



Kent Downs
National
Landscape

CROWN/2025/0000002

Sevington Inland Border Facility, Mersham, Ashford, TN25 6GE

Description of the proposed development:

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.

Applicant name

Department for Transport DfT, Department for Environment Food and Rural Affairs Defra and His Majesty's Revenues and Customs HMRC

Introduction

Please find below the comments of the Kent Downs National Landscape team on the application for the Sevington Inland Border Facility. The comments are made by the team in response to the impact of the proposals on the Kent Downs National Landscape and its setting and do not necessarily reflect the views of the individual organisations that make up the Kent Downs National Landscape Partnership.

The site lies in the setting of the Kent Downs National Landscape (KDNL), by virtue of its proximity to the designated area (approximately two km away), the scale of the proposals and the fact that there is intervisibility between the site and the Kent Downs. The proposal should therefore be tested against the purpose of the National Landscape designation, to conserve and enhance the natural beauty of the National Landscape, in line with paragraph 189 of the NPPF and local plan policy.

National Landscapes, the rebranded name for Areas of Outstanding Natural Beauty, are a nationally important and protected landscape that have the same status in planning terms as National Parks and represent just 18 per cent of the land area of England and Wales. Both the applicant, as public bodies, and the Planning Inspectorate are bound by the new Duty to seek to further, set out at Section 85 of the Countryside and Rights of Way Act 2000, recently amended through the Levelling Up and Regeneration Act 2023. This requires all public bodies and relevant authorities to 'must seek to further' the conservation and enhancement of the natural beauty of AONBs in carrying out their duties. This new, statutory Duty needs to be properly considered throughout the decision making process. It is important to note that the Duty applies not just in respect of proposals within National Landscapes but is also relevant authorities in exercising their functions "so as to affect" land in an Area of Outstanding Natural Beauty so is also applicable to the setting of the Kent Downs National Landscape.

The KDNL team raises concerns that the development impacts on the Kent Downs National Landscape, by virtue of introducing a large scale, discordant feature into some of the most iconic and celebrated views out from the Kent Downs escarpment, with views out from the escarpment of KDNL being specifically noted as a target for the designation and a recognised special quality of this protected landscape. There would also be nighttime effects arising from the external lighting. Of particular concern, is that the LVIA that accompanies the application, while recognising that the proposal results in night time effects, incorrectly asserts that the development is not visible in day time views from the Kent Downs, which results in a wholly unrealistic and under-assessment of the impacts to this protected landscape. These incorrect findings of the LVIA, which also includes other factual errors (further details are provided below) then feeds into further reports submitted in support of the application and results in a subsequent failure of the application submission to either acknowledge or address the harm to the KDNL. The Planning Statement for example fails to reference the Kent Downs as an impacted designation and does not refer to any national or local planning policy relating to National Landscapes. This is considered wholly unacceptable and to also be a failure of the applicant to comply with their statutory Duty under S85 of the CroW Act. We would also comment that despite claims that there has been extensive consultation with stake-holders on the proposal, there has been no contact with the Kent Downs National Landscape team.

Relevant policy

National Planning Policy Framework, updated December 2024

National planning policy in respect of National Landscapes is set out in paragraphs 189 and 190, within Chapter 15 of the NPPF - the Natural Environment.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Paragraph 105 of the NPPF sets out that planning decisions should protect and enhance public rights of way, including National Trails; the appeal proposal would result in a deterioration of experience for users of the North Downs Way National Trail, by impacting on views.

It is also worth noting paragraph 2 of the NPPF. This states that *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*, which in this case is the Ashford Local Plan. The paragraph goes on to explain that *'Planning policies and decisions must also reflect relevant international obligations and statutory requirements'*, which is relevant in respect of the new Duty to seek to further.

Planning Practice Guidance (Natural Environment)

The national PPG provides additional guidance on how development in National Parks and AONBs and their settings should be approached. At [Paragraph: 042 Reference ID: 8-042-20190721](#), it is advised:

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

Paragraph 39 relates to the new duty set out in the amended CroW Act and confirms that this is particularly important to the delivery of the statutory purposes of protected areas and that it *"is relevant in considering development proposals that are situated outside National Park or National Landscape boundaries, but which might have an impact on their setting or protection"*. ([Paragraph: 039 Reference ID: 8-039-20250129](#)).

