of protection.

1.19. The information must then be presented for consultation with the relevant Statutory Environmental Body (SEB).

- Stage 3 – Assessment of alternative solutions: It would be necessary to assume that adverse impacts would occur where it cannot be concluded beyond reasonable scientific doubt that the project would not have an adverse impact on the integrity of the European site, or where the relevant SEB(s) do not agree with this conclusion. Early consideration of alternative solutions is recommended.
- Stage 4 – Imperative reasons of overriding public interest (IROPI): Where it has been determined that adverse impacts remain and that no alternative solutions exist, the competent authority will determine whether there are any IROPI and will look to identify and assess compensatory measures.

Purpose of this Report

1.20. This report presents the information to enable a Habitats Regulations Assessment (HRA) screening to be undertaken for the Permanent IBF Scheme. The purpose of this report is to document and present information to establish whether these works are likely to have significant effects on European sites, alone or in combination with other plans or projects in the local area.

1.21. This report encompasses all the 'screening' steps above, but it does not proceed further; it only identifies which proposals will lead to *Likely Significant Effects* (LSE) alone or in combination, in the absence of avoidance or mitigation measures (see **Plate 1**).

Document Content

1.22. This report to inform HRA screening sets out the following:

- Assessment methods and assumptions;
- Details of the European site's to be included in the assessment, including conservation objectives, existing vulnerabilities, and most recent condition assessment findings. Figures are also included to show their locations;
- Site description and proposals including baseline hydrological and hydrogeological conditions;
- Assessment of Likely Significant Effects including the identification of potential pathways between the proposed works to European Sites, an assessment of whether the pathways are functional and likely to result in significant effects; and
- Summary and Conclusion.

2. Assessment Methods and Assumptions

Screening

2.1. The screening assessment has been compiled following the methodology provided by The Habitat Regulations Assessment Handbook[13] The screening process involves consideration of the proximity of European sites to the proposed works; the features of the European site, including primary reasons for selection and the conservation status of the qualifying interests; and the vulnerability of the European site and conservation objectives. The process takes into consideration the nature of the proposed works and project design that have the potential to result in pathways to European Sites.

2.2. The Habitats Regulations Assessment Handbook states that "the appropriate area or distance of any 'zone of influence (ZoI)' to be defined should be based on a site-by-site analysis based on all available evidence". This screening assessment considers all the evidence of the proposed works and identifies the relevant European sites.

2.3. A high-level scoping exercise was completed to identify any European sites (and associated functional land) that may require consideration as part of the screening process. Given the highly localised nature of the Permanent IBF Scheme, this considered European sites within 10km of the Application Site, including where birds are a qualifying feature of interest or where hydrological connections exist. In addition to all European sites within 10km of the Application Site, European sites within 200m of the Affected Road Network (ARN) were screened in due to the potential for air quality impacts associated with increased traffic along the ARN. This approach towards identifying the ZoI is broadly in line with guidance within the Design Manual for Roads and Bridges[14].

Cumulative Impacts

2.4. For an in-combination effect assessment to be necessary or relevant, any plan or project (including the Permanent IBF Scheme being assessed here) would have to result in a level of adverse impact that could contribute significantly to an in-combination effect. If for any effect pathway the assessment concluded either no effect or no appreciable effect, it is considered that no significant contribution to an in-combination effect would be possible, irrespective of what other plans and projects contributed. Should an in-combination effects assessment be required, this would be determined based on a review of the relevant district and Kent County Council websites for details on policies and current planning applications within a 2km ZoI.

Data Sources

2.5. The data used to inform this assessment is based on the following:

- Aerial imagery (Google Maps) [accessed 12/12/2024];
- Defra's Multi-Agency Geographic Information for the Countryside (MAGIC MAP) [accessed 12/12/2024];
- JNCC (2015) Wye & Crundale Downs SAC Standard Data Form at <jncc.gov.uk/jncc-assets/SAC-N2K/UK0012831.pdf> [accessed 12/12/2024];
- JNCC (2015) Dungeness, Romney Marsh and Rye Bay Ramsar Standard Data Form <sac.jncc.gov.uk/site/UK0013059> [accessed 12/12/2024];
- JNCC (2015) Stodmarsh SAC Standard Data Form at <sac.jncc.gov.uk/site/UK0030283>

[13] Tyldesley, D and Chapman, C (2013) The Habitat Regulations Assessment Handbook
[14] (Highways England, (2020a) Habitats Regulations Assessment DMRB) LA115.

[accessed 12/12/2024]; and

- JNCC (2015) Folkstone to Etchinghill Escarpment SAC Standard Data Form at <sac.jncc.gov.uk/site/UK0012835> [accessed 12/12/2024].

3. European Sites

Scoping

3.1. The Permanent IBF Scheme is not directly connected with the management of European sites and fulfils the description for a 'project'. Therefore, the Permanent IBF Scheme has been subject to further screening for likely effects. DMRB screening matrices present the information required to identify the potential for likely significant effects on European sites.

3.2. The European sites recorded within the 10km Zone of Influence (ZoI) or are connected hydrologically or are within 200m of the ARN that are discussed in this document include:

- Wye & Crundale Downs Special Area of Conservation (SAC) (within 10km);
- Dungeness, Romney Marsh and Rye Bay Ramsar (within 10km);
- Dungeness, Romney Marsh and Rye Bay marine Special Protection Area (mSPA) (connected hydrologically);
- Dungeness, Romney Marsh and Rye Bay SAC (within 10km);
- Stodmarsh Ramsar (connected hydrologically);
- Stodmarsh SPA (connected hydrologically);
- Stodmarsh SAC (connected hydrologically);
- North Downs Woodland SAC (within 200m of ARN); and
- Folkstone to Etchinghill Escarpment SAC (within 200m of ARN).

3.3. The relevant component Special Scientific Interest (SSSIs) relating to the above European Sites are listed below. Whilst not subject to HRA, understanding component SSSIs that sit within European Sites, including impact risk zones[15], existing pressures and management objectives can assist with undertaking HRA.

