



Ministry of Housing,
Communities &
Local Government

Dan Soutar
Deputy Director
Requirements, Engagement and Policy
Border Design to Delivery Directorate
Customer Strategy & Tax Design
HM Revenue & Customs

daniel.soutar@hmrc.gov.uk

Luke Hall MP
Minister for Regional Growth and Local Government

**Ministry of Housing, Communities and Local
Government**

Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 3440
Email: Luke.Hall@communities.gov.uk

www.gov.uk/mhclg

17 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 and the Secretary of State for Environment, Food and Rural Affairs.

Site: Ebbsfleet International Station Car Park D, Kent, Inland Border Facility

Proposal: A submission under article 4 of The Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 for temporary development at Ebbsfleet International Station, Car Park D Kent, for an Inland Border Facility comprising the temporary change of use of the site from an existing car park to a temporary Inland Border Facility to provide 256 HGV spaces and 142 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs ('HMRC') and Department for 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 CITES permits, and prioritisation of certain commodities. The site is intended to operate from 1st January 2021 until 31st December 2022.

The submission is seeking approval for the following works:

- Erection of modular office buildings, two inspection sheds and marshals cabins.
- Installation of 10m and 12m tall lighting columns (see submitted Lighting Layout (Drawing No. 418703-MMD-09-XX-DR-E-1301), heras and palisade security fencing and CCTV.
- Creation of a dedicated access/egress, as a vehicular cross-over of the footway, to the British Transport Police ('BTP') compound and conversion of existing, one-way spine road to two-way operation from the car park entry to the BTP compound (for BTP use only).
- Removal of a small quantity of vegetation around the site (see submitted Site Clearance Plans Sheets 1-3, Drawing Nos. 418703-MMD-09-EB-DR-C-0201, 418703-MMD-09-EB-DRC-0202, 418703-MMD-09-EB-DR-C-0203).
- Removal of kerbs and ornamental trees throughout the existing car park to accommodate circulation routes and lorry parking areas.
- Minor alterations to the junction of International Way and existing site egress.

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

- New dedicated access from International Way into the lorry park – this is not needing to be altered to accommodate the entry – this will be a single lane separating into four swim lanes.
- A single 10 bay (31.0m) x 12.3m wide modular office unit for Border Force use.
- 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, including power to be supplied by generator, water via above ground water tanks and waste to above ground septic tanks.
- Installation of gate booths at the entrance and exit.
- Installation of ANPR cameras at the entrance and exit.
- Other minor works.

On behalf of the Secretary of State I have considered the documents submitted to him on 29 October 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.

Informative

The Secretary of State's expectation is that any vegetation that is required to be removed to facilitate the scheme shall be addressed as part of managing and enhancing biodiversity submission in the Operational Management Plan and / or as part of the Reinstatement Plan to be submitted to the Secretary of State.

The Secretary of State's expectation is that a Staff Travel Plan will be provided in the Operational Management Plan as set out in commitment TT1 of the submitted REAC.

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 car park to a temporary Inland Border Facility to provide 256 HGV spaces and 142 staff parking spaces for functions required to be carried out by border departments. Her Majesty's Revenue and Customs ('HMRC') and Department for Environment, Food and Rural Affairs ('Defra') will use the site for the processing of common transit convention and ATA carnet movements, processing of CITES permits, and prioritisation of certain commodities. The site is intended to operate from 1st January 2021 until 31st 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 and the Secretary of State for the Environment, Food and Rural Affairs 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 Ebbsfleet International Station Car Park D site is located in a developed urbanised area and comprises an existing consented car park with coach parking facility. The site benefits from existing drainage and interceptors that manage polluted runoff and contamination. The site drainage discharges to the Ebbsfleet River and is located close to the Ebbsfleet Marshes Local Wildlife Site. It is also located within proximity to two Sites of Special Scientific Interest and two Scheduled Monuments designated for Palaeolithic archaeological interest.
- 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 particularly during construction; and impacts due to cumulation with other development. There is also likely to be beneficial impacts to localised biodiversity receptors.
- 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 (ARN). 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 impact have been identified as the A2 Bean to Ebbsfleet Junction improvement, the Lower Thames Crossing and London Resort projects.
- Cumulative impacts with Lower Thames Crossing and London Resort are considered unlikely due to the relative consenting timelines for these projects.

