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**Subject:** PROPOSED RESPONSE TO THE ENGAGEMENT EXERCISE BEING UNDERTAKEN BY THE DEPARTMENT FOR TRANSPORT ON PROPOSALS TO ESTABLISH AN INLAND BORDER CONTROL FACILITY AT THE WHITE CLIFFS BUSINESS PARK

**Meeting and Date:** COUNCIL - TUESDAY 9 FEBRUARY 2021

**Joint Report of:** Roger Walton, Strategic Director (Operations and Commercial)  
Lois Jarrett Head of Planning Regeneration and Development.

**Classification:** UNRESTRICTED

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**Purpose of the report:** To advise Council of the government's proposal to construct an Inland Border Facility (IBF) on a 37.6 hectares site at the White Cliffs Business Park, Dover and seek Council's views on the proposed response to the engagement process.

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**Recommendation:** Having been appraised of the details of the proposal by the Department of Transport (DfT) to create an additional Inland Border Facility (IBF) in Kent, on a 37.6 hectares site at the White Cliffs Business Park, Dover, Council are asked to:

1. Note that the response to the engagement process is a matter for the Executive to determine.
2. Endorse the proposed response to the engagement process as set out in this report.

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## 1. Summary

- 1.1 The Department for Transport (DfT) is undertaking an engagement exercise in relation to a proposal to create an additional Inland Border Facility (IBF) in Kent, on a 37.6 hectares site at the White Cliffs Business Park, Dover which it has acquired as they consider that this provides the appropriate strategic location for this facility.
- 1.2 The government is granting approval for facilities such as these across the country under the provisions of a Special Development Order (SDO), the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020, which was laid before Parliament on the 3 September 2020 and came into force on 24 September 2020.
- 1.3 Unlike other development proposals within the District, the use by the government of the SDO powers means that the Council's usual controls as a planning authority do not apply and the legislation treats the Council as a stakeholder within the SDO process, and identifies both the Local Authority and the Local Planning Authority as engagement parties.
- 1.4 In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the response to the engagement process is properly a matter for the Executive to determine, but it is keen to seek the views of Council members in finalising the draft responses as set out in this report.
- 1.5 However, this formal engagement with the Council as part of the SDO process, should be seen as only the first stage in an ongoing discussion with government concerning this proposal. It is intended to seek further and immediate high level engagement with

the Secretary of State on behalf of our local residents to ensure that the points raised in the Council's response as both Local Authority and Local Planning Authority are being acted upon.

## **2. Introduction & Background**

- 2.1 As the UK has now left the European Union, the government needs to establish a series of Inland border facilities (IBFs) where customs and document checks can take place close to ports of entry or within reasonable proximity to port locations, where they are constrained by geography.
- 2.2 The proposed facilities to be established within the IBF will, so it is understood, act as a Government office of departure (for outbound journeys) and a Government office of destination (for inbound journeys), where hauliers can start and end journeys when moving goods in and out of the UK, under the Common Transit Convention (CTC – also referred to as Transit). They can also be used for Admission Temporaire or Temporary Admission (ATA) Carnets, Transport International Routiers (TIR) Carnets and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) checks.
- 2.3 To date, IBFs have or are being established at seven other sites within the UK: Ashford Waterbrook, Ashford Sevington, Ebbsfleet, Birmingham Airport, Manston Airport, North Weald, and Warrington.
- 2.4 With regards to the facility proposed at White Cliffs Business Park, the Department for Transport (DfT) are proposing to construct this IBF on a site near the existing White Cliffs Business Park in Dover, Kent, which is currently an area of arable land located directly to the south of the A2, behind the DDC owned B&Q site and to the east and south of the existing White Cliffs Business Park (WCBP). This site is located within an area designated in the Local Plan as an extension to the White Cliffs Business Park, referred to as WCBP Phase 3, which has a long-standing designation for employment use.
- 2.5 The site area totals some 37.59 hectares and has been identified by DfT due to its strategic location being close to the Port of Dover and providing access directly from the A2, via Honeywood Parkway, which has been constructed to standards sufficient to serve HGV traffic movements. The A2 serves as a strategic route for HGVs travelling to and from the Port of Dover.
- 2.6 Road access and egress to the site would be from the existing B&Q roundabout via Section 2 of the Dover Fast Track scheme road (subject to approval and construction). If approval of the Dover Fast Track scheme was not given or delayed, DfT have indicated that alternative access arrangements for the IBF would be proposed to ensure the IBF can be fully accessed and exited in a safe manner.
- 2.7 It is understood that DfT, subject to the granting of the SDO, intend that the IBF will be available to facilitate the management of the new custom and border controls from 1 July 2021. The site is proposed to act as a location for starting and ending the transit movement of goods to and from the UK; as well as a border control post, in bio-secure purpose-built structures, to check the animals, animal products or high-risk food and feed of non-animal origin in a consignment from outside of the UK.
- 2.8 This work on site will directly involve the Council, as the Port Health Authority.
- 2.9 As indicated above, the government intends to seek approval for facilities such as this under the requirements of a Special Development Order (SDO), namely the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special

