

**Appendix 21 - CIL Compliance Statement**

**Applicant Statement of Case - Appendices**  
**CROWN/2025/0000002 Sevington Inland Border Facility**

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

- 1.1 This documents sets out the Applicant's detailed account of how the Community Infrastructure Levy tests are met for the planning obligations contained in the unilateral undertaking (**UU**). This replicates the information provided in paragraph 2 of the legal appendix to the Applicant's 19 November 2025 response to queries raised in the Inspector's Statement of Matters.
- 1.2 The Applicant considers that the planning obligations contained in Schedule 1 to the 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.
- 1.3 The planning obligations in the UU follow on from and 'honour' corresponding planning obligations in the section 106 agreement between the local planning authority and the prior site owner that was finalised on 13 September 2017, in relation to planning application 14/00906/AS. That application was the subject of a report to the planning committee dated 18 May 2016<sup>1</sup> which recommended approval (**the 2016 report**). As described in the local planning authority's written representations for the current application, (starting at paragraph 38), the Applicant worked with the Council between 2020 and 2023 to negotiate a section 106 agreement that 'honoured' the financial commitments in the 2017 agreement between the parties described above. While that section 106 agreement was not concluded, the UU has been offered instead, containing substantially the same planning obligations.
- 1.4 Planning obligations 1, 2 and 3 in the UU are therefore required for essentially the same reasons as set out for the corresponding obligations in Table 1 of the 2016 report. Planning obligation 4 is required to meet principles that also date back to the 2017 planning permission, albeit in updated ways that better reflect current thinking in the area.
- 1.5 Please see below for full details in tabular format:

Planning obligation	UU detail	Regulation 122 assessment
1 – Junction 10A Works Contribution	"To pay to the Council the Junction 10A Works Contribution within 14 days of the grant of the Planning Permission".	<p><b>Necessary:</b> As noted in Ashford Borough Council's written representations, contributions toward the Junction 10A works are "<i>required to be collected from certain strategic development schemes and ultimately recycled back to a different part of Government as part of the funding arrangements for taking J10A forward</i>".</p> <p>Paragraph 14.1 of the draft 'honouring' section 106 agreement between the Council and the Applicant reflects the parties' intention that the Junction 10A Works Contribution would satisfy an obligation in the 2017 agreement, so it remains necessary now.</p> <p><b>Directly related:</b> The development has an impact on the strategic highway network. Occupiers and users of the development travel to and from the development using Junction 10A. The planning obligation is therefore directly related to the development.</p>

<sup>1</sup> <https://abcportal.ashford.gov.uk/pr/sfc/servlet.shepherd/version/download/0688d000006TZidAAG>

Planning obligation	UU detail	Regulation 122 assessment
		<p><b>Fairly and reasonably related in scale and kind:</b>  The contribution amount of £4,973,012.83 is a <i>"proportionate contribution to the developer funding of Junction 10A of the M20 in accordance with Ashford Local Plan policy TRA1"</i>, according to the UU definition. The amount represents only a slight uplift from the original 2017 agreement's indexed amount of £4,756,431.68, which was assessed in Table 1 of the 2016 planning report to be fairly and reasonably related in scale and kind <i>"considering the extent of the development and because the amount has been calculated based on the scale of the development and the estimated number of relevant trips and the need not to prejudice the J10A scheme in accordance with Policy U24 of the Urban Sites &amp; Infrastructure DPD"</i>. Paragraph 183 of the Council's written representations confirms that the corresponding UU obligation is policy compliant and is supported.</p>
2 – Pedestrian and Cycle Connection Improvements Contribution and the Additional Pedestrian and Cycle Improvements Contribution	<p>To pay to the Council the Pedestrian and Cycle Connection Improvements Contribution prior to completion of the unilateral undertaking.</p> <p>To pay to the Council the Additional Pedestrian and Cycle Connection Improvements contribution within 14 days of the date of the grant of the Planning Permission.</p>	<p><b>Necessary:</b> The original index-linked £30,000 contribution from the 2017 agreement was necessary <i>"in order to assist a modal shift in travel patterns, as is required by Travel Plans for the site, by overcoming a known poor onward pedestrian and cycle connection to the west of the application site that in its current form would dissuade adoption of sustainable movement choice to and from the site by staff and visitors. Improving this poor connection is necessary pursuant to policies CS1, CS2, CS15 and CS18 of the Core Strategy, Policy U24 of the Urban Sites and Infrastructure DPD, the provisions of the Kent Local Transport Plan and guidance in the NPPF"</i>. Because the corresponding planning obligation in the UU is intended to satisfy that obligation at the site, and the original contribution was index-linked so an uplift is required, both the of the contributions within this planning obligation are also necessary now. Paragraph 184 of the Council's written representations supports the approach.</p> <p><b>Directly related:</b> Because the contributions in this planning obligation are intended to satisfy an existing 2017 obligation at the site, they are directly related to the site now as they were when the 2016 report noted that <i>"employees and visitors will travel to the site and how they will travel is appropriate to plan for and resolve any connection problems that currently exist and which left unresolved would be likely to impact on meeting Travel Plan objectives"</i>.</p> <p><b>Fairly and reasonably related in scale and kind:</b>  The obligation in the 2017 agreement was assessed in Table 1 of the 2016 report to be fairly and reasonably related <i>"taking into account the scale of the development and the need to ensure that appropriate enhancements are put in place to minimise the environmental impact of travel to and from the development"</i>. As elsewhere, because these</p>