- Wye & Crundale Downs SSSI (SSSI component site partially occupying the same geographical location as Wye & Crundale Downs Special Area of Conservation)

3.4. The guidance criteria can be seen in Table 1 below.

Table 1: Data Search Results against DMRB Guidelines

DMRB Guidelines	Results	Sites
Is the Permanent IBF Scheme within any SAC, cSAC, SPA, pSPA or Ramsar?	No	
Is the Permanent IBF Scheme within 10km of any SAC, cSAC, pSAC, SPA, pSPA or Ramsar sites?	Yes	Wye & Crundale Downs SAC Dungeness, Romney Marsh and Rye Bay SAC & Ramsar
Is the Permanent IBF Scheme within 30km of any SACs, cSACs or pSACs where bats are one of the qualifying features?	No	
Is the scheme crossing or adjacent to, upstream of, or downstream of, watercourses designated in part or	Yes	Dungeness, Romney Marsh and Rye Bay mSPA

[15] The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The IRZs also cover the interest features and sensitivities of European sites, which are underpinned by the SSSI designation and "Compensation Sites", which have been secured as compensation for impacts on European /Ramsar sites.(www.magic.gov.uk)

DMRB Guidelines	Results	Sites
wholly as SAC's, cSACs, pSACs, SPAs, pSPAs or Ramsar sites?		Stodmarsh Ramsar, SPA & SAC
Does the scheme have an affected road network (ARN) which triggers the criteria for assessment of European sites LA 105?	Yes	Folkstone to Etchinghill Escaprment SAC North Downs Woodland SAC

3.5. The location and rational for being scoped in to this assessment can be seen in Table 2 below.

Table 2: European Sites Vulnerable to Effects Arising from the Proposed Scheme

European sites (HRA)	Distance to Site	Scoped in/out	Reason for being scoped in
Wye & Crundale Downs (SAC)	4.8km	In	Within the 10km ZoI
Dungeness, Romney Marsh and Rye Bay (Ramsar, mSPA, SAC)	8.2km	In	Within the 10km ZoI
Stodmarsh (Ramsar, SPA, SAC)	23.58km northeast	In	Connected hydrologically
North Downs Woodland SAC	29.95km northwest	In	<200m from an ARN
Folkstone to Etchinghill Escarpment (SAC)	12.95km east	In	<200m from an ARN

3.6. No other European sites have been scoped into the assessment. This is because there are no other European sites that meet the criteria outlined in Section 2, i.e., within 10km of the scheme or where birds are listed as one of the qualifying features, or that share hydrological pathways or functional land with the Site.

4. Habitat Regulations Assessment Stage 1

Wye and Crundale Downs (SAC)[16]

Site Description and Location

4.1. The Wye and Crudale Downs SAC is a large site (111.32 ha) and is comprised of species-rich chalk grassland in which tor-grass *Brachypodium pinnatum*, sheep's-fescue *Festuca ovina* and upright brome *Bromopsis erecta* are the most abundant species but the turf is rich in other typical downland plants. These include horseshoe vetch *Hippocrepis comosa*, autumn gentian *Gentianella amarella*, cowslip *Primula veris*, squinancywort *Asperula cynanchica* and common milkwort *Polygala vulgaris*. Qualifying Features

Qualifying Features[17]:

Annex I habitats that are a primary reason for selection of this site

6210: Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco Brometalia) (important orchid sites); Dry grasslands and scrublands on chalk or limestone (important orchid sites).*

4.2. The Wye and Crundale Downs SAC hosts the priority habitat type 'orchid rich sites' including the NVC types CG4 *Brachypodium pinnatum* and CG5 *Bromus erectus–Brachypodium pinnatum* grasslands, although small areas of CG2 *Festuca ovina–Avenula pratensis* grassland also occur. It has an important assemblage of rare, scarce and uncommon orchids, including early spider-orchid *Ophrys sphegodes*, late spider-orchid *O. fuciflora*, burnt orchid *Orchis ustulata* and lady orchid *Orchis purpurea*. The site contains the largest UK colony of *O. fuciflora*, representing about 50% of the national population.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

4.3. Not Applicable.

Annex II species that are a primary reason for selection of this site

4.4. Not Applicable.

Annex II species present as a qualifying feature, but not a primary reason for site selection

4.5. Not Applicable.

Conservation Objectives and Existing Site Vulnerabilities

Conservation objectives of Wye and Crundale Downs SAC[18]

4.6. Conservation objectives define the desired ecological state of a site in terms of the features (e.g., habitats and species) for which it has been designated. Where these objectives are met, the site is deemed to be in favourable condition.

[16] JNCC (2015) Wye and Crundale SAC Standard Data Form at < jncc.gov.uk/jncc-assets/SAC-N2K/UK0012831.pdf> [accessed 21/12/2024]

[17] JNCC (2015), Wye and Crundale Downs Designated Special Areas of Conservation SAC (https://sac.jncc.gov.uk/site/UK0012831)

[18] Natural England (2018) European Site Conservation Objectives for Wye and Crundale Downs Special Area of Conservation, Site Code: UK0012831 (UK0012831 WyeandCrundaleDowns SACv2018)

4.7. The conservation objectives for Wye and Crundale Downs SAC habitat features includes:

- The overall distribution and extent of the qualifying habitat features is maintained or restored, their main component parts are stable or increasing;
- The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded; and
- The supporting processes on which the qualifying natural habitats rely, e.g. nutrient levels, needed for long term maintenance of features is maintained.

Existing Site Vulnerabilities

4.8. The Wye and Crundale Downs SAC site improvement plan[19] lists existing site vulnerabilities, those of relevance to the proposed scheme is listed below:

- Air pollution/air-borne pollutants.

Component Sites

Component Site of Special Scientific Interest: Wye and Crundale Downs SSSI[20]

4.9. The Wye and Crundale Downs SAC site is underpinned by a component SSSI. This site contains a mosaic of different habitats including species-rich chalk grassland, neutral grassland, calcareous fen-meadow communities, scrub and woodland on chalk, and wet alder woodland. The grassland and woodland contain outstanding assemblages of plants including two rare orchid species which are specially protected. It also supports an outstanding assemblage of invertebrates including many local and rare species. The species-rich grassland provides a particularly good habitat for moths and butterflies including the specially protected, black-veined moth *Siona lineata*. The woodland and scrub also support a diverse breeding bird community. Some of the SSSI qualifying features are also qualifying features of the SAC.

Dungeness, Romney Marsh and Rye Bay (Ramsar, mSPA, SAC)

Site Description and Location

4.10. Dungeness, Romney Marsh and Rye Bay Ramsar, SAC and mSPA is a large site (7529.24 ha) with a diverse coastal landscape comprising a number of habitats. The European site includes the largest and most diverse area of shingle beach in Britain, with low-lying hollows in the shingle providing nationally important saline lagoons, natural freshwater pits and basin fens, as well as sheltered saltmarsh and mudflat environments, including extensive grazing marshes and reedbeds. As a whole, Dungeness, Romney Marsh and Rye Bay Ramsar is important for breeding and wintering waterbirds, birds of prey, passage warblers and breeding seabirds.

