

MINUTES OF THE PLANNING, MAJOR DEVELOPMENTS, TRANSPORTATION AND ENVIRONMENT COMMITTEE HELD AT THE COUNCIL OFFICES, THE GROVE, SWANSCOMBE ON WEDNESDAY 6 MAY 2015 AT 7.00PM

PRESENT: Councillor B E Read (Chairman)
Councillor P J Scanlan
Councillor K G Basson
Councillor P M Harman
Councillor P C Harris
Councillor Mrs A R Harvey
Councillor B R Parry

ALSO PRESENT: Graham Blew – Town Clerk

ABSENT: Councillor V Openshaw

58/14-15. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received and accepted from Councillors' Mrs S P Butterfill (work commitments), J B Harvey (family commitments), J A Hayes (family commitments) and P A Read (work commitments).

Recommended: That the apologies for absence and reasons, as listed, be formally approved.

559/14-15. **SUBSTITUTES.**

There were none.

560/14-15. **DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.**

There were none.

The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.

561/14-15. **ITEMS DEEMED URGENT BY THE CHAIRMAN / MATTERS ARISING FROM PREVIOUS MINUTES AND THEIR POSITION ON THE AGENDA.**

There were none.

562/14-15. **TO CONFIRM AND SIGN THE MINUTES OF THE MEETING HELD ON 15 APRIL 2015.**

Recommended: The Minutes of the meeting held on 15 April 2015 were confirmed and signed.

563/14-15. **DARTFORD COMMUNITY INFRASTRUCTURE LEVY (CiL): DUTY TO PASS CiL TO LOCAL COUNCILS – DARTFORD BOROUGH COUNCIL (DBC).**

The Infrastructure Delivery Officer, DBC, had written to advise that no CiL receipts had been received from development within this area and therefore a proportion (15%) could not be passed on to the Town Council.

DBC intends to pass on a proportion of CiL payments received, where applicable, in six month periods, one by 28 October and the other by 28 April in a given year.

Recommended: That the item be noted.

564/14-15. **LONDON PARAMOUNT ENTERTAINMENT RESORT ORDER – CONSULTATION UNDER SECTION 42 (1) OF THE PLANNING ACT 2008.**

The London Resort Company Holding Ltd (LRCH) were formally consulting on the proposed application in accordance with statutory requirements. Information about the proposals were available on the project website at www.londonparamount.info, on request by emailing consultation@londonparamount.info or by calling Freephone 0800 008 6765 or by writing to FREEPOST Ref: RTRB-LUJJ-AGBY, London Paramount, c/o PPS Group, Sky Light City Tower, 50 Basinghall Street, London, EC2V 5DE.

The deadline for any responses to this consultation is Friday 5 June 2015.

Members collated responses to the 9 questions contained in the report which included concerns regarding the provision of adequate infrastructure, the amount of additional air pollution which visitors to the resort will make, the provision of on-site accommodation for construction workers, the undertaking of traffic surveys.

Recommended: That the responses to the 9 questions contained in the report be submitted.

TOWN PLANNING:

565/14-15. **PLANNING APPLICATIONS SUBMITTED BY DARTFORD BOROUGH COUNCIL FOR MEMBERS' OBSERVATIONS.**

| | |
|-----------------|--|
| DA/15/00589/FUL | Erection of a rear/side conservatory. 14 Ivy Villas, Station Road, Greenhithe. |
| OBSERVATIONS: | No observations, please ensure all neighbouring properties are consulted prior to the decision of the application. |
| DA/15/00554/FUL | Erection of an attached workshop. |