Development Order 2020, which was laid before Parliament on the 3 September 2020 and came into force on 24 September 2020.

- 2.10 This legislation provides for the granting of temporary approval to government departments to provide facilities in specified local authority areas for the stationing and processing of HGVs entering or leaving the UK. It also allows for the provision of associated temporary facilities and infrastructure. The legislation specifies that the facilities will cease operation prior to 31 December 2025.
- 2.11 The SDO process as set out in this legislation requires a report to be prepared for the Secretary of State of Housing, Communities and Local Government, which needs to include, amongst a number of matters, details of the engagement with stakeholders and the responses received.
- 2.12 The engagement process for this proposal commenced 13 January 2021 and will end on 10 February 2021.

### **3. Response to the engagement process**

- 3.1 As explained above, the list of engagement parties within the legislation includes Dover District Council in its capacity as both the Local Authority and the Local Planning Authority.
- 3.2 This formal stage within the legal processes as set out in the SDO legislation is the first stage in an ongoing discussion which the Council intends to have with the government regarding the IBF proposal, its operation and the wider impact on the District and its residents.
- 3.3 The draft response to the engagement process, which the Executive propose to submit on behalf of the Council as the Local Authority is as follows:

“This response has been prepared on behalf of Dover District Council, with regards to the proposal to establish an Inland Border Facility (IBF) at White Cliffs Business Park, Dover.

The Council is pleased to see that, by bringing forward this proposal, the government has recognised the vital role that the Short Straits crossing plays as a key UK gateway for integrated supply chains and global deep-sea air/cargo distribution hubs transiting by road between the UK and mainland Europe and that ensuring fluidity and efficiency is crucial to this operation.

The Council recognises the need to establish inland border facilities to ensure that effective border controls can be established now that the UK has left the European Union and welcomes the government’s decision to make this major investment in infrastructure at the White Cliffs Business Park (WCBP) recognising the potential this offers to provide significant employment opportunities and attract further investment to the District.

The site chosen for the proposed development has been designated as employment land within the Local Plan for more than 20 years. Development at WCBP since then has taken place in phases, commencing with Phase 1 in the 1980’s running through to the present day where the bulk of Phase 2 is now substantially complete. The Council continues to see WCBP as a premier location for employment as set out in the Land Allocations Local Plan, which effectively incorporates WCBP Phase 3, the proposed location of the IBF.

As was the case with WCBP Phases 1 and Phase 2, the provision of additional infrastructure has been a key consideration in bring forward development at Phase 3. The proposal for a new access road in the form of the Dover Fastrack/BRT scheme which, subject to achieving permission as standalone infrastructure, will facilitate access to the IBF was also intended to open-up

access to Phase 3. As a local authority focused on delivering economic growth, we are keen to see the investment in this site acting as a catalyst for further economic investment in the locality.

The Council will of course have an active role to play in the operation of the IBF through its Port Health responsibilities and should the SDO be granted will be keen to work with the relevant agencies to further develop the Operational Management Plans for the site.

However, whilst recognising the economic and employment benefits that this investment brings, the Council is equally aware that the construction of a facility of this size, all be it on land designated within the Local Plan for employment use, has inevitably raised many concerns with local residents and if not planned carefully, could adversely affect the Councils' growth plans for the regeneration of Dover and the wider District.

