



Rt Hon Sir Robert Goodwill MP
Chair of EFRA Select Committee
By email

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Dear Rt Hon Sir Robert Goodwill MP,

I write with reference to the response you received on 22nd February 2024 from Lord Douglas-Miller to your letter dated 30th January to the DEFRA Secretary of State the Rt Hon Steve Barclay MP.

I am disappointed to observe that the letter to you does not answer the questions asked, contains many points of inaccuracy, and includes statements that are both confused and misleading as to the current position at the frontline and the position as planned by Defra post April 2024.

Oddly Defra have also chosen to reference the role of Border Force a total of 12 times in this letter when referring to functions that are completed by Dover Port Health Authority (DPHA).

To confirm, I fundamentally disagree with the foundations and steer of the letter for the reasons outlined below. To assist you I have also set out clear answers to the questions you have asked (in **bold black italics**) from Dover's (DDC/DPHA) perspective.

Bold red italics will now be used to highlight direct passages from the **Defra letter** of 22nd February 2024, and thereafter my response in plain black text -

"I am pleased to say that this transition proceeded with no significant issues, and we have had some positive feedback from stakeholders on the implementation of the new controls." - This statement is misleading in that it implies something greater than what has most recently occurred. The period referred to, is now described by Defra as an 'educational phase'. Which means in practice those who do not submit Health Certification during this period, are not penalised, there is no enforcement or penalty for non-compliance, and there are no customs holds in place at this stage to prohibit food from being cleared even if it doesn't comply.

Since 31st January (BTOM stage 1 - Health Certificates required) Defra have reported that for the whole of GB (covering all ports) just 50,000 SPS notifications had been received, to which they have provided feedback to only 250 importers.

To help put this figure into context, Dover Port Health Authority's imported food data shows that during the same period (20 days) greater than 95,500 SPS controlled goods travelled through Dover alone.

In addition, we have received less than positive feedback from some of our trade regarding the quality and value of this work.

With this in mind, and the limited number of checks completed, and the restrictive nature of those checks, I think it reasonable to say that the work completed should not be presented as an indication of successful implementation.

“Introduction of these new health certification requirements is an important step forward in the plan to strengthen our biosecurity regime. Commercial SPS goods imported into Great Britain from EU member states and the rest of the world will now be subject to the same risk-based certification regime, which will ensure that they continue to meet the high standards required to protect the nation’s biosecurity”. - This is a misleading and contradictory statement. Rest of World imports are already subject to risk-based controls and cannot leave a point of entry until full checks are completed. Yet Defra plans to change this practice for the Short Straits only, allowing Rest of World food (that is classified as higher risk) to arrive and leave the port without control, this will not ***“meet the high standards required to protect the nation’s biosecurity”***. Instead, this action creates an entirely new and needless risk to GB Biosecurity by enabling food to move freely, and uncontrolled away from the point of entry and the Port Health Authority at Dover.

“Turning to the specific questions raised by the committee:”

1. ***The current amount of funding in place for spot checks of POAO at the Port of Dover and whether you have plans to change that funding. Furthermore, what assessment you have made of the potential impact of a reduction in those checks on the UK’s biosecurity?***

The response provided by Defra to the Chair does not answer the question asked. The answer to the question is that Defra provided £3.6 million in the financial year 2023/24 to complete African Swine Fever (ASF) checks at the Port of Dover only.

On 9th November 2023 Defra asked DPHA to extend its ASF service out to Coquelles (France). On 23rd November 2023, Defra verbally confirmed that they would cut funding to £1 million, increasing the offer to £1.2 million on 15th December 2023 for the financial year 2024/25 and then to zero for 2025/26. This remains the financial offering from Defra and has been confirmed again in a letter from Lord Douglas-Miller dated 29 February 2024.

The financial forecast for 2024/25 to operate the Dover service alone, is £4 million.

Defra have provided no impact assessments (or evidence of). Equally Defra have not, in the entire time we have operated this service, visited to see, and understand the operation and challenges of this critical work at the frontline, at the UK pinch point where 90% of all ASF related products are believed to enter GB.

