



Department for Levelling Up, Housing & Communities

Rt Hon Stuart Andrew MP
Minister of State for Housing

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Lorna Shore
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8th April 2022

Dear Ms Shore

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 on behalf of the Secretary of State for the Environment, Food and Rural Affairs

Site: Bastion Point, White Cliffs Business Park, Dover.

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 change of use of land until 31st December 2025 for a Border Control Post operating for 24 hours a day 7 days a week, for use by or on behalf of the Department for Environment, Food and Rural Affairs, for Sanitary and Phytosanitary (SPS) checks and customs and transit checks to be carried out by the Port Health Authority, Animal and Plant Health Agency (APHA) and Border Force on behalf of HMRC. The Scheme includes maintenance repairs, internal alterations and external alterations to the existing building, the installation of security cabins and smoking shelters, the erection of ancillary plant, associated structures and fencing to a maximum height of 3m, security fencing and entrance gates to a maximum height of 3m, access barriers, upgrading of existing lighting and drainage, fire hydrant, on site signage, CCTV, and all associated engineering. The works are set out on the General Arrangement Plan Drawing No. DBCP-WSP-DWG-TC-002.

The submission is seeking approval for:

- Access systems repairs
- Roof repairs
- Replacement of existing light columns and luminaires. The height of columns will remain at 8m and the location will remain the same
- Maintenance and upgrading of the existing drainage system

- Replacement of existing dock doors, shrouds and dock levellers, including amendments to the height of deck doors
- New external louvres
- New condenser units and associated pipework
- New warehouse entrances
- New fire exit on the north elevation
- Controlled entry gate on car park
- 2 smoking shelters
- A new fire hydrant installed in the goods vehicle yard
- On site signage
- CCTV installed on the external façade of the warehouse building
- Installation of a heat rejection compound in the goods vehicle parking area with a maximum height of 3m
- New glass reinforced plastic modular security cabins
- Site fencing and access gates up to a maximum height of 3m
- Site access barriers
- Internal building works

On behalf of the Secretary of State, I have considered the documents submitted to him on 11 March 2022 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 provided to the Secretary of State to inform an Appropriate Assessment. The information assesses the potential for the project to give rise to likely significant effects on a number of protected sites including Dover to Kingsdown Cliffs Special Area of Conservation (SAC), North Downs Woodland SAC, Folkestone to Etchinghill Escarpment SAC, Lydden and Temple Ewell Downs SAC and Thanet Coast and Sandwich Bay Ramsar site. I am content that these are the correct sites and that the relevant correct features have been identified.

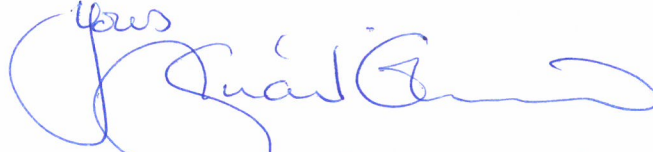
On the basis of the information provided, I have determined that significant effects on Thanet Coast and Sandwich Bay Ramsar site can be excluded. In the case of the Dover to Kingsdown Cliffs SAC, North Downs Woodland SAC, Folkestone to Etchinghill Escarpment SAC, and Lydden and Temple Ewell Downs SAC, adverse effects could occur as a result of emissions from goods vehicle movements on the road network.

I have assessed the effect of the project on the relevant features of the SACs in light of their conservation objectives, taking into account the temporary nature of the development, the characteristics of the anticipated impacts and measures proposed to mitigate potential adverse effects. I have also considered the views of Natural England in their response dated 17 March 2022, who state: *“Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.* I have concluded that the project will not result in adverse effects on the integrity of the Dover to Kingsdown Cliffs SAC, the

North Downs Woodland SAC, the Folkestone to Etchinghill Escarpment SAC, and the Lydden and Temple Ewell Downs SAC. 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, 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.



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

The proposal is for the temporary change of use of land with associated development for a Border Control Post comprising Sanitary and Phytosanitary (SPS) checks, and customs and transit checks by Department for Environment, Food and Rural Affairs for a temporary period, until 31 December 2025 followed by a period of reinstatement.

The site covers an area of circa 1.98 ha in within White Cliffs Business Park to the north of the town of Dover, 3.2km from the Port of Dover and accessed via Honeywood Parkway and Kedleston Road. It is a brownfield site on a business park with an established commercial use giving rise to associated activity and impacts for the purposes of assessment.

The project includes the installation of security cabins, the erection of ancillary plant, with associated structures and fencing to a maximum height of 3m, all associated engineering, and soft landscape works. Once constructed, the site would operate 24-hours, seven days a week over the course of all phases of its temporary operation before reinstatement of the site at the end of that period.

The proposed development falls within the description at Paragraph 13(b) of Schedule 2 to the EIA Regulations and exceeds the threshold in Column 2 of the table in that Schedule.

The Site is located approximately 3.06km to the north-west of the Dover to Kingsdown Cliffs Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), as well as being 2.15km to the south-east of the Lydden and Temple Ewell Downs SAC and SSSI. The Kent Downs Area of Outstanding Natural Beauty (AONB) is located 1.8km to the south-east of the Site. The nearest designated heritage asset is a Grade II listed structure approximately 1.2km to the north-west of the Site, and Roman Road located 600m east of the Site is an area of archaeological interest.

