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20 November 2020

Dear Mr Soutar,

**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 Commissioners for Her Majesty's Revenue and Customs.

**Site:** Birmingham Airport, Car Park 6, Jetstream Road, B26 3QY

**Proposal:** The submission under article 4 of The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 is for temporary development at Birmingham Airport, Car Park 6 for an Inland Border Facility comprising the change of use of the site from an existing car park to provide for 198 HGV spaces and 131 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs (HMRC) is seeking approval for the use of the site for undertaking Common Transit Convention checks (CTC) and Temporary Admission Carnets (ATA). There would also be an ancillary presence from Border Force and Department of Business, Energy and Industrial Strategy (BEIS) for relevant inspections. Processing would be of both imports and exports to the UK. The site is intended to operate 24 hours a day seven days a week from 1 January 2021 until 31 December 2022.

The submission is seeking approval for:

- Reconfiguration of the site to provide space for a maximum of 198 heavy goods vehicles (HGV) and 131 staff vehicles at any one time.
- The demarcation of parking bays and circulation routes on site, including via the alteration of hardsurfacing and kerbs.
- The creation or emplacement of temporary structures associated with vehicle inspection, site operation and welfare. No building or structure would exceed a maximum height of 12m above adjacent ground level, with any new security fencing to a maximum height of 2.4m.
- Approximately 54 temporary lighting columns in line with the supporting 'Lighting Design Approach' (Ref 418703-MMD-XX-BX-FN-LE-0001).
- Removal of 120 existing trees and vegetation on site.
- Removal of two existing demountable buildings.

- Other minor alterations to the site including making good fencing where necessary, and alterations to existing drainage provision.

On behalf of the Secretary of State I have considered the documents submitted to him on 5 November 2020 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.

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.

**Decision:** Approval is given for the site to be developed in accordance with the Proposal, including the works listed above, 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.

Yours sincerely,

**LUKE HALL MP**

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

The development proposed comprises the temporary change of use of the site from an existing car park to a temporary Inland Border Facility to provide 198 HGV spaces and 131 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs (HMRC) is seeking approval for the use of the site for undertaking Common Transit Convention checks (CTC) and Temporary Admission Carnets (ATA). There would also be an ancillary presence from Border Force and Department of Business, Energy and Industrial Strategy (BEIS) for relevant inspections. Processing would be of both imports and exports to the UK. The site is intended to operate 24 hours a day seven days a week from 1 January 2021 until 31 December 2022.

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

I have considered the information provided by the Commissioners for Her Majesty's Revenue and Customs as part of the submission.

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

- The Birmingham Airport Inland Border Facility site is located in a developed, urbanised area and comprises an existing consented hardstanding car park. Therefore, the construction of the border facility will require relatively minor works and use of the site would require no greenfield land-take.
- The site drainage discharges to an unnamed ditch which has the potential to subsequently affect the River Blythe Site of Special Scientific Interest (SSSI), however it will be provided with an oil separator and effluent would be tankered off site until such time as an environmental permit is agreed for discharge of effluent from a package treatment plant. The site is also located within proximity of Bickenhill Meadows SSSI (0.88km to the south) but is not identified to have effects on this site due to distance. Coleshill and Bannerly Pools SSSI and other locally designated sites are within 200m of the affected road network but are not anticipated to experience significant impacts due to emissions.
- Heritage features including the Grade I Listed Church of Saint Peter, Bickenhill approximately 700 metres south of the site and Grange Farmhouse (Grade II) located approximately 900m south are located within the Bickenhill Conservation Area but are not impacted due to distance and lack of intervisibility.
- 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; and impacts due to cumulation with other development.
- The impacts will occur during construction, operation and reinstatement of the site but will be temporary in nature and occur mostly on a localised scale. Impacts likely to occur at greater distances from the site result mostly from anticipated changes in vehicle movements on the affected road network.