Defra’s response to question 1, goes on to provide multiple general paragraphs, that are confused and muddy the water. They do not accurately represent the position at the Dover Border.

I have picked out a few to assist -

“The second category of checks relate to illegal imports. Border Force is responsible for the management of illegal imports, and they undertake spot checks at the point of entry to tackle abuse of border controls.” – This statement is misleading in this context. DPHA are legally responsible for ASF controls and removing illegal EU meat imports at the Port of Dover and separately at the Coquelles border.

It is further noted that the letter quite purposefully and repeatedly uses the word ***“led”*** and ***“support”*** when referring to DPHA’s work alongside our Border Force colleagues, implying that the work of DPHA is without value or need of investment, and by consequence dismisses DPHA’s legal functions.

To assist I can confirm that under the provisions of The Trade In Animals and Related Products Regulations 2011 (TARP) it is the appropriate enforcement authority (i.e. county councils, district councils, Port Health Authorities, London boroughs (or, in the City of London, the Common Council of the City of London), metropolitan districts and unitary authorities) that are

tasked with enforcement for imported animals or products that are suspected of constituting a serious risk to human or animal health or animal welfare.

This seemingly was recognised for example, by the Defra Secretary of State when they made the Order (The African Swine Fever (Import Controls) (Amendment) (England) Order 2023) amending The African Swine Fever (Import Controls) (England and Scotland) Order 2022 to specifically clarify in relation to entry or exit into or out of the Channel Tunnel system, that the enforcement authority is the district council of Dover as designated under article 2 of the Dover Port Health Authority Order 1978.

“Port Health Authority (PHA) officers have been asked to support Border Force to deal with illegal imports of Products of Animal Origin (POAO) when they are identified.” -

This statement is misleading, Dover PHA staff have not been ‘supporting’ Border Force as presented. DPHA have a legal basis to exercise powers by virtue of authority under Regulation 35 of the Trade in Animals and Related Products Regulations 2011 (TARP). This regulation sets out several powers including (but not limited to) inspect, examine, seize, retain, and order destruction to ensure with the rules laid down in the Official Controls.

“Once phase two of the BTOM is introduced in April, this transitional grant funding scheme will end as intended: at this point PHAs will be able to charge traders to recover costs”. -

Incorrect, DPHA will not be able to charge traders to recover costs associated with ASF work. The BTOM covers commercial food checks that can be charged for. But the impact of Defra’s intended actions to remove DPHA’s ability to complete commercial import checks (fee generating) at Dover, leaving only personal import checks (that are not fee generating) prevents the authority from being able to financially support itself (pay for the staff to do the checks). It is well documented and acknowledged by Defra, that enforcement activities cannot be self-financing, to suggest otherwise is a sop. If it were achievable Border Force and the Police would operate self-financing models. The operation of Bastion will not only secure GB biosecurity, but also enable DPHA to be self-financing and complete all the required food safety and biosecurity checks at the border without additional financial burden, but Defra’s actions (if not reversed) will perversely prevent this.

“It is only right that future funding requirements are reviewed to ensure they are proportionate and represent value for money”. -

Correct, DPHA were repeatedly advised that the funding arrangements would be reviewed, and funds would be reallocated to the GB pinch point (Dover) in recognition of the risk, the scale of the problem and level of seizures made independently by DPHA. It was never suggested that funding would be cut, as Defra have known for over a year that DPHA were under resourced to complete the work at Dover alone, without extending to Coquelles. A 70% - 0 service cut will ultimately result in a substantial reduction in illegal meat seizures. Without seizures it could be presented and perceived that the policy has worked and that there is no longer illegal ASF meat entering this country at the Dover border.

“Defra has advised Dover PHA that we have budget provision in place at a lower level, however we have been clear that we are open to a discussion to agree the level of budget required, based on a transparent assessment of resourcing and the associated funding requirement”. -

This is misleading and not accurate. Whilst they may have stated their intention to engage in correspondence, disappointingly they have not. Critical correspondence remains unacknowledged, and correspondence dating from 2023 remains unanswered.