Qualifying Features - Ramsar[21]

4.11. Dungeness, Romney Marsh and Rye Bay Ramar is a wetland comprising areas of saltmarsh, extensive grazing marshes and reedbeds which support internationally important breeding and wintering waterbirds, birds of prey, passage warblers and breeding seabirds. The site also includes a diverse range of broadscale habitats within the marine environment which support a variety of

[19] Natural England (2015), Site Improvement Plan Wye and Crundale Downs SAC (SIP150306FINALv1.0 Wye and Crundale Downs)
[20] JNCC (2015), Wye and Crundale Downs SSSI, Ref: 1003763 (https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1003763.pdf)
[21] Natural England (2014), Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Dungeness, Romney Marsh and Rye Bay

prey species for the foraging seabirds. These habitats include subtidal and intertidal sand and muddy sand, subtidal biogenic reef, intertidal stony reef, coarse and mixed sediments, and moderate energy infralittoral and circalittoral rock. The site further supports nine internationally important wetland species, greater water-parsnip *Sium latifolium*, Warne's thread-moss *Bryum warneum,* water vole *Arvicola amphibius*, aquatic warbler *Acrocephalus paludicola*, great crested newt *Triturus cristatus*, medicinal leech *Hirudo medicinalis*, a ground beetle *Omophron limbatum*, marshmallow moth *Hydraecia osseola hucherardi,* and De Folin's lagoon snail *Caecum amoricum*.

Qualifying Features - mSPA[22]

4.12. The wetland habitats of Dungeness, Romney Marsh and Rye Bay is important for breeding and wintering waterbirds, birds of prey, passage warblers and breeding seabirds. It regularly supports Bewick's swan *Cygnus columbianus bewickii*, bittern *Botaurus stellaris,* hen harrier *Circus cyaneus,* golden plover *Pluvialis apricaria*, ruff *Philomachus pugnax*¸aquatic warbler *Acrocephalus paludicola,* marsh harrier *Circus aeruginosus*, Avocet *Recurvirostra avosetta,* Mediterranean gull *Larus melanocephalus,* sandwich tern *Sterna sandvicensis,* little tern *Sterna albifrons* and shoveler *Anas clypeata.*

Qualifying Features -SAC[23]

Annex I habitats that are a primary reason for selection of this site

1210 Annual vegetation of drift lines

4.13. The Dungeness foreland has a very extensive and well-developed shoreline, although with sparse vegetation and in places some human disturbance. It is one of two representatives of annual vegetation drift lines on the south coast of England. The strandline community on this site comprises Babington's orache *Atriplex glabriuscula*, which occurs mostly on the eastern shoreline, although it is also present on the eroding southern shoreline.

1220 Perennial vegetation of stony banks

4.14. Dungeness is the UK's largest shingle structure and represents the habitat type on the south-east coast of England. The total area of exposed shingle covers some 1,600ha, though the extent of the buried shingle ridges is much greater. Despite considerable disturbance and destruction of the surface shingle, the site retains very large areas of intact parallel ridges with characteristic zonation of vegetation. It still has the most diverse and most extensive examples of stable vegetated shingle in Europe, including the best representation of scrub on shingle, notably prostrate forms of broom *Cytisus scoparius* and blackthorn *Prunus spinosa*. A feature of the site, thought to be unique in the UK, is the small depressions formed within the shingle structure, which support fen and open-water communities.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

4.15. Not Applicable.

[22] Natural England (2019) European Site Conservation Objectives for Dungeness, Romney Marsh, and Rye Bay Special Protection Area, Site Code: UK9012091 (UK9012091 -Dungeness Romney Marsh Rye Bay SPA -V2019).

[23] JNCC (2015) Dungeness, Romeny Marsh and Rye Bay SAC Standard Data Form at <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0013059.pdf> [accessed 21/12/2024].

Annex II species that are a primary reason for selection of this site

1166 Great crested newt Triturus cristatus

4.16. Dungeness in south-east England has the largest shingle expanse in Europe and contains a large number of waterbodies within its 2,000ha. This extensive site hosts a large and viable great crested newt (GCN) *Triturus cristatus* population in a range of natural and anthropogenic habitats. These include natural pools and those resulting from gravel extraction and other activities. Terrestrial habitat of importance for foraging and sheltering GCN is provided by a range of open shingle vegetation with scrub in the vicinity of some of the waterbodies.

Annex II species present as a qualifying feature, but not a primary reason for site selection

4.17. Not Applicable.

Conservation objectives for this site include[24]:

4.18. To achieve favourable conservation status all the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met, restoration measures will be needed to achieve favourable conservation status.

- The overall distribution and extent of the qualifying habitat features is maintained or restored, their main component parts are stable or increasing;
- The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded;
- The supporting processes on which the qualifying natural habitats rely, e.g. nutrient levels, needed for long term maintenance of features is maintained; and
- The numbers of GCN are stable or increasing.

Existing site vulnerabilities include[25]:

4.19. The Dungeness, Romney Marsh and Rye Bay mSPA and SAC site improvement plan[13] lists existing site vulnerabilities, those of relevance to the proposed scheme are listed below:

- Human intrusion and disturbances;
- Invasive non-native plants; and
- Changed in biotic conditions.

Stodmarsh (Ramsar, SPA, SAC)

Site Description and Location

4.20. The Stodmarsh Ramsar, SPA, SAC is a large site (564.64 ha) and is a wetland site located in the Stour valley. The European site contains a wide range of habitats including open water, extensive reedbeds, scrub and alder carr which together support a rich flora and fauna. The vegetation is a good example of a southern eutrophic (nutrient-rich) flood plain and a number of rare plants are found here. The invertebrate fauna is varied and includes several scarce moths as well as a sizeable population of Desmoulin's whorl snail *Vertigo moulinsiana*.

[24] Natural England (2018) European Site Conservation Objectives for Dungeness Special Area of Conservation Site Code: UK0013059 (UK0013059 Dungeness SACv2018).
[25] Natural England (2015), Site Improvement Plan Dungeness (SIP141219FINALv1.0 Dungeness).

