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19 December 2020

Dear Ms 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 Secretary of State for Transport.

**Site:** Manston Airport, Thanet, Kent

**Proposal:** The submission under article 4 of SDO is for temporary development at Manston Airport, Thanet, Kent comprising the temporary change of use of land likely to be used for up to 63 days across a six month period (starting on 1 January 2021 and terminating at the end of 30 June 2021) for an Inland Border Facility (IBF), including the laying out of up to 4,000 Heavy Goods Vehicle (HGV) parking spaces, creation of additional overspill parking, installation of temporary hardstanding, laying out of 150 car parking spaces for staff, widening the main exit with new gates, erection of buildings and structures for border processing purposes, improvements to drainage and all associated engineering and landscaping works.

The submission is specifically seeking approval for:

- The use of the site as an Inland Border Facility between 1 January 2021 and 30 June 2021.
- As shown on drawing Ref. 419419-MMD-03-XX-DR-Z-0001 Rev. P01.1, the use of entrances shown as 'HGV Main Entrance' and 'Secondary HGV Entrance', the use of exits marked 'Primary HGV Exit' and 'Secondary HGV Exit'.
- The use of the land marked as Area A (HGV capacity 185) on plan Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05 to park HGVs visiting HMRC offices and non-border ready lorries.

- The use of the land marked as Area B (HGV capacity 326) to park up to 115 Dangerous Goods Vehicles and up to 211 refrigerated goods HGVs.
- The use of the land marked as Area C (HGV capacity 2565) on plan Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05 to park HGVs that are border ready and awaiting release.
- The use of the land marked as Area D (HGV capacity 810) on plan Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05 to park non-border ready HGVs when Area A is full.
- The use of the land marked as 'Welfare Village' on plan Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05 for staff to stay overnight in mobile caravans.
- The use of hardstanding to the north east of the western staff entrance for staff parking.
- Repairs to existing runway surface and access roads, including the resurfacing of hardstanding on 'Slipway A'.
- Minor repairs to existing drainage.
- The construction of new buildings including: one HMRC Examination Facility (maximum 10.5m in height), two staff welfare modular office buildings (maximum height of 4.5m), two HMRC offices (maximum 4.5m in height), a Dangerous Goods Safety Advisor Facility (maximum 2.5m in height), two 500w generators, a temporary store/office (maximum 4.5m in height), a 15m radio mast and new fencing.
- New mobile self-powered lighting units up to 8.5m in height.
- The use of various buildings on the land for the:
  - processing of goods vehicles, including Border Readiness Checks;
  - inspection of HGV goods by HMRC and Border Force;
  - use of Hangar 3 for the access of goods vehicles;
  - use of Hangar 2 North for staff welfare and Hangar 2 South for equipment storage and DVSA inspections;
  - use of the passenger terminal car parks for the parking of non-goods vehicles associated with the use of the site;
  - use of the passenger terminal building as a hub for administration services;
  - use of the ATC Tower for security and administration purposes.

In addition to this, approval is sought for the retention of the following works consented under The Town and Country Planning (Manston Airport) Special Development Order 2019 ('the 2019 Order):

- The installation of temporary hardstanding in Area B as shown on drawing Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05. This includes the removal of topsoil and subsequent installation of a membrane followed by two layers of hardcore and creation of a drainage ditch.
- Walkways from the runway.
- The resurfacing and widening of the primary exit onto the A299, including new gates.
- The construction of a number of penstocks.

On behalf of the Secretary of State I have considered the documents submitted to him on 27 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.

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 to inform an Appropriate Assessment provided to the Secretary of State. Based on the assessment, it can be concluded that the construction, operation and reinstatement of the Project would not have an adverse effect on the integrity of any designated European site, or any site listed in paragraph 176 of the National Planning Policy Statement. In their response to a request, on behalf of the Secretary of State, for comments on the submitted proposal, Natural England as the appropriate nature conservation body advised that it concurred with the assessment conclusions in a letter dated 1 December 2020.

The Secretary of State can be satisfied that there is sufficient information to inform an appropriate assessment for the North Downs Woodland SAC. The Secretary of State can also be satisfied that there would be no adverse effect on the integrity of the North Downs Woodlands SAC.

