

## Appendix 1c



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24<sup>th</sup> November 2021

*Dear Mr Chughtai,*

**The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 ("the Order")**

**Submission seeking approval under Article 4(1)(a) of the Order**

**Proposer:** submitted by the Department for Transport on behalf of the Secretary of State for Transport

**Site: Sevington (3), Ashford Inland Border Facility**

**Proposal:** 'The temporary use of land until 31 December 2025, operating 24 hours a day 7 days a week, for an Inland Border Facility for use in different phases by Department for Transport, HM Revenue & Customs/Border Force, Department for Environment, Food and Rural Affairs, Port Health Authority (PHA) and Animal and Plant Health Agency (APHA), Department for Business, Energy and Industrial Strategy for border readiness, Common Transit Convention, Admission Temporaire / Temporary Admission (ATA) Carnet, Sanitary and PhytoSanitary (SPS), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other customs related checks, market surveillance activities and ancillary COVID-19 testing and facilities. The proposed development includes the laying out of up to 1300 goods vehicle parking spaces, capacity for 260 goods vehicles in 42 entry lanes, 357 staff car parking spaces, formation of a new permanent access (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 access points off Highfield Lane, diversions and extinguishments to Public Right of Ways (PRoWs), the erection of buildings and structures for border processing purposes within the development plot area of up to 34,500m<sup>2</sup> to a maximum height of 8.5m, provision of 24 (19 permanent and 5 reserved) refrigerated semi-trailers covering an area of approximately 870m<sup>2</sup> associated with the Defra facility, provision of HMRC containers covering an area of approximately 90m<sup>2</sup>, security fencing and noise attenuation bunds and fences to a combined maximum height of 5m, CCTV columns to a height of 8m, lighting columns to a maximum height of 12m, drainage and all associated engineering, site preparation works and extensive hard and soft landscape works. Approval is also sought for the temporary use of part of the site for the storage of approximately 97,500m<sup>3</sup> of stockpile material, and retention of the material until July 2022.'

On behalf of the Secretary of State I have considered the documents submitted to him on 9 November 2021 under article 4(1)(a) of the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 and other relevant material.



On behalf of the Secretary of State I have considered the likely significant environmental impacts of the proposal and have issued a Screening Direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) confirming that the proposal is not EIA development as defined in those regulations. A copy of the Direction is attached as Annex 1.

In accordance with the Conservation of Habitats and Species Regulations, I have, on behalf of the Secretary of State, given careful consideration to the information provided to the Secretary of State to inform an Appropriate Assessment. The information assesses the potential for the project to give rise to likely significant effects on a number of protected sites including North Downs Woodland Special Area of Conservation (SAC), Folkestone to Etchinghill Escarpment SAC and the Stodmarsh SAC, Special Protection Area (SPA) and Ramsar Sites. I am content that these are the correct sites and that the relevant correct features have been identified.

On the basis of the information provided, I have determined that significant effects on the North Downs Woodland SAC can be excluded. In the case of the Folkestone to Etchinghill Escarpment SAC, adverse effects could occur as a result of emissions from heavy goods vehicle movements on the road network. In relation to water quality effects on the Stodmarsh SAC, SPA and Ramsar sites, adverse effects could occur from the nutrient rich run-off from the project entering these hydraulically connected sites.

I have assessed the effect of the project on the relevant features of the SACs, SPA and Ramsar sites in light of their conservation objectives, taking into account the temporary nature of the development, the characteristics of the anticipated effects and measures proposed to mitigate potential adverse effects. I have also considered the views of Natural England who state that: *"Having considered the approach taken in the assessment in relation to the designated site features and conservation objectives, scale and duration of impact and in combination effects, and the measures proposed to mitigate for potential water quality impacts on Stodmarsh SAC, SPA and Ramsar, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given"*. I have concluded that the project will not result in adverse effects on the integrity of the Folkestone to Etchinghill Escarpment SAC or the Stodmarsh SAC, SPA and Ramsar site. I am therefore able to make a relevant approval on behalf of the Secretary of State.

**Decision:** Approval is given for the site to be developed in accordance with the Proposal and the approved plans and documents listed in Annex 2.

Any development on the site pursuant to the Order must comply with the conditions in Schedule 2 of the Order. This approval is also subject to the additional conditions listed in Annex 3.