Qualifying Features - Ramsar[26]

4.21. Stodmarsh Ramsar is a wetland habitat comprising open water bodies, reedbeds, grazing marshes and alder-carr. The European site provides wintering and breeding habitats for important assemblages of wetland bird species, particularly wildfowl and waders. It regularly supports nationally important over-wintering populations of bittern *Botaurus stellaris* and hen harrier *Circus cyaneus*. It supports over 1% of the national breeding population of gadwall, bearded tit and shoveler. It regularly supports a diverse assemblage of breeding birds including Gadwall *Anas strepera* as part of the qualifying species, as well as although not a reason for designation, great crested grebe *Podiceps cristatus*, lapwing *Vanellus vanellus*, redshank *Tringa totanus*, snipe *Gallinago Gallinago*, grasshopper warbler *Locustella naevia*, savi's warbler *Locustella luscinioides,* sedge warbler *Acrocephalus schoenobaenus* and reed warbler *Acrocephalus scirpaceus*.

Qualifying Features - SPA[27]

4.22. Stodmarsh SPA also regularly supports a diverse assemblage of over-wintering birds including white-fronted goose *Anser albifrons*, wigeon *Mareca penelope*, mallard *Anas platyrhynchos*, pochard *Aythya ferina*, tufted duck *Aythya fuligula*, water rail *Rallus aquaticus*, lapwing and snipe. In addition, an assemblage of Red Data Book invertebrates utilises the site. All these species rely on an assemblage of rare and scare plant species.

Qualifying Features - SAC[28]

Annex I habitats that are a primary reason for selection of this site

4.23. Not Applicable

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

4.24. Not Applicable

Annex II species that are a primary reason for selection of this site

1016 Desmoulin's whorl snail Vertigo moulinsiana

4.25. A sizeable population of Desmoulin's whorl snail *Vertigo moulinsiana* lives beside ditches within pasture habitat on the floodplain of the River Stour, where reed sweet-grass *Glyceria maxima*, large sedges *Carex spp*. and sometimes common reed *Phragmites australis* dominate the vegetation. Stodmarsh SAC is a south-eastern outlier of the main swathe of sites and is important in confirming the role of underlying base-rich rock (chalk) as a factor determining this species' distribution.

Annex II species present as a qualifying feature, but not a primary reason for site selection

4.26. Not Applicable

[26] JNCC (2007), Information Sheet on Ramsar Wetlands UK11066.

[27] Natural England (2019) European Site Conservation Objectives for Stodmarsh Special Protection Area, Site Code: UK9012121 (UK9012121 – Stodmarsh Bay SPA -V2019).

[28] JNCC (2015) Stodmarsh SAC Standard Data Form at < jncc.gov.uk/jncc-assets/SAC-N2K/UK0030283.pdf> [accessed 21/12/2024].

Conservation objectives for this site include[29]:

4.27. To achieve favourable conservation status, all of the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met, restoration measures will be needed to achieve favourable conservation status.

- The overall distribution and extent of the qualifying habitat features is maintained or restored, their main component parts are stable or increasing;
- The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded;
- The supporting processes on which the qualifying natural habitats rely, e.g. nutrient levels, needed for long term maintenance of features is maintained; and
- The numbers of Desmoulin's whorl snail are stable or increasing.

Existing site vulnerabilities include:

4.28. The Stodmarsh Ramsar, SPA and SAC site improvement plan[30] lists existing site vulnerabilities, those of relevance to the proposed scheme are listed below:

- Human intrusion and disturbance;
- Invasive non-native plants; and
- Changes in biotic conditions.

Folkstone to Etchinghill Escarpment (SAC)[31]

Site Description and Location

4.29. Folkstone to Etchinghill Escarpment SAC is a large site (181.94ha) comprised of an extensive area of chalk grassland, which is located on the steep escarpment north of Folkestone. Most of the downland is dominated by tor-grass *Brachypodium pinnatum* and fescues *Festuca spp*. in a mixed sward of quaking-grass *Briza media*, crested hair-grass *Koeleria macrantha* and upright brome *Bromopsis erecta*. Many herbs characteristic of unimproved grassland are present such as horseshoe vetch *Hippocrepis comosa*, salad burnet *Sanguisorba minor*, squinancywort *Asperula cynanchica* and small scabious *Scabiosa columbaria*. The site contains an important assemblage of rare and scarce species, including early spider-orchid *Ophrys sphegodes* and late spider-orchid *O. fuciflora*.

Qualifying Features

Annex I habitats that are a primary reason for selection of this site

6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

4.30. This European site hosts the priority habitat type "orchid rich sites". This site consists of extensive CG4 *Brachypodium pinnatum* and CG5 *Bromus erectus – Brachypodium pinnatum* calcareous grasslands, together with smaller areas of short-turf CG2 *Festuca ovina – Avenula pratensis* grassland. This European site contains an important assemblage of rare and scarce species,

[29] Natural England (2018) European Site Conservation Objectives for Stodmarsh Special Area of Conservation, Site Code: UK0030283 (UK0030283SACv2015).
[30] Natural England (2014), Site Improvement Plan Stodmarsh (SIP141030FINALv1.0 Stodmarsh).
[31] JNCC (2015) Folkstone to Etchingill Escarpment SAC Standard Data Form at < jncc.gov.uk/jncc-assets/SAC-N2K/UK0012835.pdf> [accessed 21/12/2024].

including early spider-orchid *Ophrys sphegodes*, late spider-orchid *O. fuciflora* and burnt orchid *Orchis ustulata*.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

4.31. Not Applicable

Annex II species that are a primary reason for selection of this site

4.32. Not Applicable

Annex II species present as a qualifying feature, but not a primary reason for site selection

4.33. Not Applicable

Conservation objectives for this site include[32]:

4.34. To achieve favourable conservation status all the following, subject to natural processes, need to be fulfilled and maintained in the long-term. If these objectives are not met, restoration measures will be needed to achieve favourable conservation status.

- The overall distribution and extent of the qualifying habitat features is maintained or restored, their main component parts are stable or increasing;
- The physical, biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded; and
- The supporting processes on which the qualifying natural habitats rely, e.g. nutrient levels, needed for long term maintenance of features is maintained.

Existing site vulnerabilities include:

4.35. The Folkstone to Etchinghill Escarpment SAC site improvement plan[33] list existing site vulnerabilities, those of relevance to the proposed works are listed below:

- Air pollution/air-borne pollutants

North Down Woodland SAC

Annex I habitats that are a primary reason for selection of this site

9130 Asperulo-Fagetum beech forests

4.36. This European site consists of mature *Asperulo-Fagetum* beech forests and also yew 91J0 Yew *Taxus baccata* woods on steep slopes. The stands lie within a mosaic of scrub and other woodland types and are the most easterly of the beech woodland sites selected. Parts of the woods were affected by the Great Storm of 1987.