In making an Appropriate Assessment, on behalf of the Secretary of State as the competent authority, I have concluded that the Project would not lead to adverse effects on the integrity of the SAC either alone or in combination with other plans or projects. 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 to 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 site with temporary lorry holding facility to a temporary Inland Border Facility to provide 4,000 HGV spaces and 150 staff parking spaces for functions required to be carried out by border departments. The Department for Transport is seeking approval for the use of the site for the HGV parking and customs checking facilities with associated temporary infrastructure. The site is needed to meet the requirements for the Department for Transport, Her Majesty's Revenue and Customs (HMRC) including Border Force as its operational agent, and the Driver and Vehicle Standards Agency (DVSA). Processing would be for exports from the UK. The site is intended to operate 24 hours a day seven days a week from 1 January 2021 until 30 June 2021.

The proposed development falls within the description at Paragraph 10b and 13b 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 Department for Transport as part of the submission. Having taken into account the criteria in Schedule 3 to the EIA Regulations, I conclude the proposal would/would not be likely to have significant effects on the environment for the following reasons:

- The Manston Inland Border Facility would be located within existing areas of hardstanding and access and entry junctions at Manston Airport site, which has been prepared for lorry parking under previous Special Development Orders in 2015, 2017 and 2019. Manston Airport has a pending decision in respect of a Development Consent Order to reopen as an airport.
- There are no designated sites for nature conservation within the site itself, although the site drainage outfalls to Pegwell Bay, which is subject to the following designations Sandwich Bay Special Area of Conservation (SAC); Thanet Coast SAC; The Sandwich and Pegwell Bay National Nature Reserves (NNR); Thanet Coast and Sandwich Bay Ramsar and Special Protection Area (SPA); and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). Sites adjacent to the affected road network include Dover to Kingsdown Cliffs SSSI and SAC; Lydden and Temple Ewell Downs SSSI and SAC; North Downs Woodlands SAC; Wouldham to Detling Escarpment SSSI; The Swale SSSI, SPA and Ramsar; Queensdown Warren SSSI; Foxes Cross Bottom Local Nature Reserve (LNR); and Seasalter Level LNR. None of these sites is directly affected by the proposal, although sites adjacent to the road network may experience a temporary, non-significant increase in emissions. The potential for protected species to be present in the site has been identified including breeding and nesting birds, bats, badgers, small mammals, amphibians and reptiles. Bat roosts are identified in three buildings within site and measures to avoid or minimise effects on these features are conditioned.
- There are no surface water bodies within the site. The site is underlain by the Margate Chalk Member, classed as a Principal Aquifer. This Water Framework

Directive groundwater body has overall poor status. The site is located within inner and outer Source Protection Zones used to protect public water drinking supply. The Airfield benefits from existing drainage infrastructure including penstock valves and a drainage ditch on site lined with hydrocarbon trapping material has been repaired under the previous SDO and will undergo further repairs into January 2021. Staff on site would be supplied with spill kits and personnel trained in spill procedures. A specialist Dangerous Goods Safety Advisor Facility will be present on site to manage risks associated with such goods. In addition, pollution control measures on site have been subject to ongoing engagement with the Environment Agency and their agreement regarding Operational Management Plan measures such as pollution incident management, de-icing and fire management is secured in the conditions.