Paragraph 40 refers to Management Plans, advising that:

'Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, provide a basis for cross-organisational work to support the purposes of their designation and

show how management activities contribute to their protection, enhancement and enjoyment. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications.'

The Kent Downs AONB Management Plan

The Countryside and Rights of Way Act 2000 sets out a requirement for a Management Plan to be prepared and published for AONBs. The [Kent Downs AONB Management Plan 2021 - 2026](#) sets out the aims, policies and actions for the conservation, enhancement and management of the National Landscape in a series of Principles.

The Management Plan is prepared by the National Landscape Team and the Joint Advisory Committee for and on behalf of the twelve local authorities within the Kent Downs and has been adopted by all local planning authorities in the Kent Downs, including Ashford Borough Council. As set out above, the national Planning Practice Guidance confirms at [paragraph 040 Reference ID: 8-040-20190721](#) that Management Plans can be a material consideration in planning decisions. The following principles from the Kent Downs AONB Management Plan are considered to be of particular relevance to the application:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

SD10 Positive measures to mitigate the negative impact of existing infrastructure and growth on the natural beauty and amenity of the Kent Downs AONB will be pursued.

SD11 Major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented and maintained. The removal or mitigation of identified landscape detractors will be pursued.

SD12 Transport and infrastructure schemes and growth areas are expected to avoid the Kent Downs AONB. Unavoidable developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated by sympathetic landscape, buffering, land bridges and design measures and provide compensatory measure through benefits to natural beauty elsewhere in the AONB.

In recognition of the importance of setting to the Kent Downs, a Position Statement on setting has been published by the Kent Downs National Landscape partnership, intended to provide amplification on matters raised in respect of setting in the AONB Management Plan, the [Kent Downs Position Statement on Setting](#). This advice note confirms that consideration of the setting of the Kent Downs National Landscape should be taken into account in considering development likely to affect the special qualities of the National Landscape and that development resulting in a negative impact on the setting will not be supported, unless it can be satisfactorily mitigated. The Setting Position Statement provides examples of adverse impacts on the setting. These include development which would have a significant impact on views in or out of the National Landscape.

Ashford Local Plan

Policy ENV3b of the Ashford Borough Local Plan (adopted 2019) requires that regard is had to the purpose of conserving and enhancing the Kent Downs Area of Outstanding Natural Beauty and advises that permission for proposals within or affecting the setting of an AONB will only be granted where:

- The proposal's location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape;
- The development would enhance the special qualities, distinctive character and tranquillity of the AONB;
- The development has regard to the relevant AONB management plan and any associated guidance;
- The development demonstrates particular regard to specified landscape characteristics.

Further background to the issue of the setting of AONBs is provided in the explanatory text, at paragraphs 9.40 to 9.42, where it is advised that:

"9.40 Generally speaking, the settings of AONBs within the borough are of a high scenic quality, are of importance for rarity, tranquillity, representativeness and variety of local landscapes, and are unspoilt by large-scale intrusive development. Their characters are common with the AONBs, including topographic and visual unity, with a clear sense of place, and usually aspects of historical, wildlife and/or architectural conservation interest.

9.41 Scale, height, siting, use, materials and design are factors that will determine whether a development affects the natural beauty and special qualities of the AONB. Compatibility with surroundings, movement, reflectivity and colour are important in considering impact on setting. Generally, the further away a development is from the AONB boundary, the less the impact on this designation.

9.42 Within the setting of the AONBs, priority will be given over other planning considerations to the conservation or enhancement of natural beauty, including landscape, wildlife and geological features, while recognising that landscape considerations carry less weight than within these designations. At the same time, due regard will be had to the economic and social well-being of the area."

Impacts to the Kent Downs National Landscape

The impacts from this development to the Kent Downs National Landscape arise from the visibility of the development in views (contrary to assertions in the submission that the facility is not visible from the KDNL, as explored further in our comments under LVIA) and also arising from nighttime effects, from the extensive lighting associated with the scheme.