91J0 Taxus baccata woods of the British Isles * Priority feature

4.37. Yew *Taxus baccata* woodland at this European site is associated with 9130 *Asperulo-Fagetum* beech forests, scrub and small areas of unimproved grassland on thin chalk soils. Where the shade is not too dense dog's mercury *Mercurialis perennis* predominates in the ground flora. The European site is the most easterly of those selected.

[32] Natural England (2018) European Site Conservation Objectives for Folkstone to Etchinghill Escarpment Special Area of Conservation, Site Code: UK0012835 (UK0012835 FolkestonetoEtchinghillEscarpment SACv2018).

[33] Natural England (2014), Site Improvement Plan Folkstone to Etchinghill Escarpment (SIP150108FINALv1 Folkestone to Etchinghill).

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

4.38. 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

Annex II species that are a primary reason for selection of this site

4.39. Not Applicable.

Annex II species present as a qualifying feature, but not a primary reason for site selection

4.40. Not Applicable.

Conservation Objectives and Existing Site Vulnerabilities

Conservation objectives of North Down Woodland SAC

4.41. Conservation objectives define the desired ecological state of a site in terms of the features (e.g., habitats and species) for which it has been designated. Where these objectives are met, the site is deemed to be in favourable condition.

4.42. The conservation objectives for North Down Woodland SAC habitat features includes:

- The overall distribution and extent of the qualifying habitat features is maintained or restored, their main component parts are stable or increasing;
- The physical biological and chemical structure and functions necessary for the long-term maintenance and quality of the habitat are not degraded; and
- The supporting processes on which the qualifying natural habitats rely, e.g. nutrient levels, needed for long term maintenance of features is maintained.

Existing Site Vulnerabilities

4.43. The North Down Woodland SAC site improvement plan[34] lists existing site vulnerabilities, those of relevance to the proposed scheme is listed below:

- Public access/disturbance;
- Forrestry and woodland management;
- Invasive species; and
- Air pollution/air-borne pollutants.

[34] Natural England (2015), Site Improvement Plan North Downs SAC (SIP151).

5. Proposed Works

5.1. Full planning permission is sought for the following description of development:

'Retention of the existing 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.'

5.2. In summary, the proposals incorporate the following key components, consistent with what has already been developed on the Site:

- 984 goods vehicle parking spaces;
- Capacity for 240 goods vehicles in 42 entry lanes;
- 357 staff car parking spaces, including 14 accessible bays and three Electric Vehicle ('EV') charging spaces;
- Main access to the M20 junction 10a link road and an emergency access / small vehicle ejection point to the north, access off Church Road into the staff car park, emergency exit point onto Highfield Lane, additional pedestrian access points connecting to Highfield Lane and the two overflow HGV parking areas serving operational purposes;
- Buildings and structures comprising a total of 16,348 sqm Gross Internal Area ('GIA') / 17,277 sqm Gross External Area ('GEA');
- Space for 24 (19 permanent and five reserved) refrigerated semi-trailers;
- Security fencing and noise attenuation bunds and fences to a maximum height of 5m;
- CCTV columns to a height of 8m;
- Lighting columns to a height of 12m;
- Drainage and all associated engineering;
- Hard and soft landscaping; and
- Site-wide ancillary infrastructure.

5.3. This facility has been built-out in accordance with the relevant approvals obtained under the SDO and, therefore, no physical works are required to be undertaken. Rather, the proposals would enable the retention of the existing facility in its current state.

5.4. The Application Site is a secure facility bound by fencing around the perimeter, along with landscape bunds which are present at select locations to provide visual and acoustic screening of the Temporary IBF facility and its operations. The Application Site comprises a mix of landscaped areas and bunds, featuring tree planting, drainage ponds and ditches, together with hardstanding, notably internal estate roads and areas for vehicle parking for staff and HGVs (at ground level). Buildings within the Application Site are limited to the northern central (Border Control Point) and south-western (Inland Border Facility) parts of the Application Site.

5.5. As the application is seeking permission for the continued use of the current IBF facility, the description of both the existing uses within the Application Site and the Permanent IBF Scheme are the same.

6. Assessment of Likely Significant Effects

6.1. This section identifies and discusses the potential pathways between the Development to the qualifying features of the European sites scoped into the screening assessment.

Direct Effects (loss or damage to qualifying features)

Wye and Crundale Downs SAC

6.2. The proposed scheme will continue to operate as it currently has done for the last three years with no new development/construction or operational changes anticipated. Therefore, given the distance of the SAC from the Application Site, no direct effects to the SAC or qualifying habitat of the SAC are anticipated as a result of a Permanent IBF Scheme.

Dungeness Romney Marsh and Rye Bay Ramsar/SPA/SAC

6.3. The proposed scheme will continue to operate as it currently has done for the last three years with no new development/construction or operational changes anticipated. Therefore, given the distance of the Ramsar/SPA from the Application Site, no direct effects to the Ramsar/SPA qualifying habitats of the SAC or qualifying species of the SPA are anticipated as a result of a Permanent IBF Scheme.

Stodmarsh Ramsar/SPA/SAC

6.4. The proposed scheme will continue to operate as it currently has done for the last three years with no new development/construction or operational changes anticipated. Therefore, given the distance of the Ramsar/SPA from the Application Site, no direct effects to the Ramsar/SPA qualifying habitats of the SAC or qualifying species of the SPA are anticipated as a result of a Permanent IBF Scheme.

Folkstone to Etchinghill Escarpment SAC

6.5. The proposed scheme will continue to operate as it currently has done for the last three years with no new development/construction or operational changes anticipated. Therefore, given the distance of the SAC from the Application Site, no direct effects to the SAC or qualifying habitat of the SAC are anticipated as a result of a Permanent IBF Scheme.

North Downs Woodland SAC

6.6. The proposed scheme will continue to operate as it currently has done for the last three years with no new development/construction or operational changes anticipated, this includes no increase to traffic movements to and from the Application Site. Therefore, given the distance of the SAC from the Application Site, no increase in traffic along the ARN, no direct effects to the SAC or qualifying habitat of the SAC are anticipated as a result of a Permanent IBF Scheme.

Indirect Effects (disturbance, restriction, noise, and light)

Wye and Crundale Downs SAC

6.7. The historic HRA stated no significant effects on this European site for the Temporary IBF facility. The Permanent IBF Scheme will continue to operate as it currently has done for the last three

years with no new development/construction or operational changes anticipated for the Permanent IBF Scheme. Operational noise from the Permanent IBF Scheme is expected to increase by less than 1dB and the maximum average traffic noise from the Permanent IBF Scheme would be less than 2dB.