- The site is within 80m of a Scheduled Monument 'Enclosure and ring ditches 200yds (180m) ENE of Minster Laundry' and two Grade II listed buildings are within 300m. The airfield itself has historic interest including Cold War aviation infrastructure in its original setting. Temporary impacts on settings are likely but are reversible due to the temporary nature of the development.
- The site is identified to have potential for buried archaeological features and works to create the Area B pad and the drainage ditch have required topsoil stripping and archaeological recording.
- The closest residential properties are within 10m of the site and residential receptors are located at various intervals around the site boundary (excepting where the site is bounded by Other residential receptors are located on the access route to the site M2, A249, A299, B2190 and Spitfire Way and to the Port of Dover (A256 and A2). A number of commercial premises are located at the airport site and in the immediate vicinity. Four Noise Important Areas are located along the affected road network within proximity to the site. Manston Airport is located adjacent to the Thanet Air Quality Management Area (AQMA) designated for NO<sub>2</sub>. Traffic using the Inland Border Facility have no requirement to pass through this AQMA. Traffic increases on the road network may result in temporary impacts at junctions resulting in congestion. Temporary road closures will result in impacts on existing traffic flows. Due to the short term, temporary and reversible nature of the proposals these impacts are proposed to be managed through Operational Management Plans.
- 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 on a number of receptors adjacent to the road network from perceptible increases in noise and vibration and increases in emissions to air and.
- Due to the status of the site as an operational airfield for helicopter flights, the risk of flying objects and debris has been given specific consideration and the operational management plan will be required to include specific measures to minimise this risk.
- The impacts will occur during construction, operation and reinstatement of the site but will be temporary in nature and are mostly of a localised nature. Construction impacts relating to creation of hardstanding Area B and the drainage ditch have already occurred. Impacts likely to occur at greater distances from the site result

mostly from anticipated changes in vehicle movements on the affected road network. In particular such impacts have the potential to affect nearby designated sites responsive to changes in emissions to air and receptors close to the road network due to noise and air quality impacts.

Existing and/ or approved developments with the potential to give rise to cumulative effects have been considered. The Haine Road development is identified in this respect. Based on the long build out programme for that development, its current planning status and the temporary nature of the border project cumulative impacts are considered unlikely but the project includes management mechanisms such as the construction management plan and operational management plan that would be able to address impacts if necessary.

The impacts have been considered having regards to the type and characteristics of each impact. The impacts that result from the project will be localised, except in relation to the affected road network, and will be for a maximum of six months. The impacts are reversible and will be subject to measures and conditions intended to 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 existing drainage control measures are considered to be effective in preventing significant pollution and discharges from the site. The proposed lighting design includes 225 lighting columns, which has potential to increase light spill and sky glow. This lighting is in the context of the previous aviation lighting for the site and includes measures (such as offsetting from properties, directionality and hooding) to reduce the effect of the lighting impacts during operation, including for bats.

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 as highlighted 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 D of the Analysis of Likely Environmental Effects of the Development Report that are embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan through the following conditions:

**Overarching condition**

1. The conditions specified in Schedule 2 to the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 Order.

**Site specific conditions**

2. 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 30 June 2021.

3. On or before 30 September 2021 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 a border department shall carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State by 30 September 2022 unless otherwise agreed.
4. No more than the following number of HGVs shall be permitted to exit the site in conjunction with its use for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval:
  - a) 200,583 in the period up to and including the 30 June 2021; and
  - b) 3,581 in any day starting at 00:01 and ending at 24:00.
5. Prior to the first use of the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval, details of the proposed buildings shall be submitted to and approved in writing by the Secretary of State. Works shall not be carried out other than in accordance with these approved details.
6. There shall be no refuelling of any HGVs at the site in conjunction with its use for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
7. Vehicles that are transporting live animals shall not use the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
8. Buildings EBIP/Stores (B12) and Lemon Tree/Glider Hut (B34) as shown on plans Ref. 419419-MMD-03-XX-DR-L-0008 Rev. P02 at Appendix A2 to An Analysis of the Likely Environmental Effects of the Development shall not be used at the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
9. Details of any construction activity to take place after the hours of 19:00 on weekdays, 17:00 on Saturdays and 14:00 on Sundays associated with the use of the site for the purposes in articles 3(1)(a) and (b) of the Order shall be submitted to and approved in writing by the Secretary of State prior to the commencement of such construction activity. Works shall not be carried out other than in accordance with approved construction details.
10. The measures detailed in rows G1, AQ1, CH1, L1, GS1, GS2, GS3, GS4, GS5, GS6, B1, B2, M1, NV1, NV2, NV5, NV7, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex D, Analysis of Likely Environmental Effects of the Development Report) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
11. The measures detailed in rows G1, G3, G4, GS2, GS3, B2, M2, NV3, NV4, NV5, NV6, NV7, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
12. The measures detailed in AQ1, L1, L2, G1, GS1, GS2, GS3, GS4, B1, B2, M1, NV1, NV2, PH1, RDWE1, C1, C3 and CH1 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 Inland Border Facility 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 accordance with Schedule 2, Part 2, 1.(e) and Schedule 2, Part 3, 1.(h) to the SDO, details on the management of waste, including litter, so that it does not interfere with aviation activity at the airfield should be set out within Construction and Operational Management Plans to be submitted for approval.