In addition, and contrary to what the statement ***‘open to a discussion to agree the level of budget required’*** implies. Since their letter to you of 22nd February and the statement above, Lord Douglas-Miller has now subsequently written (29th February 2024) to DPHA to - *“clarify my position on the continuation of funding”*, and as such confirmed and reiterated that the funding offer would not be increased, and “£1.2 million” of funding *“will be available to Dover PHA until 31 March 2025”*.

A meeting date with Defra staff has subsequently been secured; however, the correspondence around that meeting, clearly states that the current level of funding **will** not be maintained, and that the current level of funding **will** be cut by 70%, and that Defra **will** expect DPHA to complete ASF checks at both Dover and in addition at Coquelles, within a temporary funding envelope of £1.2 million.

DPHA would be happy to share our correspondence and repeated pleas for responses and engagement if helpful to highlight the scale of disregard to the risks identified by DPHA and its ongoing duty of care.

“We have also advised all PHAs that we expect them to introduce charging to recover costs incurred when dealing with illegal imports” – Again this is misleading in this context as it conflates two different pathways. There are charging provisions for non-compliant SPS checks under the BTOM, but not for ASF controls under personal imports. In addition, in relation to ASF cost recovery, this statement would largely not apply to any other PHA due to the ASF trade routes (with this trade almost exclusively arriving via the Short Straits).

“We have explained this to Dover and are happy to work with them to consider how best to implement this measure, to supplement core funding”. - Again, this line is misleading. Defra have explained very little to Dover and to pursue a rhetoric that is not deliverable is wrong. Agencies, such as Border Force, the Animal and Plant Health Agency, Trading Standards or DVSA who undertake seizures at the border do not operate on a cost recovery basis because it is not deliverable.

“I want to reassure you that biosecurity controls are a priority for Defra”. - This statement is contradicted by Defra’s intention and persistence to –

- Not open the POAO (product of animal origin)/HRFNAO (high risk food not of animal origin) BCP (Border Control Point) at Dover (Bastion).
- Move all commercial imported food controls inland (22 miles) to Sevington (Ashford).
- Allow all controlled food to move ‘uncontrolled’, freely away from the border without checks.
- Cut funding to DPHA to complete African Swine Fever (ASF) illegal meat import checks by 70% and then down to zero, whilst also extending the function to Coquelles.

“The BTOM introduces proportionate controls that will protect the agri-food sector and public health”. – This statement is misleading. Ultimately BTOM controls will not be in place at Dover, where there will be no **protection** as claimed. In addition, there are no systems in place to ensure vehicles physically attend Sevington and or don’t get off-loaded before they attend. This is why controlled goods do not leave the point of entry and Port Health Authority until their checks are completed (which is what is required for food, at all other borders).

“We have established mechanisms in place to stop products from being imported into Great Britain from areas with a known pest or disease outbreak”. – This statement is misleading, **mechanisms** are not robust, as demonstrated by the fact that prohibited meat is arriving now, from areas within the ‘highest risk zone’ of identified African Swine Fever risk. Displaying hexagonal Health Marks (meaning they are prohibited from leaving their own EU country), yet they have, and are able, to leave that country and travel across the EU without interception. The ***“established mechanisms in place to stop products from being imported into Great Britain from areas with a known pest or disease outbreak”*** - is clearly not working in this case, as advised on multiple occasions.

“We can use additional safeguarding measures to protect our biosecurity where we have particular concerns and evidence about pest or disease risk”. - The ASF order is an example of a Safeguard Measure, and one that took months to implement, (Coquelles still isn’t up and running 17 months later). ***“Preventing an outbreak of ASF in the UK remains one of our key biosecurity priorities”***. - Why then do Defra persist against all advice, to cut

ASF funding by 70% to zero, these are not **'preventative'** actions. The rhetoric throughout the response contradicts the actions relentlessly pursued.

Furthermore, in the explanatory memorandum which accompanied The African Swine Fever (Import Controls) (Amendment) (England) Order 2023 (2023/1253), paragraph 12 stated "*The impact on the public sector will depend on the resources that Dover Port Health Authority invests in enforcing the ASF Order in relation to pork products entering England through the Channel Tunnel.*" It cannot and should not be the responsibility of Dover taxpayers to fund national biosecurity. In our view, these are not the actions of a Government who claim that **"preventing an outbreak of ASF... remains one of our key biosecurity priorities"**.

