



Ministry of Housing,  
Communities &  
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**Luke Hall MP**

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1 December 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:** Land at Waterbrook Park, Waterbrook Avenue, Sevington, Kent, TN24 0LH

**Proposal:** Temporary development at Waterbrook Park, Waterbrook Avenue, Sevington, Kent TN24 0LH for an Inland Border Facility comprising the temporary use of the site to provide 475 HGV spaces and 102 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs ('HMRC'), Department for Transport ('DfT') and Department of Environment, Food and Rural Affairs ('DEFRA') are seeking approval for the use of the site for the processing of common transit convention and ATA carnet movements, processing of DEFRA CITES permits by Border Force, and for traffic management purposes and border readiness checks. The proposal is for the construction and use of temporary structures for office accommodation and inspection facilities, welfare facilities for drivers, staff car parking, HGV parking, traffic management measures and access and egress to the site. The site is intended to operate from 1<sup>st</sup> January 2021 until 31<sup>st</sup> December 2022, 24 hours a day seven days a week.

The submission is seeking approval for the following works:

- Erection of modular office and welfare buildings approximately 4.5m high and two inspection sheds 10.5m high.
- Painting of white lines to demarcate entry lanes, pedestrian routes, staff parking and a one-way HGV circulation route.

- Installation of additional 6m, 10, and 12m lighting columns, security fencing to a maximum height of 2.4m and CCTV.
- Creation of an access to the south-western corner of the site from Waterbrook Avenue, requiring some removal of an existing acoustic fence and installing hardstanding over an already constructed haul road.

In addition to this, approval is sought for the retention of the following works consented under The Town and Country Planning (Waterbrook Ashford) (EU Exit) Special Development Order 2019. These works comprised construction of the following:

- A single 13 bay (40.3m) x 12.3m wide modular office unit for Border Force.
- A single 4 bay (12.4m) x 10.2m wide modular office unit for Marshals and Security Staff.
- The above includes connection of power, water and wastewater utilities.
- Demarcation of a traffic circulation route in the HMRC area of the site.

On behalf of the Secretary of State I have considered the documents submitted to him on 20 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. 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 Stodmarsh SAC, Special Protection Area and Ramsar. I am content that these are the correct sites and that the relevant correct features have been identified. The information considers, and rules out, adverse effects on the integrity of the Folkestone to Etchinghill Escarpment SAC.

On the basis of the information provided, I have determined that significant effects on these sites can be excluded except in relation to air quality impacts on designated features in the Folkestone to Etchinghill Escarpment SAC. These impacts occur as a result of emissions from heavy goods vehicle movements on the road network. I have assessed the effect of the project on the relevant features of the SAC in light of its conservation objectives, taking into account the temporary nature of the development, the characteristics of the anticipated impacts and the views of Natural England. I have concluded that the project will not result in adverse effects on the integrity of the SAC, I also note that Natural England states that *“Having considered the approach taken in the [the Commissioners’ for Her Majesty’s Revenue and Customs and the Secretary of State for Transport’s] assessment in relation to the designated site features and conservation objectives, scale and duration of impacts, background context and in combination effects, Natural England advises that we concur*

*with the assessment conclusions.*" 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.

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 lorry park to a temporary Inland Border Facility to provide 475 heavy goods vehicles spaces and 102 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs ('HMRC') on behalf of Department for Transport ('DfT') and Department of Environment, Food and Rural Affairs (DEFRA) are seeking approval for the use of the site for the processing of common transit convention and ATA carnet movements, processing of DEFRA CITES permits by Border Force, and for traffic management purposes and border readiness checks. The site is intended to operate from 1st January 2021 until 31st December 2022.

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.

I have considered the information provided by the Commissioners for Her Majesty's Revenue and Customs and the Secretary of State 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 not be likely to have significant effect on the environment for the following reasons:

- The Project would be located on the southern border of Ashford within previously developed land surrounded by existing development. The site benefits from hardstanding, which forms an existing HGV truck stop, a drainage system with oil interceptors and penstock and acoustic barriers to be constructed on the sites boundary prior to operation.
- 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 landscape and visual receptors; and impacts to a number of receptors adjacent to the road network from increased noise and emissions to air.
- The impacts will occur during construction, operation and reinstatement of the site but will be temporary and primarily localised in nature. Impacts likely to occur at greater distances from the site result mostly from anticipated changes in vehicle movements on the affected road network. 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 impacts have been identified as, Waterbrook Development, Pentland Homes and Jarvis Homes Kingsnorth Green, Chilmington Green, Park Farm, Cheeseman's Green, Court Lodge, Newtown Works, Beaver Road, Conningbrook Park, Stour Park Development, Kent, and Sevington IBF. The Waterbrook Development is located adjacent to the Project, whilst Cheesman's Green and Sevington IBF are in close proximity.
- Site specific conditions require that the Project would only become operational when Sevington IBF is unable to operate. For example, as a contingency if construction of

Sevington IBF is delayed or if an emergency scenario results in the necessary closure of Sevington IBF. Therefore, this operational arrangement would avoid the cumulative impacts associated with simultaneous operation of Sevington IBF and the Project.