It is therefore vital that appropriate mitigation measures are put in place to manage any adverse impacts that may potentially be caused by the White Cliffs IBF proposals and, whilst welcoming the proposal in principal, there are four key areas of concern, on which the Council is seeking detailed discussion with the relevant government departments:

#### **1. Traffic Management and the impact on the growth agenda.**

As outlined above, the proposed access to the IBF is from the A2/A256 junction and then via the existing B&Q roundabout and Section 2 of the proposed Dover Fastrack scheme.

The traffic modelling including within the Transport Assessment for the new facility makes it clear that the location of the IBF will inevitably lead to a significant increase in the use of the M2/A2 corridor by HGV traffic which is currently using the M20/A20. This has the potential to create significant traffic management issues on the local road network and in particular to further exacerbate the existing capacity issues at both the A258/A2 Duke of York's Roundabout and the A2/ A256/Sandwich Road roundabout at Whitfield.

The Council has had serious concerns regarding the capacity issues at these two junctions for some years recognising the limitations these constraints could potentially place on the Council's plans for economic and housing growth.

Highways England clearly share similar concerns as evidenced by the objections they have made in response to several recent planning proposals on the grounds of the impact that such developments would potentially have on the capacity of the strategic road network.

In order to mitigate the additional impact that the IBF will place upon the local road network, and thus safeguard the Council's plans for growth, the Council would be grateful for an early meeting with the Secretary of State for Transport to discuss how plans can be brought forward as soon as possible to address the following key issues:

- The upgrading of the on and off slip roads to the A256/A2 junction to current design standards.

- Improvements being delivered to the configuration and capacity of the A258/A2 Duke of York's Roundabout to ensure that Deal bound traffic is not hindered by increased traffic on the strategic road network.
- Improvements to the A2/ A256/Sandwich Road roundabout at Whitfield including the introduction of a signalised junction to ensure that local traffic is not hindered by increased traffic on the strategic road network.

In addition to these short-term measures, the Council has been lobbying for many years for the dualling of the section of the A2 between Lydden and Dover. This route provides vital resilience to the M20/A20 corridor and given that the proposed IBF will increase traffic on this route, we would reiterate once again our request that the Lydden to Dover A2 dualling scheme be included in the next Roads Investment Strategy programme.

## **2. Impact on Local Residents & the Environment**

Whilst this site has of course been designated as employment land within the Local Plan for more than 20 years, the Council is none the less pleased to note the efforts made within the site layout to shield the proposed development from the residential properties to the east, through the provision of buffer zones and additional planting together with the other environmental measures as set out in the Environmental Management Plan.

Comments associated with the site layout and the measures taken to mitigate the impact of the development are contained within the Council's response as Local Planning Authority and to avoid duplication are not repeated here. The Council is concerned however that these proposals have yet to be relayed in a detailed format to the residents most affected during the course of the engagement period.

The Council would therefore urge, as a matter of some urgency, that the Department of Transport engages with the residents and provides them with responses to those issues of concern, which include the provision of a scaled layout plan of the proposed site together with details of the proposals to ensure that the environmental issues around sound, light and air pollution will be soundly addressed.

The construction of the IBF does affect a section of the North Downs Way, which it is noted is proposed to be diverted along the eastern edge of the site. The current Local Plan does in fact provide for the route of the North Downs Way to be restored to its original alignment along the Roman road and across the A2 on a new bridleway bridge to continue to Pineham when the area is developed for employment use.

Whilst the Council understands the reasons for the diversion of the footpath, there are local concerns that this diversion will become permanent and the opportunity to improve the national trail lost. We would therefore ask that should the IBF cease operation by 31 December 2025 as indicated within the SDO legislation, that the footpath being restored to its original alignment along the Roman road.

Developments such as this, will inevitably have an impact on the environment and the activities associated with it's operation are potentially detrimental to the objectives contained within Council's Climate Change Strategy, prepared following the Council's agreement to declare a Climate Emergency in January 2020.

The suite of documents prepared to support the proposal covers these issues in considerable detail, which it is not appropriate to seek to duplicate within this response. However, the Council would ask that every effort be taken to mitigate those impacts identified within the Analysis of the Likely Environmental Effects of the Development Report as prepared by WSP and that this Analysis be shared with those residents most affected by the development.