6.8. Therefore, given the acoustic fencing in place at the Application Site, the distance of the SAC from the Site and the pre-existence of the temporary IBF facility, no conceivable pathway of indirect effects to the integrity of the SAC or qualifying habitat of the SAC are anticipated as a result of a Permanent IBF scheme.

Dungeness Romney Marsh and Rye Bay Ramsar/SPA/SAC

6.9. Given the distance of the Ramsar/SPA from the Application Site and the pre-existence of the temporary IBF scheme, no conceivable pathway of indirect effects to the Ramsar/SPA qualifying habitats of the SAC or qualifying species of the SPA are anticipated as a result of a Permanent IBF Scheme.

Stodmarsh Ramsar/SPA/SAC

6.10. Given the distance of the Ramsar/SPA from the Application Site and the pre-existence of the temporary IBF scheme, no conceivable pathway of indirect effects to the Ramsar/SPA qualifying habitats of the SAC or qualifying species of the SPA are anticipated as a result of a Permanent IBF Scheme.

Folkstone to Etchinghill Escarpment SAC

6.11. Given the distance of the SAC from the Application Site and the pre-existence of the temporary IBF scheme, no conceivable pathway of indirect effect to the SAC or qualifying habitat of the SAC are anticipated as a result of a Permanent IBF Scheme.

Indirect Effects (Surface Water Run-off and Hydrological Linked Pathways)

6.12. There are already high levels of nitrogen and phosphorous input to the Stour catchment, and evidence that these nutrients are causing eutrophication at parts of these European sites. These nutrient inputs are currently attributed to wastewater from housing and agricultural sources, though recycling of nutrients within the lake habitats cannot be ruled out. Therefore, there is potential for future developments, across the Stour Valley catchment, to exacerbate the existing impacts thereby creating a risk to European Site's future conservation status and that of the various qualifying features of the associated European sites. In this instance the Proposed Scheme is not a residential development or submitted to agricultural practices.

Wye and Crundale Downs SAC

6.13. Given the distance of the SAC from the Application Site and the lack of hydrological connectivity to the Application Site exists, no likely significant indirect effects to the SAC or its qualifying habitat are anticipated as a result of a Permanent IBF Scheme.

Dungeness Romney Marsh and Rye Bay Ramsar/SPA/SAC

6.14. Bird species for which the SPA is designated are reliant upon the varied and abundant food resources available at Dungeness, Romney Marsh and Rye Bay SPA, both during the breeding

season and over winter. Increases in nitrogen and phosphorous result in changes to changes to the structure and function of habitats within the SPA. Changes to habitat composition and distribution, and increases in macroalgae, as a result of increases in wastewater would change or limit foraging opportunities available to bird species within the SPA.

6.15. The wetland habitats rely on high water quality and stable water levels, in order to continue to support the wide range of plants, invertebrates and bird species (and their various food resources) for which the sites are designated. Changes in habitat composition and distribution occur as a result of increased nutrient availability, along with increases in macroalgae. These changes would directly impact rare and notable plant and invertebrate species. Bird species reliant upon food resources would be affected by these changes, limiting availability of foraging opportunities and reducing food resources.

6.16. Great crested newts rely on the wetland habitats which are supported by surface and/or ground water. Maintaining the quality of the water supply is critical, especially at certain times of year. Poor water quality can adversely affect the structure and function of this habitat type, adversely impacted habitats on which the great crested newts rely and therefore may have an adverse effect on the population within Dungeness, Romney Marsh and Rye Bay SAC.

6.17. All surface water run-off, from the Permanent IBF Scheme, which has potential to carry pollutants such as hydrocarbons from oils in vehicles, would be captured, filtered and attenuated onsite using the current Sustainable Drainage systems (SuDs) required for water pollution prevention which are already integrated into the Temporary IBF facility and therefore also the Permanent IBF Scheme designs, and follow relevant design guidance as stated in section 5 of the Flood Risk Assessment (FRA) and Drainage Strategy[35]. Run-off would then be released through the outfalls into either Old Mill Stream (North of the Application Site) and the existing culvert under the railway (High Speed 1 (HS1) south of the Application Site).

6.18. The SuDs are integrated into the Proposed Scheme design to ensure runoff is suitably treated. However, due to the distance of the European site (approximately 8.2km), in the unlikely event pollutants were to enter a nearby water course, any pollutants run-off would become too diffuse to have a significant effect on qualifying features and these measures are not required as mitigation to avoid harm to the European site.

6.19. Within the Proposed Scheme, there would be toilets that staff currently use; however, the majority of the staff would come from within the catchment area. Therefore, no additional wastewater generated by staff is considered, and no resultant nutrient loading is expected to occur. This approach is in line with guidance from Natural England (NE) regarding nutrient neutrality at Stodmarsh SAC and so would be the same for Dungeness Romney Marsh and Rye Bay Ramsar/SPA/SAC, It is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated by that person can be calculated using the population increase from new homes and other accommodation.

6.20. This removes the potential for double counting of human wastewater arising from different planning uses. As stated within the FRA and Drainage Strategy any human foul water produced on the Application Site is proposed to outfall to a Southern Water pumping station to the north-east of the Application Site which would go into the local Wastewater Treatment Works (WwTW). Foul water in excess of the pumping stations capacity (as agreed with Southern Water) would be attenuated on-site and discharged during off-peak times to the pumping station or tankered away with the Defra BCP wastewater where required as it currently is as part of the Temporary IBF facility.

6.21. Additionally, the Defra BCP facility which is part of the Application Site has its own independent

[35] Mott Macdonald (2020), Land East of Highfield Lane, Flood Risk Assessment and Drainage Strategy (Ref. 419419 | 0001| P02 419419-MMD-XX-MO-RP-D-0001).

drainage system, where all of the wash down from the live animals holding pens, effluent would be captured and stored onsite in a tank. It would then be removed and treated offsite at a WwTW outside the Stour Valley catchment area as it is currently as part of the Temporary IBF facility.

Stodmarsh Ramsar/SPA/SAC

6.22. The Desmoulin's whorl snail is dependent on wetland habitats which are supported by surface and/or ground water. Maintaining the quality of water supply is critical, especially at certain times of year. Poor water quality can adversely affect the structure and function of this habitat type, adversely impacting habitats on which the Desmoulin's whorl snail relies and therefore may have an adverse effect on populations within Stodmarsh SAC.

6.23. Bird species for which the SPA is designated are reliant upon the varied and abundant food resources available at Stodmarsh SPA, both during the breeding season and over winter. Increases in nitrogen and phosphorous result in changes to changes to the structure and function of habitats within the SPA. Changes to habitat composition and distribution, and increases in macroalgae, as a result of increases in wastewater would change or limit foraging opportunities available to bird species within the SPA.