- Existing and/or approved developments with the potential to give rise to cumulation effects have been considered including the M42 Junction 6 Improvement, A45 Sprin rapid bus transit proposalt, HS2, other DfT projects, a mineral extraction project, Jaguar Land Rover and future airport expansion. The project's operational timeline also overlaps with the Commonwealth Games due to be hosted at the Birmingham National Exhibition Centre in 2022.
- The significance of the impacts has been considered having regards to the type and characteristics of each impact. The impacts that result from the project will be localised and will affect a relatively limited numbers of receptors, traffic increases will be an intensification of the existing consented highway use, the short term and reversible nature of the project the impacts will 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 application demonstrates that the project will result in no new exceedances of air quality objectives for human health receptors or significant increases in noise and vibration emissions. The proposed lighting design will reduce the effect of lighting impacts during operation.
- 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 Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020, and in the Register of Environmental Actions and Commitments in Appendix B of the Analysis of Likely Environmental Effects of the Development, that are to be embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan through the following conditions:

1. Subject to 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:
2. The following further conditions:
  1. The use of the site for the purposes in articles 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 cease on 31 December 2022.
  2. On or before 30 June 2022, a Reinstatement Plan, including a timetable for the completion of reinstatement works, shall be submitted to the Secretary of State in accordance with the requirements of Part 4 of Schedule 2 to the Order and all reinstatement works shall be completed by 31 December 2023 unless agreed otherwise.
  3. A border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023.
  4. No more than 1,000 heavy goods vehicles shall enter the site hereby approved for border processing in any 24-hour period.

5. In addition to the requirements of SDO Schedule 2, Part 1(B)(1), any lighting associated with the development hereby approved shall be provided and maintained in accordance with submitted Technical Note 'Lighting Technical Approach, 418703-MMD-XX-BX-FN-LE-00001, dated 4 November 2011.
6. Any foul water (treated effluent from package treatment plants) shall be removed from the site until such time as an environmental permit for its discharge to a watercourse has been granted. Additionally, surveys of the existing drainage must be carried out and any repairs identified as necessary completed prior to operation of the site to ensure that it functions appropriately for the lifetime of the proposal.
7. Prior to commencement of works on site, protective barriers must be installed around all of the trees in close proximity to the works and a suitably qualified arboriculturist must attend the site to confirm the final positioning of the protective fencing prior to the commencement of any works, in line with the approach set out in the Preliminary Arboricultural Assessment Ref 418703-MMD-XX-BX-RP-YE-0002.
8. The measures detailed in row AQ1, L1, L2, GS1, GS2, B2, B3, B4, M1, NV1, NV2, NV3, PH1, RDWE1, RDWE2 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex B, 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.
9. The measures detailed in row L1, GS1, B3, B4, M2, M3, NV4, NV5, PH1, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
10. The measures detailed in row AQ1, L1, L2, L3, GS1, GS2, B1, B2, B4, M1, NV1, NV2, NV3, PH1, RDWE1, C1 and C3 of the REAC must be included as part of the Reinstatement Plan to be submitted for approval. In addition, any vegetation that is required to be removed to facilitate the Scheme shall be replanted during the decommissioning and reinstatement phase of the development. Replanting shall be on a like-for-like basis supported by an appropriate planting specification.

Informative: In addition to the requirements under SDO Schedule 2, part 3, paragraph (1)(e)(I), the Operational Management Plan should make suitable provision for amendments to be made to the level, timing and route of associated traffic in response to changing circumstances in the area and noise implications (including in respect of events at the National Exhibition Centre, broader works with a highways effect, and in respect of Covid-19 facilities). It is the Secretary of State's expectation that HMRC, Highways England, SMBC, the Airport and other relevant organisations work collaboratively in that respect.

The Secretary of State will expect the border department to take account of the various points raised during engagement in progressing the proposal (albeit that some do not expressly relate to the provisions of the SDO insofar as relevant approval under article 4 of the SDO is concerned). The Secretary of State's expectation is also that a Traffic Management Plan, Signage Strategy and Staff Travel Plan will be provided in the Operational Management Plan, under the requirements of Part 3(1) of the Special Development Order. Further, the Secretary of State expects that there will be collaborative working between the border department and Highways

England to address, and minimise as far as practicable, any highways implications of the Inland Border Facility (in the design of the OMP, and throughout operation).