RT HON CHRISTOPHER PINCHER MP





## **Annex 1 – Screening Direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)**

The proposal is for the construction and operation of an Inland Border Facility (IBF) comprising goods vehicle parking and border checking facilities for Her Majesty's Government for a temporary period, commencing on the 1 January 2021 until 31 December 2025 followed by a period of reinstatement. The site covers an area of 67.58ha in a strategic location near the M20 Junction 10a, south of Ashford between Sevington and Mersham. The extent, use and operation of the facility, along with the associated earthworks, goods vehicle parking areas and extent and scale of buildings and structures would be implemented on a phased basis in response to the respective requirements of the Department for Transport, Her Majesty's Revenue and Customs (HMRC) including Border Force as its operational agent, Department for Environment, Food and Rural Affairs (Defra), Port Health Authority (PHA), Plant Health Agency (APHA), Department for Business, Energy and Industrial Strategy (BEIS), and Driver and Vehicle Standards Agency (DVSA). The majority of the construction works have already been carried out as part of the first phase of the project to provide readiness for 1 January 2021, however some small-scale construction works continue to be required (maximum construction period of up to 6 months), along with the completion of the landscape planting.

The project includes provision for stationing of up to 1,300 goods vehicles, access from the A2070 link road to the M20 junction 10a, the erection of buildings and structures for border processing purposes, security fencing, noise attenuation bunds and fences, CCTV and lighting columns, drainage and all associated engineering and extensive hard and soft landscape works. The site has been in operation as an Inland Border Facility since 01 January 2021, although it has been operating below assumed traffic volumes due to the Government delaying the introduction of a number of border checks, especially on imported goods. The site would continue to operate 24-hours, seven days a week over the course of all phases of its temporary operation until 31 December 2025 before reinstatement of the site at the end of that period.

The proposed development falls within the description at Paragraph 10(b) of Schedule 2 to the EIA Regulations and exceeds the threshold in Column 2 of the table in that Schedule.

The site is a greenfield site for the purposes of assessment. The local area around the site is a mixture of residential, commercial and agricultural land use. Ashford, specifically Willesborough, is the main settlement located 100m west of the site. The existing land use and character of the area is a mixture of commercial and light industry in nature. The M20 motorway runs to the east of the site from Folkestone towards London. The recently constructed M20 Junction 10a is located approximately 80m north-east and the A2070 is located immediately north of the site (providing the primary point of access).

Immediately to the west of the site is the Church of St Mary, a Grade I Listed Building and the Milbourn Equine Centre. Numerous Grade II Listed Buildings are located on the site's southern boundary along Church Road and Hatch Park Registered Park and Garden is situated approximately 390m north-east of the scheme at its closest point. There are four Public Rights of Way (PRoW) within the scheme boundary. The closest site designated for nature conservation is Ashford Green Corridors Local Nature Reserve (LNR) 50m west of the site. Hatch Park Site of Special Scientific Interest (SSSI) is 550m north-east.

Having taken into account the criteria in Schedule 3 to the EIA Regulations, it is concluded that the proposal would not be likely to have significant effect on the environment for the following reasons:

- The project will give rise to a number of different adverse impacts through its lifetime including those associated with the use of natural resources and production of waste; impacts to receptors from increased noise, vibration and emissions to air; impacts



associated with accidents particularly during construction; and impacts due to cumulation with other development. There are also likely to be beneficial impacts to localised biodiversity receptors from enhancement measures embedded into the design and long term reinstatement measures for the benefit of biodiversity and landscaping.