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 proposal 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 managing pollution and discharges from the site. The proposed lighting design will reduce the effect of lighting impacts during operation. The relative distance of the project from other existing and project coupled with the likely timeline for other consenting processes makes impacts from cumulation less likely. It is also understood that later consents would be subject to consideration by the decision maker (the relevant Secretary of State) necessarily taking into account any cumulation effects with the project.

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 the provision of these is considered in the border department's analysis of the likely environmental effects and assessment of the proposals.

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 proposal, that are to be embedded within the Construction Management Plan, Operational Management Plan and the Reinstatement Plan through the following 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 to the Order and all reinstatement works shall be completed by 31 December 2023 unless agreed otherwise.
4. A border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023.
5. During operation of the site, no more than 99 goods vehicle movements will be permitted per hour between 11pm and 7am.
6. The measures detailed in row G1, AQ1, L1, L2, B1, M1, NV1, NV2, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table C.1 of Annex D, Analysis of Likely Environmental Effects of the Development) (the REAC) shall be included as part of the Construction Management Plan to be submitted for approval.
7. The measures detailed in row G1, TT1, L3, M2, NV3, PH2, RDWE2, RDWE3 and C2 of the REAC shall be included as part of the Operational Management Plan to be submitted for approval.
8. The measures detailed in row AQ1, L1, L2, L4, M1, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC shall be included as part of the Reinstatement Plan to be submitted for approval.

9. Prior to commencement of works on site, protective barriers must be installed around all of the trees in close proximity to the works. A suitably qualified arboriculturist must attend the site to confirm the final positioning of the protective fencing prior to the commencement of any works.
10. Surveys of the existing drainage must be carried out and any repairs identified as necessary completed prior to operation of the site.

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:

- Site Plan (Drawing No. 418703-MMD-09-EB-DR-C-0102)
- Lighting Layout (Drawing No. 418703-MMD-09-XX-DR-E-1301)
- Site Clearance Plans Sheets 1-3, Drawing Nos. 418703-MMD-09-EB-DR-C-0201, 418703-MMD-09-EB-DR-C-0202, 418703-MMD-09-EB-DR-C-0203

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:

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 to the Order and all reinstatement works shall be completed by 31 December 2023 unless agreed otherwise.
4. A border department may carry out reinstatement works specified in a Reinstatement Plan approved by the Secretary of State until 31 December 2023.
5. During operation of the site, no more than 99 goods vehicle movements will be permitted per hour between 11pm and 7am.
6. The measures detailed in row G1, AQ1, L1, L2, B1, M1, NV1, NV2, PH1, RDWE1 and C1 of the Register of Environmental Actions and Commitments (Table C.1 of Annex D, Analysis of Likely Environmental Effects of the Development) (the REAC) shall be included as part of the Construction Management Plan to be submitted for approval.
7. The measures detailed in row G1, TT1, L3, M2, NV3, PH2, RDWE2, RDWE3 and C2 of the REAC shall be included as part of the Operational Management Plan to be submitted for approval.
8. The measures detailed in row AQ1, L1, L2, L4, M1, NV1, NV2, PH1, RDWE1, C1 and C3 of the REAC shall be included as part of the Reinstatement Plan to be submitted for approval.
9. Prior to commencement of works on site, protective barriers must be installed around all of the trees in close proximity to the works. A suitably qualified arboriculturist must attend the site to confirm the final positioning of the protective fencing prior to the commencement of any works.
10. Surveys of the existing drainage must be carried out and any repairs identified as necessary completed prior to operation of the site.