- Cumulative impacts on traffic, landscape, visual, noise and air quality receptors as a result of additional HGV movements and presence of the Project within the wider landscape cannot be discounted. However, the impact characteristics have been considered alongside measures presented in the SDO and the Record of Environmental Actions and Commitments in Appendix D that are embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan. With these measures in place no significant effects are likely.
- 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, 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 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 effective in managing pollution and discharges from the Project. 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 D of the Analysis of the 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:

#### 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 save that for the purposes of this approval only:

#### 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 31 December 2022.

3. 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.
4. No 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 take place within the area hatched red and labelled 'Area excluded from Article 4 submission' on Drawing No. 418703-MMD-10-WB-DR-C-0001 Rev. P02.
5. Use of the land at Waterbrook in accordance with this relevant approval shall not commence until construction of the acoustic fence in accordance with planning permission granted by Ashford Borough Council under reference 18/00098/CONL/AS to the east and south sides of the site has been completed.
6. Use of the land at Waterbrook in accordance with this relevant approval shall not commence until adaption of the lighting in accordance with Drawing No. 418703-MMD-10-WB-SK-E-0001 Rev. P02 has been completed. This includes baffles on the luminaires over 6m in height that are adjacent to the south, east and west boundaries. No further external lighting shall be installed.
7. The measures detailed in row AQ1, L1, M1, NV1, NV2, PH1, RDWE1 and C1 of the Record of Environmental Actions and Commitments (Table D.1 of Annex D, an Analysis of the Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
8. The measures detailed in rows TT1, L2, B1, M2, NV4, NV5, PH2, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan (OMP) to be submitted for approval. In addition, a schedule of staff shift change times must be provided within the traffic management section of the OMP.
9. The measures detailed in rows AQ1, L1, M1, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC must be included as part of the Reinstatement Plan to be submitted for approval.
10. In any circumstances where the Inland Border Facility at Sevington, Ashford is in use for border infrastructure purposes then the land at Waterbrook, Ashford shall not be used for Inland Border Facility purposes.

Impacts from the Project are localised, 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 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 (Drawing No. 418703-MMD-10-WB-DR-C-0001 Rev P02);
- Site Plan (Drawing No. 418703-MMD-10-WB-DR-C-0002 Rev P02); and
- Lighting Column Layout (Drawing No. 418703-MMD-10-WB-SK-E-0001 Rev. P02)



### **Annex 3 – Conditions**

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 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.
3. 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.
4. No 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 take place within the area hatched red and labelled 'Area excluded from Article 4 submission' on Drawing No. 418703-MMD-10-WB-DR-C-0001 Rev. P02.
5. Use of the land at Waterbrook in accordance with this relevant approval shall not commence until construction of the acoustic fence in accordance with planning permission granted by Ashford Borough Council under reference 18/00098/CONL/AS to the east and south sides of the site has been completed.
6. Use of the land at Waterbrook in accordance with this relevant approval shall not commence until adaption of the lighting in accordance with Drawing No. 418703-MMD-10-WB-SK-E-0001 Rev. P02 has been completed. This includes baffles on the luminaires over 6m in height that are adjacent to the south, east and west boundaries. No further external lighting shall be installed.
7. The measures detailed in row AQ1, L1, M1, NV1, NV2, PH1, RDWE1 and C1 of the Record of Environmental Actions and Commitments (Table D.1 of Annex D, an Analysis of the Likely Environmental Effects of the Development) (the REAC) must be included as part of the Construction Management Plan to be submitted for approval.
8. The measures detailed in rows TT1, L2, B1, M2, NV4, NV5, PH2, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan (OMP) to be submitted for approval. In addition, a schedule of staff shift change times must be provided within the traffic management section of the OMP.

9. The measures detailed in rows AQ1, L1, M1, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC must be included as part of the Reinstatement Plan to be submitted for approval.

10. In any circumstances where the Inland Border Facility at Sevington, Ashford is in use for border infrastructure purposes then the land at Waterbrook, Ashford shall not be used for Inland Border Facility purposes.

**Informative:**

The Secretary of State expects that the requirements of article 5 (8) of the Town and Country Planning (Waterbrook Ashford) (EU Exit) Special Development Order 2019 (SDO2019) for the reinstatement of land not required under the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (SDO2020) will be met by the appropriate border department. The SDO2019 expressly requires the removal of all temporary equipment and facilities by 31 March 2021 unless the Secretary of State has agreed in writing that it may remain. This expectation relates particularly to area C defined in the SDO2019 and any other land and facilities that are not subject of additional planning permission from Ashford Borough Council.