- With reference to landscape and visual impacts, moderate adverse significant visual impacts were identified at a limited number of visual receptors (five of eighteen receptors assessed) as a consequence of their close proximity and aspect to the Site. Three of these receptors are at PRow and are therefore transient (albeit one of those is representative of a Grade II listed building) and two are at residential properties. These impacts are considered to be temporary, limited in nature and spatial extent and would reduce progressively over the operational lifetime of the project, in line with the establishment and maturity of the landscape mitigation works. These measures are proposed to be in place by the end of the first planting season and extending into the future in line with the long term reinstatement plan which is to be submitted by 30 June 2025. On the basis of their localised, limited and temporal extent (for the duration of operation only) these effects are not considered to be sufficient to determine that the proposal is EIA development for the purposes of the EIA screening process.
- Similarly, adverse impacts on the settings of designated heritage assets during operation may arise due to the presence of the project and the increase in goods vehicle movements (in particular the Grade I listed Church of St Mary, the collection of Grade II listed buildings along Church Road, the collection of Grade II listed buildings along Kingsford Street, heritage assets within Mersham, and Loud House). The view line between the Church of St Mary Sevington and the Church of St John Mersham was temporarily filled with parking spaces (for approximately 6 months during initial operation in 2021), however this viewing corridor is in the process of being restored. All hardstanding and lighting has now been removed and this part of the Site is not to be used for goods vehicle parking during the remainder of operation. There are other designated assets identified as being slightly adversely affected by the project although these are not expected to be significant with the implementation of landscaping design measures and with the integration of noise barriers.
- Impacts likely to occur at greater distances from the site result mostly from anticipated changes in vehicle movements on the affected road network (ARN). Such impacts have the potential to affect nearby designated sites responsive to changes in emissions to air.
- Existing and/or approved developments with the potential to give rise to cumulative impact have been identified as the adjacent Ashford Waterbrook IBF (no longer in operation and is in the process of being reinstated), and Waterbrook truck stop developments in particular. A number of other planned or consented residential-led development schemes have been identified within 4km of the project. Part of the project site also benefits from a planning permission relating to an employment led mixed use development scheme known as Stour Park.
- Significant cumulative effects with the residential led schemes are unlikely due to the presence of existing and proposed infrastructure and transport infrastructure in the area, plus the temporary nature of the project's operation in the context of the lifetime of those residential developments, until 31 December 2025.
- The significance of the impacts has been considered having regard to the type and characteristics of each impact. The impacts that result from the project will be limited and localised and will affect a relatively limited number of receptors. The impacts will also be



temporary and occur during distinct phases of the project's lifecycle. The impacts are reversible and will be subject to measures and conditions which will effectively reduce their effect.

- Information provided in support of the relevant approval submission demonstrates that the project will result in no new exceedances of air quality objectives or significant increases in noise and vibration emissions.
- The Sustainable Urban Drainage design and control measures embedded into the project are considered to be effective in managing pollution and discharges from the site, in particular there would be no significant effect, alone or in-combination, on the integrity of Stodmarsh SAC, SPA or Ramsar or its dependant features during construction and operation, and will contribute to longer term biodiversity benefits.
- The proposed lighting design will reduce the effect of lighting impacts during operation. Following engagement with local stakeholders, the operator has introduced supplementary mitigations for operational lighting since July 2021, which further reduces the night-time impacts associated with the scheme, including views afforded from the Kent Downs AONB. Further measures to mitigate the impact of the lighting is continuing to be explored to further minimise the impact on sensitive local receptors. Consequently, effects would not be unduly apparent during construction, operation and reinstatement phases.
- The project is required to adhere with measures including those specified in standard health and safety procedures, the construction and operational management plans, the reinstatement plan and site-specific conditions. All such plans are subject to approval by the Secretary of State and are presented in the border department's analysis of the likely environmental effects and assessment of traffic impacts.

The screening takes into account the measures in the SDO and in the Register of Environmental Actions and Commitments in Appendix C of the Analysis of Likely Environmental Effects Report that are embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan through the following conditions:

### **Overarching condition**

1. The use of the site for the purposes in Article 3(1)(a) and (b) of The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (the Order) authorised by this approval shall not be carried out other than in accordance with the conditions specified in Schedule 2 to the Order.

### **Site specific conditions**

2. The use authorised by this relevant approval shall not commence prior to 1 January 2022. No use or operations shall take place at the site after this time under any relevant approval pursuant to Article 4 of the Order given prior to the date of this decision.
3. The measures detailed in row AQ1, CH1, LVE1, LVE2, LVE3, LVE4, GS1, GS2, B1, B2, B3, B6, B8, M1, M2, M3, M4, NV1, NV2, NV3, PH1, RDWE1, RDWE2, C1 and CH4 of the Register of Environmental Actions and Commitments (Table C.1 of Annex C, Analysis of Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.