"Whilst the UK has never had an outbreak of ASF, we are not complacent. We continue to work closely with the devolved administrations on outbreak response contingency planning, and on preventing an incursion from imported goods". - The actions of cutting funding to complete ASF checks by 70% to zero, in addition to not opening Bastion BCP at the point of entry and allowing Rest of World and EU food to leave the point of entry and Port Health Authority, without check or control is needless and **"complacent"**.

Lorries will arrive at Dover and leave unchecked and uncontrolled to self-present if they choose at Sevington.

Defra will create a gaping hole in this border that does not currently exist, and specifically when it comes to the entry of high-risk Rest of World animal products. Currently, there are mechanisms in place to physically hold these goods at existing ports with BCPs until official border checks have been undertaken, after which the goods can be released. The proposed BCP at Sevington will create an open door to enable unchecked Rest of World POAO goods to enter Dover and drive through it (which they haven't been able to do before) and into GB uncontrolled.

Although the UK have never had an outbreak of ASF to date, illegal meat seized by port authorities in Northern Ireland in 2019 was sampled and confirmed to contain traces of the virus. This was the first time the ASF virus had been detected in the UK. The protections put in place by the ASF Order must be maintained to protect British Farmers and our economy, and it is crucial the right level of funding is agreed. Defra's proposal is surprising and not acceptable.

2. How many checks are currently being undertaken for POAO at the Port of Dover, and whether you have plans to change the number of checks being undertaken or the location in which those checks are taking place?

The response provided by Defra to the Chair does not answer the question asked. They cannot answer this question because they have no operational understanding of what DPHA do, as they have never visited the ASF operations and do not know what we are physically doing on the ground. Subsequently, they have chosen to answer a question that was not asked, referring to POAO SPS checks that will fall under the BTOM and Defra plan to have completed at Sevington, when they should be completed at Bastion.

The answer to the question is that DPHA currently and independently conduct ASF checks over a 6-day period at Dover. This service will be cut by 70% 24/25 to zero 25/26 if Defra do not provide appropriate funding to deliver this national service at the point at which 90% of the trade enters. Border Force cannot bridge the EU gap as it is not their function (they also have limited resources and different priorities), and as such would rightfully refer the work to DPHA.

"The new regime for physical checks for imports of Products of Animal Origin from the EU does not commence until April 30th 2024." - Sevington BCP remains without designation and Statutory Instrument (SI) to make the BCP within the Sevington IBF lawful, which currently it is not (although we are expecting an SI to be pushed through quickly). Bastion BCP requires no changes to legislation to operate.

“Checks for POAO arriving from the EU after that date will be carried out at the purpose-built facility at Sevington, provided it meets the relevant statutory criteria for designation as a BCP. Checks will be carried out on high and medium-risk goods, on a risk-basis as outlined in the BTOM.” - This statement fails to acknowledge the impact on GB biosecurity and public health, that the designation of Sevington only will have, and especially because of higher risk Rest of World POAO, and high-risk food and feed. POAO commodities from non-EU countries, which have not been able to enter the Short Straits previously, will be able to arrive in the country via this route, and travel inland under no controls free to enter GB without checks or attending a BCP.

To be clear, there are no systems in place to ensure vehicles will physically attend Sevington and or don't get off-loaded before they attend. This is why controlled goods do not leave the Port Health Authority until their checks are completed (which is what is required for food at all other borders).

Moving the SPS POAO checks inland will undermine our entire GB border and biosecurity system, creating an open door for disease and food fraud. Needlessly increasing and enabling the risk of non-compliant, illegal, unfit, dangerous, and disease infected meat and food products being able to come in.

“No checks on POAO are undertaken at Dover Western Docks, which is a commercial BCP with designation for plants and plant products and high-risk food not of animal origin”. - This is misleading. With respect to POAO, Dover investigates and handles illegal POAO imports, completes food controls on IUU fish, and more widely undertakes personal import checks for ASF illegal meat controls at the Eastern and indeed Western if found there.