Planning obligation	UU detail	Regulation 122 assessment
		UU obligations are intended to satisfy the older obligations, this applies now as well.
3 – Church Works Contribution (Remainder) and the Additional Church Works Contribution (Remainder)	<p>To pay to the Council the Church Works Contribution (Remainder) prior to completion of the unilateral undertaking</p> <p>To pay to the Council the Additional Church Works Contribution (Remainder) within 14 days of the date of the grant of the Planning Permission</p>	<p><b>Necessary:</b> The 2017 section 106 agreement made provision for an index-linked Church Works Contribution that were evaluated in Table 1 of the 2016 report as being necessary <i>“in order to enable the impacts of development on the Church to be mitigated through the provision of funding enabling the Diocese to upgrade and adapt St. Mary’s to both enhance its viability and meet the needs of the community that will be created through the development of the application site thereby ensuring that the Church is integrated with that community rather than being isolated from it. The proposal is in accordance with Policies CS1, CS9 and CS18 of the Core Strategy 2008 and Policy U24 of the Urban Sites &amp; Infrastructure DPD”</i>. As the related contributions under this planning obligation in the draft UU represent remaining balances corresponding to sums under the 2017 agreement, they are necessary for the same reasons.</p> <p><b>Directly related:</b> As above, these contributions are directly related to the current application for the same reasons as the corresponding contributions under the 2017 agreement, which were directly related to the temporary planning permission for the reasons summarised in Table 1 of the 2016 report: <i>“as the development site is located on both adjoining land and land close to St. Mary’s church and the community needs generated by the development can therefore be addressed through the upgrading and adaptation works discussed with the Diocese.”</i></p> <p><b>Fairly and reasonably related in scale and kind:</b> The original Church Works Contribution was noted as “to be agreed with the diocese” in the 2016 report, and it was intended to be index-linked in the 2017 section 106 agreement. These contributions simply pay the remaining balances and provide a suitable uplift given the passage of time.</p>
4 – Off Site Habitat Enhancement Works	“To carry out the Habitat Enhancement Works to the Off Site BNG Land within 36 months of the date of the grant of the Planning Permission and to maintain the Off Site BNG Land for a period of 30 years from the date of completion of the Habitat Enhancement Works”	<p><b>Necessary:</b> Although the site is exempt from the statutory deemed condition for 10% biodiversity net gain (<b>BNG</b>) and BNG requirements were not in place when the 2017 permission was granted, a LEMP covering the land east of Highfield Lane was required under condition 11 of Relevant Approval 4, granted under the SDO on 28 April 2022. This LEMP was intended to provide biodiversity enhancements in a previously arable field. The ongoing implementation of this LEMP remains necessary now.</p> <p><b>Directly related:</b> The Off Site BNG Land is directly adjacent to the IBF site and owned by the Applicant, and the Statement of Matters included several queries showing clear concern about how the Applicants will ensure the IBF site does not coalesce with nearby villages. Paragraph 185 of the Council’s</p>

Planning obligation	UU detail	Regulation 122 assessment
		<p>written representations notes the Applicant's approach to BNG "<i>is supported, the enhancement works are welcome and securing the maintenance of the land at Sevington East will ensure that an appropriate buffer is created preventing coalescence as per ALP 2030 Policy SP7</i>". For these reasons, the Off Site Habitat Enhancement Works planning obligation does relate directly to the site.</p> <p><b>Fairly and reasonably related in scale and kind:</b>  The Off Site Habitat Enhancement Works are intended to be implemented pursuant to the existing 2023 LEMP that was previously approved by the Secretary of State under condition 11 of Relevant Approval 4. Since the Council supports the Applicants' approach to BNG, as noted just above, and paragraphs 7.33 to 7.38 of the planning statement explain that the Applicant's past and planned future works (including on the Off Site BNG Land) align with prior plans, statute and local policy.</p>

TLT LLP  
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