4. The measures detailed in row TT1, M4, NV4, NV5, B8, B10, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
5. The measures detailed in row CH3, LVE3, LVE4, LVE6, GS2, B8, B9, M2, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC, the retention of the landscaping and environmental improvement works set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P08 and Drawing No. 419419-MMD-01-MO-DR-L-3032 rev P05 and details of management and maintenance for soft landscaping and other biodiversity enhancement measures as set out within the Landscape Environmental Management Plan Drawing No 419491-MMD-01-MO-DR-L- 3031 P08, and the permanent site access to the A2070 shown on Drawing 419419-MMD-01-MO-DR-C-0110 P05 must be included as part of the Reinstatement Plan to be submitted for approval on or before 30 June 2025.
6. There shall be no storage of the material stockpiled on land to the east of Highfield Lane, as shown on approved drawing 419419-MMD-01-MO-DR-C-0028 P05, beyond 31 July 2022.
7. Prior to 31 March 2022, a strategy for the long term management of all the land within the redline boundary east of Highfield Lane, including the future use of material stockpiled as shown on approved drawing 419419-MMD-01-MO-DR-C-0028 P05, shall be submitted to the Secretary of State in writing. The future use of stockpiled material shall only be used in accordance with the approved strategy.
8. Prior to 31 March 2022, the construction compound at land to the east of Highfield Lane, shaded purple on drawing 419419-MMD-01-MO-DR-C-0182 P08, shall be removed in its entirety.
9. Details of the design and external appearance of buildings and facing materials proposed must be included as part of the Construction Management Plan to be submitted for approval.
10. Measures to ensure that waste or foul water from the development does not adversely affect the designated European Stodmarsh sites must be included in the Construction Management Plan and the Operational Management Plan to be submitted for approval. Any waste or foul water that is tankered off-site must be taken to a wastewater treatment works outside of the Stour Valley catchment.
11. No discharge of any tradewaste/tradewater (Non-human) into any existing drainage system shall take place at the areas identified as Defra Development Plot Area (hatched in purple) and HGV Bays Reserved for Container Trailer Parking for POAO & APHA (24 No.) (hatched in blue) on approved drawing 419419-MMD-01-MO-DR-C-0182 P08 unless agreed in writing by the Secretary of State.
12. Plots E and F as shown on approved plan 419419-MMD-01-MO-DR-C-0182 P08 shall not be used other than during an on-site systems failure, during significant repair and/or maintenance work on site or for traffic management purposes under the Civil Contingencies Act 2004. Lighting columns within these Plots shall not be used other than in association with these purposes.
13. Within three months of the date of this relevant approval, details of enhanced directional signage to the Sevington Inland Border Facility installed along the strategic highway network (M20 approaches) to the site shall be submitted to the Secretary of State.

14. The approved buildings shall at no point be used for sleeping accommodation for goods vehicle drivers attending the Inland Border Facility.

Impacts from the project are considered to be limited, localised, temporary and reversible. With the measures proposed to manage and reduce impacts, significant effects are unlikely to occur. This development, taken cumulatively with other development, would not be likely to have significant effects on the environment. Accordingly, the project is not considered to be EIA development. This conclusion specifically takes into account the characteristics of the impacts associated with the development including the temporary and reversible nature of the impacts.

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulation 5(6)(a) of the EIA Regulations, I direct that this development is not EIA development.



## **Annex 2 – Approved plans and documents**

The plans and documents approved by this decision are:

- Redline Boundary Plan (Drawing reference: 419419-MMD-01-MO-DR-Z-0002 P03)
- General Arrangement Plan (Drawing reference 419419-MMD-01-MO-DR-C-0182 P07)
- Land Ownership Plan (Drawing reference 419419-MMD-01-MO-DR-Z-0001 P03)
- Lighting Details drawing (419419-MMD-01-MO-DR-E-1361 P03)
- Fencing Details drawing (419419-MMD-01-MO-DR-C-0302 P04)
- Permanent Access General Arrangement Drawing (419419-MMD-01-MO-DR-C-0110 P05)
- Stockpiling Section Details drawing (419491-MMD-01-MO-DR-C-0142 P04)
- Stockpiling Location Details (419419- MMD-00-MO-SK-C-0028 P04)
- Landscape Details including Long Term Enhancement Plan (419491-MMD-01-MO-DR-L-3032 P05)
- Environmental Masterplan January 2022 (419491-MMD-01-MO-DR-L- 3031 P08)
- Planting Schedules (419491-MMD-01-MO-DR-L- 3033 P03)
- Defra Cross Sections (419419-MMD-01-MO-DR-C-0188 P02)

### **Annex 3 – Conditions**

This approval is given subject to:

1. The conditions specified in Schedule 2 to the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 save that for the purposes of this approval only:

The following further conditions:

2. The use authorised by this relevant approval shall not commence prior to 1 January 2022. No use or operations shall take place at the site after this time under any relevant approval pursuant to Article 4 of the Order given prior to the date of this decision.
3. The measures detailed in row AQ1, CH1, LVE1, LVE2, LVE3, LVE4, GS1, GS2, B1, B2, B3, B6, B8, M1, M2, M3, M4, NV1, NV2, NV3, PH1, RDWE1, RDWE2, C1 and CH4 of the Register of Environmental Actions and Commitments (Table C.1 of Annex C, Analysis of Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
4. The measures detailed in row TT1, M4, NV4, NV5, B8, B10, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
5. The measures detailed in row CH3, LVE3, LVE4, LVE6, GS2, B8, B9, M2, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC, the retention of the landscaping and environmental improvement works set out in Drawing No. 419419-MMD-01-MO-DR-C-0182 rev P08 and Drawing No. 419419-MMD-01-MO-DR-L-3032 rev P05 and details of management and maintenance for soft landscaping and other biodiversity enhancement measures as set out within the Landscape Environmental Management Plan Drawing No 419491-MMD-01-MO-DR-L- 3031 P08, and the permanent site access to the A2070 shown on Drawing 419419-MMD-01-MO-DR-C-0110 P05 must be included as part of the Reinstatement Plan to be submitted for approval on or before 30 June 2025.
6. There shall be no storage of the material stockpiled on land to the east of Highfield Lane, as shown on approved drawing 419419-MMD-01-MO-DR-C-0028 P05, beyond 31 July 2022.
7. Prior to 31 March 2022, a strategy for the long term management of all the land within the redline boundary east of Highfield Lane, including the future use of material stockpiled as shown on approved drawing 419419-MMD-01-MO-DR-C-0028 P05, shall be submitted to the Secretary of State in writing. The future use of stockpiled material shall only be used in accordance with the approved strategy.
8. Prior to 31 March 2022, the construction compound at land to the east of Highfield Lane, shaded purple on drawing 419419-MMD-01-MO-DR-C-0182 P08, shall be removed in its entirety.
9. Details of the design and external appearance of buildings and facing materials proposed must be included as part of the Construction Management Plan to be submitted for approval.



10. Measures to ensure that waste or foul water from the development does not adversely affect the designated European Stodmarsh sites must be included in the Construction Management Plan and the Operational Management Plan to be submitted for approval. Any waste or foul water that is tankered off-site must be taken to a wastewater treatment works outside of the Stour Valley catchment.
11. No discharge of any tradewaste/tradewater (Non-human) into any existing drainage system shall take place at the areas identified as Defra Development Plot Area (hatched in purple) and HGV Bays Reserved for Container Trailer Parking for POAO & APHA (24 No.) (hatched in blue) on approved drawing 419419-MMD-01-MO-DR-C-0182 P08 unless agreed in writing by the Secretary of State.
12. Plots E and F as shown on approved plan 419419-MMD-01-MO-DR-C-0182 P08 shall not be used other than during an on-site systems failure, during significant repair and/or maintenance work on site or for traffic management purposes under the Civil Contingencies Act 2004. Lighting columns within these Plots shall not be used other than in association with these purposes.
13. Within three months of the date of this relevant approval, details of enhanced directional signage to the Sevington Inland Border Facility installed along the strategic highway network (M20 approaches) to the site shall be submitted to the Secretary of State.
14. The approved buildings shall at no point be used for sleeping accommodation for goods vehicle drivers attending the Inland Border Facility.

### Informatives

1. The Secretary of State's expectation is that the Operational Management Plan will identify which wastewater treatment works will receive any waste or foul water that is tankered off-site.
2. The Site Operator is encouraged to engage with National Highways to promote suitable landscaping on land under its ownership along the site's northern boundary.
3. It is understood that the strategy for the future use of land to the east of Highfield Lane required by condition 7 to this relevant approval may form part of a subsequent submission for relevant approval under Article 4 of the Order. It is understood that this is to be received in the early part of 2022. If not, then this condition will continue to apply
4. The Site Operator is reminded that a relevant approval under Article 4 of the SDO cannot come into effect until an appropriate Construction Management Plan and Operational Management Plan have been submitted and approved. If this is not achieved before 1 January 2022 then the implementation of this relevant approval will be delayed accordingly.
5. Policies and procedures concerning protestors against live animal inspections at the site should be included within the Operational Management Plan to be submitted for approved.
6. Prior to commencement of development as indicated in condition 2, the Site Operator must meet the notification requirements as set out in paragraph 6 of Part 2 of Schedule 2 to the Order.