### **3. Impact of Development on Dover Fastrack and Local Businesses**

As outlined above, the proposed access to the IBF is from the existing B&Q roundabout via Section 2 of the Dover Fastrack scheme. The Dover Fastrack proposal forms part of the masterplan for the development of at c5,750 new homes, at Whitfield with a mix and quality of housing supported by the provision for a fast bus link to the town centre and rail station as integral to the development. The Fastrack scheme has attracted significant grant support from Homes England and detailed design is well advanced with construction planned to start in late 2021.

The design of the scheme, which includes bus priority measures, segregated busways, and camera enforcement on sections of route, including a new bridge over the A2, had always been intended to open-up access to WCBP Phase 3.

However, the volume of traffic generated by the IBF is likely to be far higher than usage levels previously envisaged and so the Council is concerned that should queues of traffic form beyond the boundaries of the site that this could adversely impact upon the operation of the Dover Fastrack Scheme and indeed on other businesses operating from White Cliffs Business Park.

We would therefore ask that every effort is made in developing the Operational Management Plan to ensure the effective operation of the IBF site access and egress arrangements and thus eliminate any risk that queues of HGVs extending outside the site obstruct the efficient operation of the Dover Fastrack scheme or queue back onto Honeywood Parkway.

### **4. Support for Local Economic Growth**

As noted earlier, the site chosen for the proposed development has been designated as employment land within the Local Plan for more than 20 years and the Council welcomes the investment in infrastructure at the White Cliffs Business Park (WCBP) that the IBF proposal offers.

WCBP has been identified as a premier location for employment, as set out in the Core Strategy and Land Allocations Local Plan, and whilst the IBF brings forward some employment opportunities in the short-term, the Council is keen to see plans developed for the longer term noting that the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit)

(England) Special Development Order 2020, specifies that any facilities provided under this order will cease operation prior to 31 December 2025.

This therefore raises questions as to the future of the site after this date.

There appear, at this stage, to be two possible outcomes:

- i. That the site is surplus to requirements and the IBF is closed.
- ii. That continued use of the site is required and, subject to granting of planning consent, usage of the site as an IBF continues on a permanent basis.

Given that this area of the WCBP forms a key part of the Council's allocation of employment land as set out in the Land Allocations within the current Local Plan and as a local authority focused on delivering economic growth, we welcome the investment in infrastructure, which facilities access to the IBF and the remainder of WCBP Phase 3.

We equally assume that the government would be keen to support the Council's growth agenda and we would therefore wish to engage with the Secretary of State for Transport and the Secretary of State for Business, Energy and Industrial Strategy at the earliest opportunity to discuss future plans for the site.

In particular, should operations on the site cease in 2025, as to whether ownership of the site could be transferred to Dover District Council to enable the Council to take forward plans to facilitate economic growth within the District.

Alternatively, should use of the site, especially by HMRC, continue beyond 2025, then there would seem to be an opportunity to consolidate HMRC activity on this site and potentially relocate facilities currently sited elsewhere in Dover, such as those located at St. Johns Road to this site enabling land to be released for housing.

In conclusion, the Council would like to reiterate that the provision of major investment in infrastructure and early job creation in the Dover locality is to be particularly welcomed at this time and, whilst seeking reassurance on the matters outlined above, the Council offers its support for the proposal."

3.4 A separate response has been prepared on behalf of the Council as a Local Planning Authority, which is set out at Appendix 3.

#### 4. **Resource Implications**

4.1 This report places no direct resource implications on the Council.

#### 5. **Climate Change and Environmental Implications**

5.1 There are no direct climate change implications from this report. Clearly the construction of the IBF and the activities associated with it's operation will have an impact, which have been set out in and considered within the Analysis of the Likely Environmental Effects of the Development Report prepared by WSP as part of the suite of documents to be submitted to and considered by the Secretary of State as noted above.

## 6. **Corporate Implications**

- 6.1 Comment from the Director of Finance (linked to the MTFP): The Strategic Director (Corporate Resources) has been consulted during the preparation of this report and has no further comment to make. (MD)
- 6.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make. (LM)
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

## 7. **Appendices**

Appendix 1: DfT Consultation Document

Appendix 2: Plan of proposed IBF

Appendix 3: Draft response to DfT on behalf of DDC as Local Planning Authority