

Date: 27 August 2025
Our ref: 521637
Your ref: CROWN/2025/0000002



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BY EMAIL ONLY

Dear Sir/Madam

Planning consultation: Crown application for retrospective buildings, goods vehicle and ancillary facilities and associated works for Inland Border Facility and Border Control.

Location: Sevington Inland Border Facility, Mersham, Ashford, TN25 6GE.

Thank you for your consultation on the above dated 01 August 2025 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have reviewed the information provided and can confirm that we have **no objection** to the proposed development **subject to the following mitigation measures** being secured:

- Continuation of current drainage arrangements whereby trade effluent is discharged outside of the Stour Valley catchment.
- An adjusted lighting strategy which allows lighting to be switched off in certain areas and shielded to prevent light spill.

Please refer to the following advice for our detailed comments on the above.

Habitats Regulations Assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts.

On the basis of the information provided, it is our advice that the development contains measures intended to avoid or reduce the likely harmful effects on European sites which cannot be taken into account when determining whether a plan or project is likely to have a significant effect on a site (following the *People Over Wind* ruling by the Court of Justice of the European Union).

Though these measures **appear appropriate to mitigate the impacts from foul water on the Stodmarsh designated sites**, they need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). These measures, and any additional measures that can avoid or reduce any likely harmful effects, can be considered as part of the appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

As we are satisfied with the mitigation measures proposed, we would not expect to be reconsulted on your authority's appropriate assessment.

General Comments

Having considered the applicant's Habitats Regulations Assessment and associated evidence, we agree that a likely significant effect can be ruled out for the following impact pathways:

- Direct loss of site.
- Disturbance, restriction, noise and light.
- Surface water run-off and hydrological linked pathways (**Note: not for Stodmarsh designated sites- see below for detailed comments on this**).

Nutrient Neutrality – Stodmarsh SAC, SPA and Ramsar site

In an email response to Defra colleagues dated 11 October 2024 (our ref. 490322) Natural England advised that impacts resulting from large amounts of trade effluent associated with the IBF could not be ruled insignificant and therefore would require mitigating in line with our nutrient guidelines, given that it the plan was to discharge to a WwTW connected to the Stodmarsh designated sites.

We note from the submitted HRA that instead of discharging to a WwTW as previously planned, the intention is to continue with the current drainage arrangements whereby trade effluent is captured and stored in an onsite tank before being removed and treated outside of the Stour Valley catchment.

While it is Natural England's opinion that foul water should be connected to the mains sewage network wherever possible due to the risks associated with failure of cesspits and private package treatment plants, we concur that where the cesspit is emptied outside of the catchment and maintained for the lifetime of the development it will be unlikely to have an adverse effect on the Stodmarsh designated sites.

Your authority will need certainty that this measure can be robustly secured, monitored and enforced in perpetuity or until such time as alternative permanent mitigation becomes available. When making your decision as the competent authority, you may wish to outline why exceptional circumstances exist, which adequately justify the use of this specific mitigation approach.

Air Quality

Natural England previously advised on the impacts to Folkstone to Etchinghill Escarpment SAC in relation to air quality as part of the original temporary permission, agreeing with the conclusion of no adverse effect on the integrity of the site. As this new permission will not result in increased traffic compared to existing levels, we continue to agree that there is unlikely to be an adverse effect on the integrity of the site.

Landscape Advice – Kent Downs National Landscape

From the information provided in the submitted Landscape and Visual Impact Assessment (LVIA) (April 2025), Natural England is satisfied that the complete and operational development will not be visible from the Kent Downs National Landscape during the day however, we have concerns that

the light spill is causing significant glare visible from the National Landscape at night (Figure 32: Nighttime Viewpoint 12).

We therefore agree that the mitigation proposed in paragraph 7.3 of the LVIA, which seeks to adjust the lighting strategy to allow lighting to be turned off in certain areas and install shields to certain luminaires, should be secured in any permission given. Though we note that the latter is more geared towards mitigating light spill to residential properties, it is our advice that directing lighting downwards (where it cannot be turned off) will help to reduce glare and therefore provide betterment to Kent Downs National Landscape.

Final Comments

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter, please contact me at

[REDACTED]

Should the applicant wish to discuss an alternative mitigation strategy to achieve nutrient neutrality at any point, we would be happy to provide advice through our [Discretionary Advice Service](#).

Yours faithfully,

Sophie Moore

Senior Officer for Sussex – Sustainable Development
Sussex & Kent Area Team