Impacts from the project are considered to be localised, temporary and reversible. With the measures proposed to manage and reduce impacts significant effects are unlikely to occur. This conclusion specifically takes into account the characteristics of the impacts associated with the project and emphasis has been placed on 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:

- Red Line Boundary plan (Drawing Reference: 418703-MMD-05-BX-DR-C-0001, P06)
- Site Plan (Drawing Reference: 418703-MMD-05-BX-DR-C-0102, P02)
- Lighting Design Approach (Drawing Reference 418703-MMD-XX-BX-FN-LE-0001)

### **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:

2. The following further conditions:

1. The use of the site for the purposes in articles 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 cease on 31 December 2022.
2. On or before 30 June 2022, a Reinstatement Plan, including a timetable for the completion of reinstatement works, shall be submitted to the Secretary of State in accordance with the requirements of Part 4 of Schedule 2 to the Order and all reinstatement works shall be completed by 31 December 2023 unless agreed otherwise.
3. A border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023.
4. No more than 1,000 heavy goods vehicles shall enter the site hereby approved for border processing in any 24-hour period.
5. In addition to the requirements of SDO Schedule 2, Part 1(B)(1), any lighting associated with the development hereby approved shall be provided and maintained in accordance with submitted Technical Note 'Lighting Technical Approach, 418703-MMD-XX-BX-FN-LE-00001, dated 4 November 2011
6. Any foul water (treated effluent from package treatment plants) shall be removed from the site until such time as an environmental permit for its discharge to a watercourse has been granted. Additionally, surveys of the existing drainage must be carried out and any repairs identified as necessary completed prior to operation of the site to ensure that it functions appropriately for the lifetime of the proposal.
7. Prior to commencement of works on site, protective barriers must be installed around all of the trees in close proximity to the works and a suitably qualified arboriculturist must attend the site to confirm the final positioning of the protective fencing prior to the commencement of any works, in line with the approach set out in the Preliminary Arboricultural Assessment Ref 418703-MMD-XX-BX-RP-YE-0002.
8. The measures detailed in row AQ1, L1, L2, GS1, GS2, B2, B3, B4, M1, NV1, NV2, NV3, PH1, RDWE1, RDWE2 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex B, 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.

9. The measures detailed in row L1, GS1, B3, B4, M2, M3, NV4, NV5, PH1, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
10. The measures detailed in row AQ1, L1, L2, L3, GS1, GS2, B1, B2, B4, M1, NV1, NV2, NV3, PH1, RDWE1, C1 and C3 of the REAC must be included as part of the Reinstatement Plan to be submitted for approval. In addition, any vegetation that is required to be removed to facilitate the Scheme shall be replanted during the decommissioning and reinstatement phase of the development. Replanting shall be on a like-for-like basis supported by an appropriate planting specification.

Informative: In addition to the requirements under SDO Schedule 2, part 3, paragraph (1)(e)(l), the Operational Management Plan should make suitable provision for amendments to be made to the level, timing and route of associated traffic in response to changing circumstances in the area and noise implications (including in respect of events at the National Exhibition Centre, broader works with a highways effect, and in respect of Covid-19 facilities). It is the Secretary of State's expectation that HMRC, Highways England, SMBC, the Airport and other relevant organisations work collaboratively in that respect.

The Secretary of State will expect the border department to take account of the various points raised during engagement in progressing the proposal (albeit that some do not expressly relate to the provisions of the SDO insofar as relevant approval under article 4 of the SDO is concerned). The Secretary of State's expectation is also that a Traffic Management Plan, Signage Strategy and Staff Travel Plan will be provided in the Operational Management Plan, under the requirements of Part 3(1) of the Special Development Order. Further, the Secretary of State expects that there will be collaborative working between the border department and Highways England to address, and minimise as far as practicable, any highways implications of the Inland Border Facility (in the design of the CMP and OMP, and throughout operation).