3. *Your rationale for persisting with the plans to open the Sevington inland border facility despite stakeholder concerns.*

“You will be aware that the BTOM introduces a risk-based and proportionate approach, along with new trusted trader schemes, and this new design means that fewer physical checks will be required at the border compared to earlier plans”. -This is simply not correct. The BTOM has not and will not result in a reduction of checks at the Short Straits from the numbers originally planned for by Defra, because Defra's original data/numbers were incorrectly reported and modelled from the very start. The numbers expected by DPHA (identified and taken from established and validated datasets) continue to exceed those planned for by Defra and originally used to commission Sevington IBF, and Bastion BCP. Despite Defra's rhetoric that fewer checks are required, this is not the case; at the Short Straits they have gone up. In addition, the impact on Trusted Trader Schemes on the physical check numbers at the BCP will be minimal.

Defra continue to under report the number of food imports (within scope), that arrive via the Short Straits and will require some form of check (either documentary only or physical and ID), by at least 1.1 million.

In addition, inspection frequencies have also increased from the original 1% to between 1-30% which has had a significant impact on the number of commodities that will require inspection at the BCP.

Furthermore, the additional risk, volumes, and increased checking regimes for Rest of World POAO imports, remains remiss from their planning.

Despite these factors, variables, and indeed significant support provided by DPHA on this matter, Defra continue to present that minimal and indeed reduced numbers of daily physical inspections will be required at Sevington BCP.

Defra's anticipated daily physical inspection rates are in stark contrast to DPHA's established and operational analysis of import data, which concludes that Defra's assumptions are

significantly incorrect and by an order of magnitude. The daily number of physical inspections required, if the facility were to be operated correctly, considerably exceeds Sevington's capacity for consolidated food checks.

“In announcing our intention to move forward with a single site at Sevington, the department considered a wide range of factors”.

- ***“The need to safeguard the UK's biosecurity”.*** - By allowing both Rest of World and EU goods to arrive and leave the port without any control (as there will be none) and cutting ASF funding by 70% and then down to zero, Defra is creating an entirely needless gaping hole in this border (if they do not review this 'contingent decision') This is not ***“safeguarding the UK's biosecurity”***, instead these actions are significantly undermining it by creating a bespoke open door at the Short Straits. Where inevitably non-compliant loads will seek to route too at pace!
- ***“The strategic importance of the Short Straits trade routes and the anticipated volume of checks in accordance with the policy design of the BTOM”.*** – Defra continue to fail to accept DPHA's data, that clearly shows Defra's interpretation of the data, volumes, and modelling to be significantly misunderstood and under reported by Defra. Unfortunately, it has become apparent that to accept DPHA's data, Defra would have to accept that the data they have used (despite relentless support from DPHA) to plan and decide their infrastructure outcomes on, remains incorrect and thus Sevington as a single site solution for POAO, is not deliverable. Defra's data has been shown to be incomplete and flawed from the very start of this programme.
- ***“The nature, size and location of the Sevington and Bastion Point facilities, and the fact that Bastion Point would be unable to act as the only BCP for all required checks”.*** - Sevington was not designed to process Dover's higher volumes of food traffic (82% of food within scope of a check arrives via Dover). As such it has significant capacity and design limitations. The plan until articulated to DPHA on 9th November, was that Sevington would only process goods arriving through the Channel Tunnel. The internal space restraints mean that it cannot complete or hold an entire vehicle off load or process hanging meat carcasses for example. Bastion in comparison has the capacity and advanced design and kit to process all food trade arriving via the Short Straits (as it was designed to do so by DPHA)
- ***“The importance of minimising the costs and barriers to trade”*** - Defra constantly reference minimising the cost to trade, without transparency on what the actual figures (cost to trade) are, and without publication of what the CUC will be, how can they evidence a financial outcome? What impact assessment and cost analysis has been completed regarding compromising biosecurity failing to acknowledge/reference the financial impact on trade and to GB in the now inevitable event that there is an outbreak.
- ***“The need to ensure value for money for future border operations”*** - Value for money has not been evidenced over and above inevitable harm to GB biosecurity and public and animal health in the long term.