6.24. The wetland habitats rely on high water quality and stable water levels, in order to continue to support the wide range of plants, invertebrates and bird species (and their various food resources) for which the sites are designated. Changes in habitat composition and distribution occur as a result of increased nutrient availability, along with increases in macroalgae. These changes would directly impact rare and notable plant and invertebrate species. Bird species reliant upon food resources would be affected by these changes, limiting availability of foraging opportunities and reducing food resources.

6.25. As previously stated, all surface water run-off, from the Permanent IBF Scheme, which has potential to carry pollutants such as hydrocarbons from oils in vehicles, will be captured, filtered and attenuated onsite using the current SuDs required for water pollution prevention which are integrated into the Permanent IBF Schemes design, and follow relevant design guidance as stated in section 5 of the FRA and Drainage Strategy. Run-off would be released through the outfalls into either Old Mill Stream (North of the Application Site) and the existing culvert under the railway (HS1 south of the Application Site) as it is currently being done for the Temporary IBF facility.

6.26. The SuDs are integrated into the Proposed Scheme design to ensure runoff is suitably treated. However, due to the distance of the European site (approximately 23.58km), in the unlikely event pollutants were to enter a nearby water course, any pollutants run-off would become too diffuse to have a significant effect on qualifying features and these measures are not required as mitigation to avoid harm to the European site.

6.27. Within the Proposed Scheme, staff toilets would remain the same as the Temporary IBF facility, and the majority of the staff would come from within the catchment area. Therefore, no additional wastewater generated by staff is considered, and no resultant nutrient loading is expected to occur. It is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated by that person can be calculated using the population increase from new homes and other accommodation.

6.28. This removes the potential for double counting of human wastewater arising from different planning uses. As stated within the FRA and Drainage Strategy any human foul water produced on the

Application Site is proposed to outfall to a Southern Water pumping station to the north-east of the Application Site which would go into the local Wastewater Treatment Works (WwTW) as it currently does. Foul water in excess of the pumping stations capacity (as agreed with Southern Water) would be attenuated on-site and discharged during off-peak times to the pumping station or tankered away with the Defra BCP wastewater where required.

6.29. As previously stated, the Defra BCP facility within the Application Site has its own independent drainage system, where all of the wash down from the live animals holding pens, effluent is captured and stored onsite in a tank. It is then removed and treated offsite at a WwTW outside the Stour Valley catchment area.

Folkstone to Etchinghill Escarpment SAC

6.30. Given the distance of the SAC from the Application Site and the pre-existence of the Temporary IBF facility, no conceivable pathway of indirect effects to the SAC or qualifying habitat of the SAC are anticipated.

Indirect Effects (Air Quality Impacts)

Wye and Crundale SAC

6.31. The 2025 Air Quality assessment[36] has concluded that the modelling indicates levels of nitrogen dioxide and particulates would not exceed nationally accepted limits at any of the nearby residential properties in 2026. It is concluded that the effect of the Development on levels of nitrogen dioxide and particulates would be Negligible (Not Significant). Given the distance of the SAC from the Application Site, and the European site being over 200m away from the ARN no indirect effects to the SAC or qualifying habitat of the SAC are anticipated.

Dungeness Romney Marsh and Rye Bay Ramsar/mSPA/SAC

6.32. With levels of nitrogen dioxide and particulates not exceeding nationally accepted limits at any of the nearby residential properties in 2026. Given the distance of the European site from the Application Site, and the European site being over 200m away from the ARN, no indirect effects to the European site, qualifying habitats of the European site or qualifying species of the European site are anticipated.

Stodmarsh Ramsar/SPA/SAC

6.33. With levels of nitrogen dioxide and particulates not exceeding nationally accepted limits at any of the nearby residential properties in 2026. Given the distance of the Ramsar/SPA/SAC from the Application Site, and the European site being over 200m from the ARN, no indirect effects to the Ramsar/SPA/SAC qualifying habitats of the European site or qualifying species of the European site are anticipated.

Folkstone to Etchinghill Escarpment SAC

6.34. Due to this European site being directly adjacent to the ARN, and the expected increases in HGV traffic anticipated for the Temporary IBF facility, a detailed air quality assessment was undertaken in 2020[37]. The air quality assessment concluded that there would be a 1% (rounded up from 0.6%) change in the critical load (CLO) predicted for nitrogen at the European site from changes in traffic flows along the ARN. The assessment also identified an increase in critical levels (CLE) of 5%.

[36] Waterman (2025) Sevington Inland Border Facility, Ashford: ES Volume 1; Main Text; Chapter 8: Air Quality.
[37] Mott MacDonald (2020), Sevington Inland Border Facility Air Quality Impact Assessment (Ref: 419419-MMD-XX-MO-RP-AQ-0001)

Increases in nitrogen deposition can result in a number of adverse effects on calcareous grasslands (the qualifying habitats that is the primary reason for the designation of this European site, however it was noted that due to insufficient phosphorus in calcareous grassland ecosystems, many of the effects associated with increased nitrogen would be lessened, therefore making calcareous grassland ecosystems less vulnerable to nitrogen deposition.

6.35. Given the minor increases in CLO and CLE for the Temporary IBF facility, impacts on qualifying habitats of the European site were considered to be negligible and not likely to have any adverse effect on the European site in 2020. It should also be noted that the predicted increases in CLO and CLE were based on the maximum operating capacity of the Temporary IBF facility, which assumes that the Temporary IBF facility would be operated at full capacity every day of the year. This is not the case, and the actual use of the Temporary IBF facility is lower, further reducing the small increases in CLO and CLE from the 2020 assessment and reducing the potential for adverse effects.

6.36. The air quality assessment undertaken by Waterman in 2025 for the Permanent IBF Scheme states the annual mean concentrations of particulate matter (PM_{10}) are predicted to be below the Air Quality Standards (AQS)[38] objective of 40µg/m^3. The Permanent IBF Scheme would also meet the annual mean $PM_{2.5}$ World Health Organisation (WHO)[39] Interim Target Level 4 of 10µg/m^3. It is predicted that all assessed receptors would have an annual mean $PM_{2.5}$ concentration of less than 10 µg/m³ by the end of 31st December 2040. The Permanent IBF Scheme would therefore be compliant with the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023[40].