From the escarpment of the Kent (North) Downs, the most prominent and recognisable feature of the designated landscape and the main target of its designation the Border Facility is visible. It is seen from the majority of a large tract of the escarpment directly north of the site from south-west of the property Down Field on Cold Harbour Lane to the Wye Crown, other than a small central section where views are impeded by woodland cover. This is a length of nearly two kilometres, and is one of the most visited, valued and celebrated parts of the Kent Downs National Landscape and includes extensive areas of open access land, various public rights of way traversing the escarpment face and the North Downs Way National Trail, the main promoted route through the Kent Downs. It is serviced by car parks and includes several promoted viewpoints, one at The Crown, one opposite the car park at Broad Downs and the Millstone Viewpoint on the edge of the coombe known as the Devil's Kneading Trough¹. This part of the North Downs comprises one of the most iconic locations within the KDNL. From here, the site is central in the views and is clearly visible, in a location where other surrounding built form of large scale is largely imperceptible. The facility is also visible from other locations along the escarpment of the Kent Downs. Photos showing the visibility are provided below in Figures 1 to 6.



Figure 1 view from LVIA Viewpoint 12

¹ [\[link\]](#) to Devil's Kneading trough description on KDNL website.



Figure 2 View from Wye Nature Reserve, opposite car park



Figure 3 Zoomed in version Figure 2



Figure 4 View from path along side of Devi's Kneading Trough, leading to the Millstone Viewpoint



Figure 5 Zoomed in version of figure 4



Figure 6 View from Millstone Viewpoint, located at end of Devil's Kneading Trough

The Border Facility infrastructure is of utilitarian and industrial design and of large scale. The regimented arrangement of the buildings and their long, horizontal form with flat roofs contrasts strongly with the organic pattern of open fields and woodland in the view, appearing wholly uncharacteristic amongst the typical patchwork of green- and yellow-coloured fields and dark green woodland around the site, appearing as a large scale industrial element in the view. The main buildings are sited 'face- on' to views from the KDNL, presenting long horizontal structures which exacerbates the impact, as does the pale grey colour of the buildings,

contrasting strongly with the darker colours of the surrounding vegetation. We note that the Design and Access Statement at 4.7 acknowledges the effect of the use of lighter coloured materials stating that the extensive use of lighter greys on buildings elevation helps to increase their visual prominence, albeit this is in a more general context, rather than in relation to specific views from the KDNL. While there is much other built form surrounding the site, none of this is visible or unduly prominent in views from the Kent Downs National Landscape, while the Border facilities in contrast appear as a large scale urban intrusion in an otherwise mostly rural environment; other built form associated with Ashford is visible from the escarpment KDNL, however this is located much further to the west (to the right of the Inland Border Facilities in views from the escarpment), where the infrastructure appears as a large scale and isolated urban form that forms a central and discordant feature in these iconic views.

As identified above, the harm is significantly exacerbated by the pale grey colour of the buildings. The impacts of colour on development within the setting of the KDNL is specifically addressed in the Kent Downs Colour Guidance² at page 32, where it is set out that tonal contrast between buildings and their setting is the main means by which buildings become identifiable within the landscape. It is explained that a light tonality of development that is set against a darker landscape will result in very high visibility when viewed from afar. The Guidance advises that "This particularly applies to roofing materials but also to elevations which face onto the escarpment of the AONB". This is the situation with the Sevington Inland Border Facility where the pale grey cladding and roof materials of the buildings contrast strongly with surrounding dark green woodland, making the buildings strongly visible in views from the escarpment to the north.

The views out from the chalk scarp of the Kent Downs over its setting was a key reason for the original designation of the Kent Downs as an AONB. When the Kent Downs were confirmed as an AONB, the overall remarks of the designation committee were summarised as: "*The scarp slope and dry valleys of the Kent Downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles*" (my emphasis).

This feature has remained critical to its value and to public enjoyment ever since and today is recognised as one of its special characteristics and qualities. Section 1.2 of the Management Plan identifies "Breath-taking, long-distance panoramas are offered, often across open countryside, estuaries and the sea from the scarp, cliffs and plateaux. The dip slope dry valleys and river valleys provide more intimate and enclosed vistas".