“Sevington was always designed as a site for checking high and medium-risk SPS goods. It has modern facilities and will be able to carry out checks on all types of consignments, including POAO, plants & plant products and live animals”. - Sevington was designed as a site for checking SPS goods arriving via the Channel Tunnel only – not as a combined site for all food arriving via Dover and the Channel Tunnel. Its POAO facilities are not adequate to handle the combined food trade arriving via the Short Straits as has been evidenced to Defra.

In addition to the infrastructure flaws identified above, the Sevington facility will not be able ***“to carry out checks on all types of consignments”*** as stated, because it has no facility to

handle hanging meat carcasses that arrive via the Short Straits. The bespoke hanging meat carcass rail system for both Dover and the Channel Tunnel, was and is installed at Bastion (at vast expenditure), where it sits dormant ready for operation, and indeed expected to be operated by trade. Trade who has lobbied for the facility to open and question why it is not (with some even offering to operate it to get it mobilised).

“In taking the decision to consolidate checks at Sevington, we engaged extensively with stakeholders and carefully weighed up biosecurity requirements and the costs to business. A key concern from traders was the level of charge likely to be needed to pay for the running of two Border Control Posts (Sevington & Bastion Point)”. - No feedback has been provided to support this claim. This is not our experience from discussions we have with trade and stakeholders. Transparency and messaging remain a significant obstacle, despite a detailed and significant response to the engagement process in respect of the proposed Statutory Instrument (required to retrospectively enable Sevington to be designated as a BCP), which closed on 11 December 2023, DDC/DPHA have not received a response.

DPHA have subsequently learnt from Defra, that the Secretary of State actually made the ‘contingent decision’ to consolidate at Sevington on 25th September 2023. Which was alarmingly made during the course of the targeted stakeholder engagement process regarding the location requirements for inland BCPs. Knowledge of this further erodes confidence in the accuracy of statements.

Despite this decision (25th September 2023), DPHA were not informed for a further 45 days (9th November) that a decision had already been made. During these 45 days, we relentlessly, in good faith, and as requested by Defra, continued to provide data, volume statistics and advise on impact and operational challenges and solutions.

In addition, during this period, DPHA also provided a detailed response to the consultation, and raised several questions under FOI/EIR, including why no Impact Assessment had been carried out in respect of the proposed new legislation.

On 26 January 2024, we were told that *“After carefully examining your request for information under the Freedom of Information Act and Environmental Information Regulations we understand that your request is for an explanation of our position rather than for specific information. This request for an explanation will be addressed in the government response that will be sent to stakeholders shortly”*. No response has yet been received. Neither have we seen any responses from other stakeholders, in particular, the ***“key concerns”*** of traders mentioned above have not been published or communicated.

“As Sevington has the capacity to deliver the full range of checks on the volume of consignments anticipated to arrive via the Short Straits, the user charge to cover this will be substantially lower than one based on dual running of both facilities”. – Incorrect. Sevington does not have the capacity to complete all food consignments within scope arriving via the Channel Tunnel and the Port of Dover as evidenced to Defra. In addition, Startlingly, Sevington BCP remains without designation and or a Statutory Instrument (SI) to make the BCP within the Sevington IBF lawful (although we are expecting an SI to be pushed through quickly). In stark contrast, Bastion BCP is lawfully sited within the vicinity of the point of entry and requires no changes to legislation, or additional expenditure to operate.

Confirmation of the Common User Charge (CUC) and breakdowns of calculated operational costs have not been presented in a way that would evidence that Bastion is **not** needed.

Evidence supports that Bastion BCP should be designated and operational without delay (currently run to temperature, in a full and superior state of readiness). The decision to use one site is not a legal requirement and is not evidenced as in the best interests of trade, or GB

biosecurity, public and animal health, yet it remains a clear and determined aspiration of Defra and their unrelenting pursuit.