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

- The project may give rise to a number of different adverse impacts through its lifetime including those associated impacts to receptors from increased noise, vibration and emissions to air; impacts associated with accidents more likely during operation; and impacts due to cumulation with other development. There are also likely to be some temporary beneficial impacts to localised biodiversity receptors from enhancement measures embedded into the design and landscaping. However, it is anticipated that the site would be restored to its original condition following reinstatement.
- Impacts are unlikely to occur at greater distances from the site due to the limited anticipated changes in vehicle movements on the modelled road network (MRN) which includes the A20/M20. The majority of trips utilising the Dover SPS BCP will be goods vehicles inbound to the UK from the EU will access the BCP travelling along the A2 via the Port of Dover. The Dover site is located approximately 10km from Folkestone to Etchinghill Escarpment SAC and 53.43km from North Downs Woodland SAC. The BCP is serving Port of Dover on the A2 / M2 route. This makes it unlikely that this would be a route which could increase HDV movements that could affect the habitat sites which are within 200 metres of the A20/M20. As such, no pathways have been identified by which the scheme could result in a likely significant effect on this site alone or in-combination. The Air Quality Assessment also

shows there would be no exceedances in percentage Critical Level for NO_x and N deposits as a result of the proposal alone or in-combination. Therefore, there would be no impacts with the potential to affect nearby designated sites responsive to changes in emissions to air.

- The site is occupied by 7,839 sqm distribution warehouse, granted permission under DOV/02/01127. The submitted TA includes an assessment of movements associated with this scheme and goes on to compare its impact compared to that of the proposal. It concludes that the permitted scheme would result in 84 goods vehicle movements per day, compared to the 100 modelled for the proposal. This suggests that proposal will not lead to a significant intensification of goods vehicle movements on road network. This marginal increase from the baseline is not likely to result in significant impact upon traffic in the area.
- Existing and/or approved developments with the potential to give rise to cumulative impact have been identified as Whitfield Urban Extension, the Connaught Barracks Main Site development, the Dover Fasttrack developments and recently consented Dover IBF. A number of other planned or consented residential-led development schemes have been identified within 4km of the project. Taking these into account, significant cumulative effects are unlikely due, in part, to the temporary nature of the project's operation in the context of the lifetime of nearby developments, until 31 December 2025.
- The significance of the impacts has been considered having regard to the type and characteristics of each impact. The impacts that result from the project will be limited and localised and will affect a relatively limited number of receptors. The impacts will also 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. Therefore, there are not likely to be any long-term or permanent effects as a result of the project upon nearby receptors.
- 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. Therefore, there would be no significant effects upon nearby receptors based on air quality and noise.
- 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 construction phase involves alterations and some minor additional structures that do not give rise to significant environmental effects. The impacts of the operation of the facility, in combination with other development, notably Dover IBF have been considered, particularly in relation to traffic impacts. Given the temporary nature of the development and the mitigation through the provisions of the SDO and the additional conditions, the development is not considered to give rise to significant environmental effects.

The screening takes into account the measures in the SDO and in the Register of Environmental Actions and Commitments in Appendix B 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:

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:

Site Specific Conditions

2. The measures detailed in row AQ1, AQ2, AQ3, AQ4, AQ5, AQ6, AQ7, AQ8, AQ9, Mat1, Mat2, PH1, PH2, CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9, CC10, CC11, CC12, CC13, CC14, CC16, NV1, NV2, NV3, N1, N2, N3, N4, N5, N6 and N7 of the Register of Environmental Actions and Commitments (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.

3. The measures detailed in row GS1, CC17, CC18, CC19, W1, W2, W3, W4, NV4, NV5, NV6 and NV7 of the REAC must be included as part of the Operational Management Plan to be submitted for approval.

Informatives.

i. The Secretary of State's expectation is the border department shall work with National Highways to identify and implement a scheme of works in relation to Whitfield Roundabout and Kent County Council in respect of works to and Traffic Regulation Order relating to Kedleston Way, which shall be set out in the Operational Management Plan, under the requirements of Schedule 2 Part 3(1) of the SDO.

ii. The Secretary of State's expectation is that the site operator will work with the site operator of Dover Inland Border Facility in the preparation of traffic mitigations included in the Operational Management Plan under Schedule 2 Part 3(1) of the SDO.

