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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:** North Weald Airfield, North Weald Bassett, Epping, Essex, CM16 6HR

**Proposal:** The submission under article 4 of SDO is for temporary development at North Weald Airfield, Essex, comprising the change of use of the site from existing hardstanding to a temporary Inland Border Facility to provide 53 HGV spaces and 66 staff parking spaces. Temporary ancillary buildings are proposed to include an inspection building (up to 10.5 metres height), gate booths, portacabin offices and toilet facilities for the welfare of drivers, the enhancement of boundary fencing, a modular paving system for HGV parking, on-site signage and lighting. Her Majesty's Revenue and Customs ('HMRC') are seeking approval for the use of the site for a range of border controls, including customs checks, an office of departure and destination for lorries moving goods under the Common Transit Convention, and to process ATA Carnets for the temporary import of non-perishable goods. The site is intended to operate from 1st January 2021 until 31st December 2022, 24 hours a day seven days a week.

The submission is seeking approval for:

- The construction of new buildings including; one new raised gate booth at Gate E, two new gate booths (one close to Gate C and one close to Gate D), two new welfare facilities buildings, a new fire water system, a new vehicle inspection facility comprising a modular examination office and a larger steel framed and metal clad temporary building with goose grey walls and a translucent, non-reflective, roof, a new modular control centre, marshal cabins, an office for site operator and an insulated 'break-out' tent for staff amenity purposes.
- Additional 2-metre-high fencing.
- Installation of new lighting system including; 6 metre and 8-metre-tall lighting columns.
- New CCTV system.
- New hardstanding towards the centre of the site, including the provision of a sealed area of hardstanding to accommodate new inspection building.
- Repairs to drainage.

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

- The existing gate booths, the existing HMRC modular office building, the existing modular Marshals' office building and the existing ANPR camera facilities (one of which would be relocated).
- 2-metre-high fencing.
- Stone hardstanding towards the centre of the site.
- CCTV system.
- The widening of the access at Gate E involving the removal of a section of bund.
- New penstock associated with drainage to the north of the site.

On behalf of the Secretary of State I have considered the documents submitted to him on 16 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 use of the site in accordance with the Proposal, works comprising the proposed development 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 airfield use to a temporary Inland Border Facility to provide 53 HGV spaces and 66 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 North Weald Inland Border Facility would be located within existing areas of hardstanding in the North Weald Airfield, which is in use as an active airfield, for coach parking and until Covid-19 restrictions has regularly been used for car shows and outdoor markets and remains in use for emergency service response training. Other businesses are located within the airfield to the south of the site.
- The site is located approximately 375m west of the Church Lane Flood Meadow Local Nature Reserve and Local Wildlife Site and 350m west of the St. Andrew's Churchyard Local Wildlife Site. Epping Forest Site of Special Scientific Interest (SSSI) is adjacent to the affected road network (on the M11 west of the site). None of these sites are directly affected, although sites adjacent to the road network such as Epping Forest SSSI may experience a temporary, non-significant increase in emissions. Epping Forest Special Area of Conservation is located to the south west of the site but is not within proximity to the affected road network and is therefore not considered to be affected by the project.
- Cripsey Brook, a Water Framework Directive surface water body is located approximately 240m north of the project and is the discharge point for site drainage. The Airfield benefits from existing drainage infrastructure including a penstock valve and will be supplied with spill kits and personnel trained in spill procedures. In addition, specific pollution control measures will be required to be agreed with the Environment Agency prior to any site operation and will require approval.
- The site is within 300m of one Grade II\* and two Grade II listed buildings. The North Weald Airfield control tower is a designated Grade II listed building and is located to the south of the project. Temporary impacts on settings are likely but are reversible due to the temporary nature of the development.
- The closest residential property is located approximately 170m north-east of the scheme. Other residential receptors are located on the access route to the site. Weald Hall

Residential Home for assisted living is located 260m west of the scheme and Scribbles Day Nursery for children is located 280m to the north-east. A hospice is located to the east of J7 M11. Two Noise Important Areas are located along the affected road network, one to the east of the M11 where it crosses Weald Hall Lane and a short stretch of the A414 close to the junction with the M11.

- 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 a number of receptors adjacent to the road network from increased noise, vibration and emissions to air and impacts associated with accidents. Due to the status of the site as an operational airfield, 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. 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 noise and air quality impacts on receptors close to the primary access road (A414 Canes Lane and Rayley Lane).