**Informative:** In accordance with Schedule 2, Part 3 1.(e) to the SDO, a Staff Travel Plan, a Traffic Management Plan and a Signage Strategy should be set out within the Operational Management Plan to be submitted for approval.

**Informative:** The Operational Management Plan to be submitted for approval should set out the mechanism that will be used to monitor the number of vehicles exiting the site as referenced within condition 4.

Impacts from the project are considered to be adverse but are a contingency measure and therefore temporary and reversible. With the measures proposed to manage and reduce impacts significant effects are unlikely to occur. 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 and emphasis has been placed on the temporary, short term 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**

- Red Line Boundary (Drawing Ref. 419419-MMD-03-XX-DR-Z-0001 Rev. P01.1).
- General Arrangement Plan (Drawing Ref. 419419-MMD-03-XX-RR-C-0001 Rev. P05).
- Lighting Plan (Drawing Ref. 419419-MMD-03-XX-DR-E-0002 Rev. P03).

## **Annex 3 – Conditions**

### **Overarching condition**

1. The conditions specified in Schedule 2 to the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 Order.

### **Site specific conditions**

- 2 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 30 June 2021.
- 3 On or before 30 September 2021 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 a border department shall carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State by 30 September 2022 unless otherwise agreed.
- 4 No more than the following number of HGVs shall be permitted to exit the site in conjunction with its use for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval:
  - a) 200,583 in the period up to and including the 30 June 2021; and
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- 5 Prior to the first use of the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval, details of the proposed buildings shall be submitted to and approved in writing by the Secretary of State. Works shall not be carried out other than in accordance with these approved details.
- 6 There shall be no refuelling of any HGVs at the site in conjunction with its use for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
- 7 Vehicles that are transporting live animals shall not use the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
- 8 Buildings EBIP/Stores (B12) and Lemon Tree/Glider Hut (B34) as shown on plans Ref. 419419-MMD-03-XX-DR-L-0008 Rev. P02 at Appendix A2 to An Analysis of the Likely Environmental Effects of the Development shall not be used at the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval.
- 9 Details of any construction activity to take place after the hours of 19:00 on weekdays, 17:00 on Saturdays and 14:00 on Sundays associated with the use of the site for the purposes in articles 3(1)(a) and (b) of the Order shall be submitted to and approved in writing by the Secretary of State prior to the commencement of such

construction activity. Works shall not be carried out other than in accordance with approved construction details.

- 10 The measures detailed in rows G1, AQ1, CH1, L1, GS1, GS2, GS3, GS4, GS5, GS6, B1, B2, M1, NV1, NV2, NV5, NV7, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex D, Analysis of Likely Environmental Effects of the Development Report) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
- 11 The measures detailed in rows G1, G3, G4, GS2, GS3, B2, M2, NV3, NV4, NV5, NV6, NV7, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
- 12 The measures detailed in AQ1, L1, L2, G1, GS1, GS2, GS3, GS4, B1, B2, M1, NV1, NV2, PH1, RDWE1, C1, C3 and CH1 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 Inland Border Facility 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.

#### Informatives

1. In accordance with Schedule 2, Part 2, 1.(e) and Schedule 2, Part 3, 1.(h) to the SDO, details on the management of waste, including litter, so that it does not interfere with aviation activity at the airfield should be set out within Construction and Operational Management Plans to be submitted for approval.
2. In accordance with Schedule 2, Part 3 1.(e) to the SDO, a Staff Travel Plan, a Traffic Management Plan and a Signage Strategy should be set out within the Operational Management Plan to be submitted for approval.
3. The Operational Management Plan to be submitted for approval should set out the mechanism that will be used to monitor the number of vehicles exiting the site as referenced within condition 4.