Impacts from the project are considered to be limited, localised, temporary and reversible. With the measures proposed to manage and reduce impacts, significant effects are unlikely to occur. This development, taken cumulatively with other development, would not be likely to have significant effects on the environment. 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 including 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:

- DBCP-WSP-DWG-TC-001 Red Line Boundary Plan
- DBCP-WSP-DWG-TC-002 General Arrangement Plan

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:

Site Specific Conditions

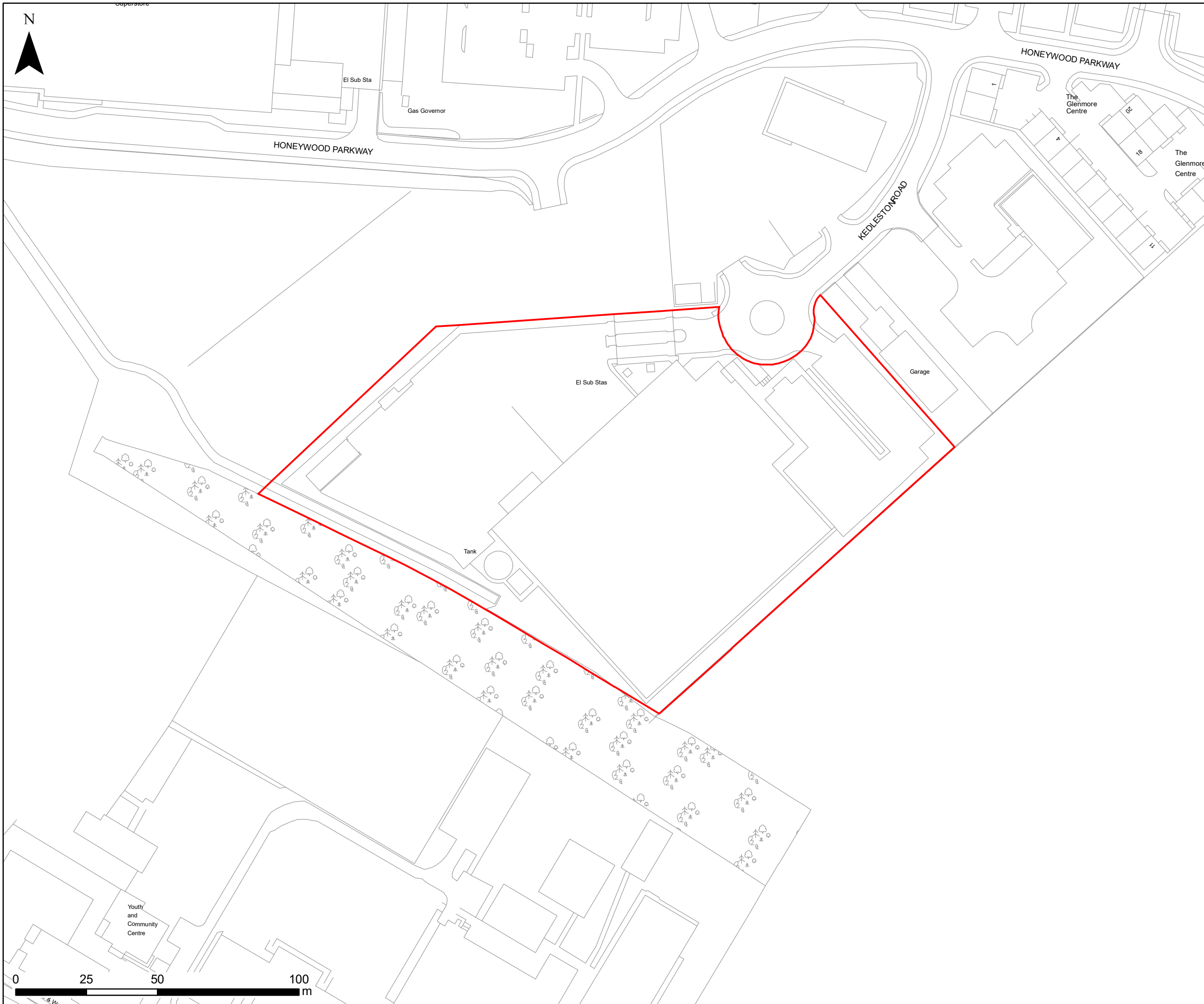
2. The measures detailed in row AQ1, AQ2, AQ3, AQ4, AQ5, AQ6, AQ7, AQ8, AQ9, Mat1, Mat2, PH1, PH2, CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9, CC10, CC11, CC12, CC13, CC14, CC16, NV1, NV2, NV3, N1, N2, N3, N4, N5, N6 and N7 of the Register of Environmental Actions and Commitments (Annex B, Analysis 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.


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ii. The Secretary of State's expectation is that the site operator will work with the site operator of Dover Inland Border Facility in the preparation of traffic mitigations included in the Operational Management Plan under Schedule 2 Part 3(1) of the SDO.



 Red Line Boundary

P01	MS	BS	AD	09/03/2022
FINAL				
REVISION	DRAWN	CHECKED	APPROVED	DATE
DESCRIPTION				

P01	MS	BS	AD	09/03/2022
FINAL				
REVISION	DRAWN	CHECKED	APPROVED	DATE
DESCRIPTION				



PROJECT TITLE:
DOVER SPS BORDER CONTROL POST

DRAWING TITLE:
RED LINE BOUNDARY

CONFIDENTIALITY:
CONFIDENTIAL

DRAWN:	CHECKED:	APPROVED:	AUTHORISED:
MS	BS	AD	AD

SCALE @ A3 SIZE:	DATE:	REVISION:
1:1,250	09/03/2022	P01

DRAWING NUMBER:
DBCP-WSP-DWG-TC-001