4. ***What safeguards will be in place to ensure the required loads travel from the point of entry (Port of Dover) to the Sevington site (22 miles away), without either offloading goods on route or not presenting at Sevington at all?***

The response provided by Defra to the Chair does not answer the question asked. There are no systems in place to ensure vehicles will physically attend Sevington and or don't get off-loaded before they attend. This is why controlled goods do not leave the point of entry and Port Health Authority until their checks are completed (which is what is required for food at all other borders).

“Goods selected for inspection will not be legally cleared for sale or use within the UK until they have attended and been cleared at the BCP”. – This is misleading, there is nothing to physically make goods attend Sevington BCP when selected, and or to subsequently identify them and stop them from being placed on the market and sold if they do not attend.

“Where the BCP has concerns, for example due to non-attendance, there are existing provisions for the goods to be referred for inland controls by the local authority. There are also established processes for Border Control facilities that sit outside the controlled zone of ports”. - This is not an accurate account and is misleading, there are no existing provision for food POAO or HRFNAO goods to be controlled inland by the local authority (LA's). LA's don't have Portal Official Veterinarians or Official Fish Inspectors, or the required facilities or specialist kit to undertake official BORDER controls.

“As noted above, BTOM checks have been designed to provide biosecurity controls for commercially imported products. The responsibility for illegal and smuggled goods sits with Border Force who carry out intelligence-led checks at the point of entry”. – This statement is most misleading, conflating separate things and wrongly implying that Sevington will only handle EU food and compliant imports as outlined in the BTOM.

This is incorrect, the purpose of import controls including those under the BTOM (commercial food SPS checks), is to prevent bad things from coming in and to identify and remove food that is non-compliant. Sevington and Bastion when designated, will handle food from around the world (so both Rest of World and EU) to determine its safety and compliance. If it is not compliant you could describe the food as an illegal import, but as such it would still be the responsibility of the Port Health Authority and not Border Force who do not, and will not be operating in the same area, not least because they have a different remit, resource, and strategic threat levels to work towards.

“Defra and Border Force have worked closely on a new personal imports policy which is currently subject to a write round and will be published in April 2024”. - Despite DPHA leading ASF controls at the Short Straits and providing ASF training to stakeholders including Border Force, Defra have not visited or consulted DPHA on this ASF Policy.

5. ***What engagement you have had with the Dover Port Health Authority and other stakeholders on this matter?***

“Defra officials and ministers have engaged extensively with Dover PHA, Dover District Council, Ashford Borough Council, local MPs, and other border stakeholders on this matter”.

DPHA's extensive emails and letters to Defra without response should not be confused or referenced as engagement. The last email received from the Defra Director (responsible for

managing the programme) to myself, was on 11th December 2023. DPHA continue to write and request engagement and resolutions.

“Thereafter, Defra continued to engage with the local authorities separately, including giving them an opportunity to contribute data to inform the decision-making process, and to highlight any legal or operational concerns regarding options for border infrastructure. In July 2023 Dover PHA provided a large quantity of import volume data in order to challenge Defra’s assessment of the operational capacity required for the BCP (or BCPs) serving the Short Straits”. - To be accurate DPHA were providing import data and evidence ***“to challenge Defra’s assessment”***, at Defra’s request, up to 8th November 2023, unaware that the Secretary of State had already made the decision to consolidate checks at Sevington over 40 days prior, on 25th September 2023.

Dover has relentlessly flagged its concerns to Defra regarding the inaccuracies surrounding their data analysis which they have failed to acknowledge.

Dover has responsibly and proactively, raised its concerns regarding the ongoing obstacles and impact of a single site and indeed the legalities that surround Sevington. Defra subsequently utilised this advice in a way to advance their intention and retrospectively attempt to legalise its location by pushing through an SI (expected to be laid imminently) and through inevitable expensive alterations to the BCP. This has and continues to be completely unnecessary when Bastion Point is legally sited, in the immediate vicinity of the port, within the Port Health Authority, in an advanced state of readiness, and with the correct infrastructure, staff and competencies in place.