In addition to the harmful effects on views out from the KDNL, the facility has also introduced night time effects to the setting of the Kent Downs National Landscape. The development has introduced lighting into an extensive area that was previously unlit and is clearly visible in views out from the Kent Downs escarpment. The lighting appears brighter than any other lighting in the environs and the impact also exacerbated by the number and density of lighting columns that have been installed at the site. The extent of the impact is increased by the lighting remaining switched on throughout the night. The lighting does not in our view either conserve or enhance the KDNL, impacting on the area's dark night skies and adversely affecting tranquillity, one of this protected landscape's identified special characteristics.

² Kent Downs Guidance on the selection and use of colour in development [\[link\]](#)

In order to fully assess the impacts of the proposal on the KDNL, we encourage the Inspector to assess the visibility for themselves, from the promoted view points at Broad Downs, including the Millstone VP at the edge of the Devil's Kneading Trough and to walk the section of the North Downs Way national trail between the Nature Reserve Carpark to Wye Crown.

LVIA

The application is accompanied by an LVIA. However, in respect of the assessment within this report of the impacts to the Kent Downs National Landscape, the Assessment contains numerous errors and inaccuracies, not least incorrectly asserting that the development is not visible from the KDNL in day time views and therefore should either be corrected or its findings in connection within the KDNL disregarded.

A ZTV map is provided at Figure 5b. This plan however only shows a very small section of the KDNL, with the site visible from a much larger part of the KDNL than is included within this plan. It is our contention that a plan that illustrates the extent of the ZTV from a larger proportion of the KDNL should be provided, that extends further to the north and south of land in the KDNL than is shown, in order to fully inform assessment of the extent of the KDNL that would potentially be affected.

The LVIA only assesses impacts on the KDNL from one viewpoint, viewpoint 12, located directly north of the site, on the escarpment of the KDNL, at a promoted view point. The given grid reference of this view point (the Y co-ordinate), as set out in Table 7 is incorrect. Figure 30 provides the Baseline Viewpoint while Figure 31 provides a view with development. In both figures, the site is incorrectly annotated with a red arrow which is pointing to a site that is not the application site, rather appears to be located to the east and north of the actual site. The clarity of both photos is of an insufficient quality to be able to properly assess the impacts of the development and furthermore Figure 31 is taken at a time when there was poor visibility, restricting views of the development. Nevertheless, the development is just visible in the image, to the left and behind the site location illustrated in Figure 31. This is shown in the figure below, with the Border Facility buildings on the site circled in blue.



Figure 7 Extract from Figure 31 of the LVIA

Table 41 of the LVIA, sets out that from this viewpoint "*Due to the distance of this viewpoint to the Development and the dense tree and hedge coverage within the wider landscape the recreational users of North Downs Way will experience no views of the Development.*" In light of this judgement, it is assessed that there would be no Magnitude of Change and no Significant Effect. However, as set out in the preceding section of this representation, the Border Facility is visible from this view point and from a large tract of the escarpment within the KDNL to the north-west, extending as far as the Wye Crown. From this part of the KDNL, which includes several promoted viewpoints, such as that opposite the car park, the "Millstone Viewpoint" at the end of the Devil's Kneading Trough coombe side and from the Crown itself, the development is readily apparent and indeed sits centrally within the view, becoming a focus of it, due to its form, colour and contrast with the surrounding landscape. It is our initial assessment that the development results in Moderate Adverse Magnitude of Change, corresponding with the description set out in Table 5 of the LVIA that "The Proposed Development would be visually intrusive and would cause noticeable deterioration and / or adverse change in the existing view / general visual amenity of the area". In view of the very high sensitivity of the receptor in this location, this results in Major adverse effect.

Figure 32 and Tables 41 and 42 assess potential night time effects on the KDNL and the inclusion of such an assessment is welcomed. We agree that there are night time effects, as illustrated in Figure 32, and that the effects would not change between Year 1 and year 15, however it is our conclusion that the Magnitude of Change is underassessed, in view of the extent of lighting, the nature of it (brighter and more intense than other surrounding lighting) and by virtue of the lighting remaining switched on all night. We assess the Magnitude of Change to be 'Moderate', resulting in an adverse effect that is of major significance, taking into account the High sensitivity of the receptor.

Conclusion

The Border Facility lies within the setting of the KDNL. The NPPG on natural environment specifically recognises that '*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary*' (my emphasis), as is the case in the Kent Downs, where views from the escarpment were a fundamental reason behind the designation of the landscape as an AONB and where such views are still recognised today as one of the Kent Downs special qualities.