Existing and/ or approved developments with the potential to give rise to cumulative effects are limited to the North Weald Park development. 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 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 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 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 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 (the Order) 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) 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 to the Order and a border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023 unless otherwise agreed.
4. No use of the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval shall take place within the area labelled 'Land not forming part of Submission proposals or Assessment under Article 4' on Drawing No. 418703-MMD-08-NW-DR-C-0103 Rev. P04.
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 design of the inspection facility to be constructed within the area labelled 'HGV Inspection Building envelope' as shown on Drawing No. 418703-MMD-08-NW-DR-C-103 Rev. P04 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. The measures detailed in rows G1, AQ1, L1, L2, GS1, B1, B2, M1, NV1, NV2, NV3, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex B, 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.
7. The measures detailed in rows TT1, L3, B2, M2, NV3, PH2, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
8. The measures detailed in rows G1, AQ1, L1, L2, L4, GS1, B1, B2, B3, 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. 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 3, 1.(g) to the SDO, the Secretary of State's expectation is that limits on the levels of noise and emissions to air at St Clare Hospice to the east of Junction 7 of the M11 should be prescribed through the Operational Management Plan to be approved. These limits must be adhered to during the operation of the development and details of monitoring and management measures to secure such adherence must also be provided through the Operational Management Plan.
2. In accordance with Schedule 2, Part 2, 1.(e) and Schedule 2, Part 3, 1.(h) to the SDO, the Secretary of State's expectation is that details of 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.

3. To satisfy the requirements of Schedule 2, Parts 2, 3 and 4 to the SDO, the border department should engage with the Environment Agency to ensure that suitable pollution prevention and control is secured to mitigate any pollution risk to Cripsey Brook.

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.

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-08-NW-DR-C-0001 Rev.P03)
- Site Plan (Drawing No. 418703-MMD-08-NW-DR-C-0103 Rev. P04)
- Lighting Layout Sheet 1 (Drawing No. 418703-MMD-08-NW-DR-E-0001 Rev P03)
- Lighting Layout Sheet 2 (Drawing No. 418703-MMD-08-NW-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 (the Order) 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) 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 to the Order and a border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023 unless otherwise agreed.
4. No use of the site for the purposes in articles 3(1)(a) and (b) of the Order authorised by this approval shall take place within the area labelled 'Land not forming part of Submission proposals or Assessment under Article 4' on Drawing No. 418703-MMD-08-NW-DR-C-0103 Rev. P04.
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 design of the inspection facility to be constructed within the area labelled 'HGV Inspection Building envelope' as shown on Drawing No. 418703-MMD-08-NW-DR-C-103 Rev. P04 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. The measures detailed in rows G1, AQ1, L1, L2, GS1, B1, B2, M1, NV1, NV2, NV3, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table B.1 of Annex B, 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.
7. The measures detailed in rows TT1, L3, B2, M2, NV3, PH2, RDWE2 and C2 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.
8. The measures detailed in rows G1, AQ1, L1, L2, L4, GS1, B1, B2, B3, 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. 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.

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1. In accordance with Schedule 2, Part 3, 1.(g) to the SDO, the Secretary of State's expectation is that limits on the levels of noise and emissions to air at St Clare Hospice to the east of Junction 7 of the M11 should be prescribed through the Operational Management Plan to be approved. These limits must be adhered to during the operation of



the development and details of monitoring and management measures to secure such adherence must also be provided through the Operational Management Plan.

2. In accordance with Schedule 2, Part 2, 1.(e) and Schedule 2, Part 3, 1.(h) to the SDO, the Secretary of State's expectation is that details of 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.
3. To satisfy the requirements of Schedule 2, Parts 2, 3 and 4 to the SDO, the border department should engage with the Environment Agency to ensure that suitable pollution prevention and control is secured to mitigate any pollution risk to Cripsey Brook.
4. In considering Habitats Regulations Assessment (HRA) issues MHCLG have concluded that there will be no net new trips on roads within the Epping Forest Site Special Area of Conservation. MHCLG will need to address HRA issues when considering the draft Operational Management Plan. The Secretary of State will expect information to support the submission of the Operational Management Plan that provides objective evidence (as far as it is available) that there will be no net new trips. This evidence is expected to be informed by the draft staff travel plans and draft local employment strategies that will be developed; an objective for each will be to secure appropriate travel patterns.