6.37. The Permanent IBF Scheme is also predicted to be below the annual mean Nitrogen Dioxide (NO^2) AQS objective for 2026. The maximum predicted concentration in all scenarios assessed is 18.0µg/m^3. Therefore, the Permanent IBF Scheme is predicted to result in a 'negligible' impact on annual mean NO^2 concentrations also. Therefore, Given the distance of the SAC from the Application Site, no indirect effects to the SAC qualifying habitats of the European site or qualifying species of the European site are anticipated.

In Combination Effects

6.38. In order for an in-combination effect to be possible, the Permanent IBF Scheme would have to have a measurable (even if small) adverse impact that could contribute significantly to a combined effect. The alone assessment has concluded that there would be no adverse effects to European sites, in the form of noise pollution, surface water run-off and direct disturbance/ damage, and therefore an in-combination assessment is not required.

[38] DEFRA (2023) Air Quality Strategy-Framework for local authority delivery.
[39] https://www.who.int/
[40] https://www.legislation.gov.uk/ukdsi/2022/9780348242959

7. Summary and Conclusion

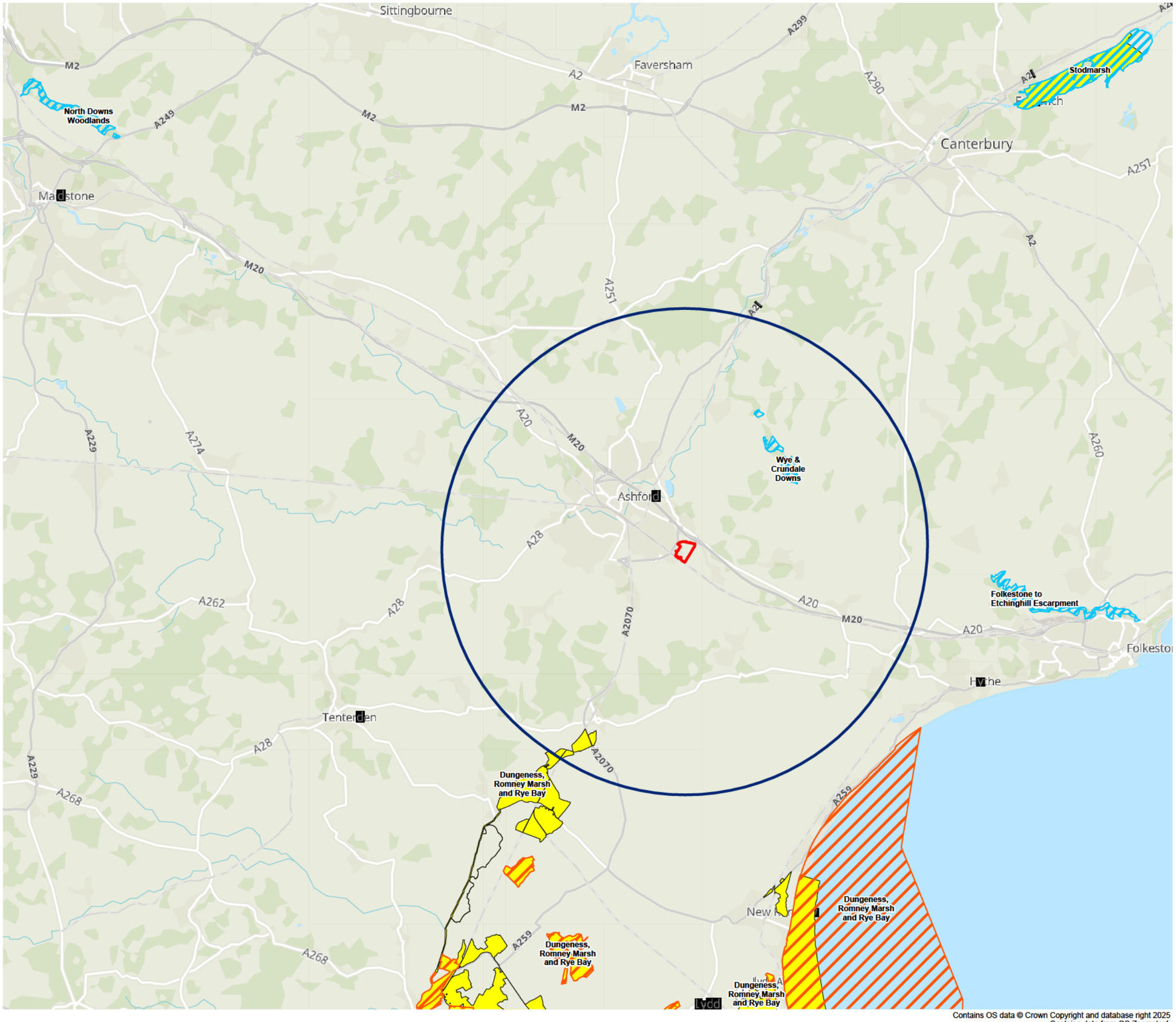
Summary

7.1. This report has been produced to inform a Habitats Regulations Assessment (HRA) Screening to consider the potential for the Permanent IBF Scheme to result in significant adverse effects on the integrity of the following European sites:

- Wye and Crundale SAC;
- Dungeness, Romeny Marsh and Rye Bay Ramsar, SPA and SAC;
- Stodmarsh Ramsar, SPA and SAC;
- Folkestone and Etchinghill Escarment SAC; and
- North Downs Woodland SAC

The 2020 HRA screening and appropriate assessment carried out by Mott Macdonald determined that the Temporary IBF facility would result in no significant adverse effects on the integrity of any of the European sites assessed. Further assessments carried out by Waterman in the Environmental Impact Assessment (EIA) for the Permanent IBF Scheme indicate that there would be no significant changes as a result of changing the Temporary IBF facility into a Permanent IBF facility. This screening assessment therefore concludes that there would be no adverse effects on the integrity of the European sites listed within this report.

FIGURES



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- Planning Application Boundary
- 10km Search Area
- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Ramsar

Wye & Crundale Downs Special Area of Conservation (SAC) (within 10km)

Dungeness, Romney Marsh and Rye Bay Ramsar/SAC (within 10km)

Dungeness, Romney Marsh and Rye Bay marine Special Protection Area (mSPA) (connected hydrologically)

Stodmarsh Ramsar/SPA/SAC (connected hydrologically)

North Downs Woodland SAC (within 200m of ARN)

Folkestone to Etchinghill Escarpment SAC (within 200m of ARN).

N

0 1.25 2.5 5 km

Project Details	WIE20982-103: Sevington
Figure Title	Figure 1: Habitat Regulations Assessment (Screening) - European Sites
Figure Ref	20982103-WAT-XX-XX-GS-N-75201
Date	April 2025
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