“There was considerable contact over the following months by email and in meetings to understand the significance of Dover’s data and engage with its concerns. Ultimately, Defra concluded that the data supplied by Dover PHA did not materially affect its assessment.” - To be clear the contact was largely one way, DPHA to Defra! Defra would not accept the 1.1 million consignment discrepancy between theirs and DPHA’s data, despite DPHA using this inclusive and verified and validated data stream since 2005. DPHA continued to raise its serious concerns regarding the significant impact the discrepancy will have on the overall figures and number of consignments that would need to be physically checked at the BCP. The statement made here effectively admits that Defra has ignored DPHA’s data. It is our view that this has been done to ensure and enable the mobilisation of Sevington at all costs, including those to GB biosecurity.

“In addition, Dover PHA had weekly meetings with their single point of contact within the Defra borders team until 17th January 2024, when they withdrew from engagement. A fortnightly call takes place between Defra and all Port Health Authorities, Dover PHA have been a regular attendee of this”. - This is incorrect. Meetings were held fortnightly not weekly and with almost no information/detail provided by Defra during these meetings. Questions raised by Dover would be taken away, with answers rarely provided. No further meetings have been held since 17 January upon Dover requiring answers to their outstanding questions dating back to 2023. Dover did not ***‘withdraw’***; this is simply not true. To this day, answers remain outstanding despite Dover sending regular chaser e-mails to Defra asking for a response.

“Natalie Elphicke, MP for Dover, has had meetings with both Lord Benyon and myself, to discuss this. In addition, Lord Benyon met with Damian Green, MP for Ashford, to discuss arrangements for consolidation at Sevington”. - Despite being the key stakeholder, details/outcomes of such meetings have not been shared with the DPHA, responsible for Port Health at the point of entry.

DPHA would like to know when Lord Benyon met with Damian Green, MP for Ashford to ***“discuss arrangements for consolidation at Sevington”***. We assume this meeting has taken place since 9th November 2023 when DPHA were notified by Defra of the SoS decision.

If not, then it is clear to us that any purported “engagement” with DPHA was not meaningful or genuine.

6. ***Your plans for the Bastion Point inland border facility.***

“The site under lease at Bastion Point is currently, and will continue to be, retained in a non-operational state until the operational environment at Sevington is understood following the full implementation of physical SPS checks under the BTOM. At that point the Government will examine further options for the site. This approach ensures that costs are kept at a minimum for the taxpayer”. - Defra claim that by not making Bastion Point operational, they will keep costs ***“at a minimum”***, while ignoring the £32 million plus of ***“taxpayers”*** money spent to convert and maintain the building, and the significant additional expenditure required at Sevington to increase the food BCPs capacity. When Bastion Point has the capacity to handle all imports arriving through the Port of Dover (without further construction expenditure) but is being mothballed in the name of “savings”. There is a clear and evidenced contradiction here.

In addition, alarmingly Defra have designed a system called TODCOF (Timed Out Decision Contingency Feature) that will be used to lift holds on controlled goods (so goods will be released without checks or endorsed papers) if the Sevington BCP is unable to cope. Without endorsed papers, goods may be unable to be exported back out of GB. This is Defra’s contingency/resilience plan. This is in despite of Bastion and as such, it is entirely reasonable to conclude that Defra may have no intention of ever allowing Bastion to operate and do the job that the UK taxpayer paid for and expected it to do! Which is to keep us all safe and control the risk at the border, protecting GB biosecurity, public and animal health at the point it arrives and can be most effectively controlled.

DPHA challenge the need and impact of TODCOF on trade and GB biosecurity and food safety, when Bastion BCP is located within the Port Health Authority, within the immediate vicinity of the port, is available, and being maintained in a state of superior readiness at substantial cost to the taxpayer.

Bastion Point should be designated now, and TODCOF stopped.

“I would be happy to meet with you and the relevant officials at Defra to provide a private briefing on any of the points raised if that would be helpful”. – Disappointingly the ***“private briefing”*** fits the narrative of excluding discussions with people at the frontline responsible for implementing checks, and who understand the practical operations and challenges.

I’m happy to meet with you directly to provide a full account of the current position if you would find that helpful.

For the reasons I have identified above, and for the ongoing avoidance of fact and risk, I conclude that I believe it to be in the public’s best interests for an evidence-based hearing to be called.

Yours sincerely,



Lucy Manzano
Head of Port Health & Public Protection