

CROWN/2025/0000002 Sevington Inland Border Facility

Statement of compliance with regulation 122 of the Community Infrastructure Levy Regulations 2010

1. This statement sets out Kent County Council's response of how the Community Infrastructure Levy (CIL) tests are met for planning obligations contained within the proposed unilateral undertaking (UU) to Ashford Borough Council and Kent County Council. (December 5th version).
2. Proposed planning obligations in favour of Kent County Council are contained within Schedule 2 of the unilateral undertaking.
3. Kent County Council considers that the planning obligations contained in the December UU are required and do meet the tests set out in regulation 122 of The Community Infrastructure Levy Regulations 2010 and paragraph 58 of the National Planning Policy Framework.
4. Please see below for full details of the obligations in Schedule 2 and how they meet the regulation 122 tests:

Planning Obligation	UU Detail	Regulation 122 Assessment
1 – Supplementary Junction 10A Works Contribution - £1,436,122.68 for the widening of the A20 eastbound approach to Junction 10A of the M20, the signalisation of the A20 westbound approach and the corresponding section of the circulatory carriageway.	Subject to the County Council proposing to the Owner within 9 months of the Relevant Date a scheme for the implementation of the Supplementary Junction 10A Works, the Owner shall pay the Supplementary Junction 10A Works Contribution to the County Council within 4 weeks of the scheme for the implementation of Supplementary Junction 10A Works being approved by the Owner (such approval not to be unreasonably withheld or delayed).	<p>Necessary: Kent County Council considers that the proposed mitigation scheme is required to ensure the development does not adversely impact the safety and capacity of M20 Junction 10A especially the A20 arms. Section 2.10 of the County Council's Statement of Case demonstrates the severe impact that the proposals will have on M20 Junction 10A with delays increasing between 4 and 5 minutes on the A20 arms of the junction as a result of the proposed development without mitigation in a 2036 future year scenario.</p> <p>Paragraph 8.27 of the Applicant's Statement of Case acknowledges the existing capacity constraints at M20 Junction 10A and has identified a scheme to mitigate the development's impact on the A20 arms. This involves widening the A20 eastbound approach, signalising the westbound approach and including the corresponding circulatory carriageway at that junction. This can be found in <i>M20 Junction 10a Mitigation – Preliminary Option Assessment</i> within Appendix 11 of the Applicant's Statement of Case. The proposed mitigation scheme will ensure that there is not a severe impact on the local highway network as a result of the proposed development.</p> <p>Paragraph 8.29 of the Applicant's Statement of Case suggests that appropriate mitigation of traffic impacts is critical to the development not being refused on transport</p>

		<p>grounds.</p> <p>Relevant Planning Documents and Policies</p> <p>NPPF – Promoting Sustainable Transport – Paragraphs 109, 115 and 116 Ashford Local Plan – Policy TRA7 - The Road Network and Development, Policy IMP1 - Infrastructure Provision Kent Local Transport Plan 5 District Proposals Map - Ashford</p> <p>Directly related: As stated in paragraph 7.88 of the Applicant's Transport Assessment, M20 Junction 10A "is the junction by which Goods Vehicle traffic accessing Sevington IBF is directed to travel to and from the M20". It is therefore directly related to the development, as are the mitigations proposed to be implemented there.</p> <p>Fairly and reasonably related in scale and kind: The proposed mitigation works are required to mitigate the impact of the development. The scheme has been costed by KCC's cost consultants based on the current information supplied by the applicant. The cost of the scheme is £1,436,122.68 based on delivery in 2026 and is included within the current draft UU. Kent County Council have agreed the likely costs of carrying out this works with the applicant.</p>
<p>2 – PRoW Improvement Works - £88,000 for the improvement and/or upgrading of approximately 670 metres of footpath AE363 between Blind Lane and Mersham, the relevant length of footpath AE363</p>	<p>If at any time within 6 months of the Relevant Date, the County Council proposes to the Owner a scheme for the improvement of footpath AE363 between Blind Lane and Mersham corner, and</p> <p>(i) notifies the Owner that all of the owners of the land comprised in footpath AE363 between Blind</p>	<p>Necessary: Kent County Council considers that upgrade / improvements to the footpath AE363 are required to encourage active travel movements between Mersham and the proposed application site. The footpath is currently not surfaced, running through fields and users with restricted mobility will not be able to use the path. The footpath is also unlikely to be used in winter months as it will be slippery. The PRoW Improvement would align with NPPF paragraph 105 and also defined policies within the County Council's adopted Rights of Way Improvement Plan that seek greater provision of multi-user routes and cycling / equestrian facilities.</p> <p>Relevant Planning Documents and Policies</p> <p>NPPF – Promoting Healthy and Safe Communities – Paragraph 105, Promoting Sustainable Transport – Paragraphs 109, 111 and 117 Ashford Local Plan – Policy TRA5 - Planning for Pedestrians, Policy TRA6 – Provision for Cycling, Policy IMP1 - Infrastructure Provision Ashford Cycling and Walking Strategy 2019-2029</p>