The Border Facility is visible from an extensive tract of the North Downs escarpment, within Kent Downs National Landscape, where it appears as an incongruous and industrial intrusion into the landscape, and has resulted in a deterioration of the views, from one of the most visited parts of the KDNL, where there are several promoted viewpoints and including for users of the North Downs Way National Trail, acknowledged to be highly sensitive receptors, given that their attention is focused on views out from the escarpment.

The Facility also results in night time impacts to the KDNL from the extensive lighting scheme associated, that extends across a significant area and is highly visible from the KDNL. These impacts are exacerbated by the lighting remaining switched on through the night, but also impact on duller day time views and at dawn and dusk when the lighting is also visible and extends lighting associated with other urban development at Ashford also visible from the KDNL further to the east and closer to the KDNL boundary.

The NPPF (paragraph 189) requires proposals within the setting of Protected Landscapes to be "sensitively located and designed to avoid or minimise adverse impacts on the designated areas". We do not consider the proposal has been sensitively located or designed to comply with this requirement. The siting of the main buildings, so they are located face-on or on a horizontal alignment to the main views from the KDNL exacerbates impacts. Furthermore, the pale grey colour of the buildings is particularly harmful and significantly exacerbates the impacts; the pale grey colour contrasts strongly with the mainly darker hues of the surrounding natural vegetation and draws the eye to the development, making it much more prominent than if a darker cladding and roofing material had been used.

The assessment of the LVIA, as set out at Table 41 that "*Due to the distance of this viewpoint to the Development and the dense tree and hedge coverage within the wider landscape the recreational users of North Downs Way will experience no views of the Development*" is factually incorrect and therefore the assessed Magnitude of Change and Likely Significance of Effect for Viewpoint 12 is also strongly contested by the KDNL team. Other errors in the LVIA such as the incorrect grid reference for the Viewpoint and the Assessment incorrectly identifying the application site on the submitted photographs, also draw into question the reliability of this Assessment. As such, it is our contention that the findings of the Assessment in respect of impacts to the KDNL should either be disregarded or the LVIA corrected, including with the substitution of photographs that should be taken in conditions of clear visibility.

Given the impacts to the KDNL identified above, it is our conclusion that the proposal neither conserves nor enhances the natural beauty of the Kent Downs National Landscape, and is in conflict with paragraph 189 of the NPPF. It is also our assessment that the proposal fails to comply with Policies ENV3b of Ashford's Local Plan. ENV3b requires proposal's location, form, scale, materials and design to conserve and where appropriate enhance or restore the character of the landscape, for development to enhance the special qualities, distinctive character and tranquillity of the AONB and to have regard to the relevant management plan and any associated guidance; the proposal fails to meet these requirements. The proposal is also in conflict with the aims and objectives of the Kent Downs AONB Management Plan and in particular principles SD3, SD7, SD8, SD10, SD11 and SD12. It also fails to take account of the guidance provided in the KDNL Position Statement on Setting.

Should the principle of the development be found to be acceptable, in order to address the above identified harm to the KDNL, and to comply with the requirements of local and national policy, it is recommended that appropriate mitigation is incorporated into the development. In addition, all measures to reduce the impacts of the lighting scheme should be implemented. Additional planting is unlikely to be effective in assisting in ameliorating impacts in views from the KDNL, as the buildings would remain visible above any planting along the north boundary of the site, due to the higher topography of the views from the KDNL. It is therefore recommended that the existing roofing materials and external cladding to the north face of the buildings is changed to a much darker tone, which should be informed by reference to the Kent Downs Guidance on the Selection and use of colour in development.³ This would result in a significant reduction in the impact of the built facility in views from the KDNL. Such a requirement would also help demonstrate compliance, for both the Applicant and Planning Inspectorate, with the new Protected Landscapes Duty. Defra Guidance published on the duty confirms that it is applicable to proposals impacting on the setting of a protected landscape and advises that aspects such as dark skies or "long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting. The Guidance also sets out

³ Kent Downs AONB Guidance on the selection and use of colour in development [[link](#)]

that "development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible".

I hope this is of assistance to you.



Planning and Place Manager,
Kent Downs National Landscape team.