	<p>Lane and Mersham corner have given the County Council written confirmation that they agree to the upgrade of footpath AE363, or</p> <p>(ii) notifies the Owner that the County Council intends to exercise its powers under the Highways Act 1980 to carry out improvement works to footpath AE363 without landowner consent,</p> <p>the Owner shall pay to the County Council the PRoW Improvements Contribution within 4 weeks of the Owner approving the County Council's scheme (such approval not to be unreasonably withheld</p>	<p>KCC Rights of Way Improvement Plan 2018-2028</p> <p>Directly related: The section of PRoW that is to be improved is directly related to the development site because it is located next to the section that has already been upgraded (from Highfield Lane / Sevington East to Blind Lane). Employees could travel sustainably to the site without using the existing road network.</p> <p>Fairly and reasonably related in scale and kind: The section of PRoW that needs to be upgraded / improved is approximately 670 metres. The costs to upgrade / improve it are relatively small in order to allow employees that live in Mersham sustainable access to the site. Kent County Council have agreed the likely costs of carrying out this works with the applicant.</p>
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	or delayed).	
3 – PRoW Resurfacing Works - £19,000 for resurfacing so much of the footpath running alongside the eastern site of Church Road that lies between the zebra crossing at the entrance to the staff car park and a point approximately 30 metres south-southwest of that zebra crossing and installing surface water drainage in the adjacent parts of Church Road to reduce the issue of water pooling.	Subject to the County Council proposing to the Owner within 3 months of the Relevant Date a scheme for the implementation of the Resurfacing Works, the Owner shall pay to the County Council the Resurfacing Contribution within 4 weeks of the Owner approving the County Council's scheme (such approval not to be unreasonably withheld or delayed).	<p>Necessary: Resurfacing areas of the existing PRoW from the entrance to the staff car park in a southerly direction and the installation of surface water drainage measures to reduce issues of surface water pooling in Church Road, will mitigate the impacts currently experienced by those using the PRoW and Church Road. The PRoW currently washes away in periods of heavy rainfall, making the PRoW unusable in these weather conditions.</p> <p>Relevant Planning Documents and Policies NPPF – Promoting Healthy and Safe Communities – Paragraph 105, Promoting Sustainable Transport – Paragraphs 109, 111 and 117 Ashford Local Plan – Policy TRA5 - Planning for Pedestrians, Policy TRA6 – Provision for Cycling, Policy IMP1 - Infrastructure Provision Ashford Cycling and Walking Strategy 2019-2029 KCC Rights of Way Improvement Plan 2018-2028</p> <p>Directly related: This PRoW is both located adjacent to the staff entrance to the site. Resurfacing of the PRoW and improvements to the surface water drainage will improve use of the PRoW encouraging sustainable modes of travel for employees accessing the application site and members of the public using the PRoW network.</p> <p>Fairly and reasonably related in scale and kind: This small section of re-surfacing and drainage works is sufficient to mitigate the development's remaining impacts on the PRoW network in the area of the development. Kent County Council have agreed the likely costs of carrying out this works with the applicant.</p>