| | |
|-----------------|--|
| | Monarch Autos, 164 Milton Road, Swanscombe. |
| OBSERVATIONS: | <p>The Town Council has concerns that this site has already been the subject of a considerable amount of development from its original design and that this has resulted in an increase in traffic in the immediate vicinity, and this further proposal could be an overdevelopment of the site.</p> <p>The application states that the land is "currently being purchased from Dartford Borough Council and the Town Council would request that confirmation be supplied that Dartford Borough Council actually owns the piece of land in question as this area is constantly the source of residents' enquiries/concerns regarding litter and maintenance.</p> |
| DA/15/00654/FUL | <p>Replacement of the CU Phosco Phase 1 15m monopole and 2 No. omni directional pitchfork antennas, totalling 18 metres in height with a new 15m CU Phosco Phase 4.5 monopole and a new CU Phosco Phase 4.5 headframe and set of 6 No. antennas together with replacement of 1 No. existing large equipment cabinet with 3 No. equipment cabinets on an extended concrete base.</p> <p>Rear of Galley Hill Ind. Estate, London Road, Swanscombe.</p> |
| OBSERVATIONS: | As this application is a replacement it should be taken into account that its location is within the area of the proposed London Paramount Resort. |
| DA/15/00572/FUL | <p>Erection of a single storey rear extension, single storey front extension to garage and provision of a dormer window in rear elevation and velux windows in front elevation in connection with providing additional rooms in the roof space.</p> <p>26 Pentstemon Drive, Swanscombe.</p> |
| OBSERVATIONS: | The Town Council would seek assurances from the Planning Authority that as the proposal will increase the size of the property that the off road parking facilities within the boundaries of the proposal are sufficient and appropriate. |

566/14-15. **GRANTED DECISION NOTICES SUBMITTED BY DARTFORD BOROUGH COUNCIL FOR MEMBERS' INFORMATION.**

The following granted decision notices were noted.

| | |
|-----------------|--|
| DA/15/00306/FUL | Raising height of the roof by 6 metres to create additional storage space (no additional floor space) and external associated alterations to elevations. Simpsons Removals and Storage Ltd, A1 and A2 Manor Way Business Park, Manor Way. |
| DA/15/00313/FUL | Provision of replacement PVC windows and doors. 1 Bendigo Wharf, Pier Road, Greenhithe. |

There being no further business to transact, the Meeting closed at 8.15 pm.

Signed: _____ Date: _____
(Chairman)

AGENDA ITEM 8.

PTE 10/6/15

Material Planning Considerations

In considering a planning application, the Council has a statutory duty to have regard to the provisions of the development plan and any other "material considerations". The most common "material considerations" include the following, although the list is not exhaustive.

- Local, strategic, regional and national planning policies, including proposals in the development plan.
- Government circulars, orders and statutory instruments
- Previous appeal decisions
- Loss of daylight or sunlight
- Overshadowing/loss of outlook (but not loss of view)
- Overlooking / loss of privacy
- Highway issues: Traffic generation, vehicular access, highway safety
- Noise and disturbance resulting from use
- Smells
- Light pollution
- Hazardous materials/ground contamination
- Loss of trees
- Nature conservation
- Effect on listed buildings and Conservation Area
- Layout and density of buildings
- Design, visual appearance and materials
- Archaeology
- Risk of flooding
- Landscaping
- Disabled persons' access

Matters which cannot normally be taken into account

- Matters controlled under Building Regulations or other non-planning laws, e.g. structural stability, drainage, fire precautions etc.
- Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of way, covenants etc.
- Loss of value of property
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of work etc.

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**NOTES OF PRE-INQUIRY MEETING
HELD ON WEDNESDAY 13 May 2015
(BEGINNING AT 10:00)**

**AT THE MERCURE HOTEL, ASHFORD ROAD, HOLLINGBOURNE,
MAIDSTONE, ME17 1RE**

**Town and Country Planning Act 1990
Secretary of State recovered application
By Teal Energy
Land at Manor Way Business Park, Swanscombe, Kent, DA10
PINS reference: APP/W2275/V/14/2228465**

1. Introduction

Mr Melvyn Middleton, the Inspector appointed to conduct the Inquiry and write a report for the Secretary of State for Communities and local Government (SoS), explained that the purpose of the Pre-Inquiry Meeting was to put in place administrative arrangements for the Inquiry which is due to open at 10:00 hours on Tuesday 21 July 2015. He explained that the decision on the planning application had been recovered, from Kent County Council, by the SoS for his determination. In such circumstances, the role of the Inspector is to prepare a report based on the evidence presented in writing and at the Public Inquiry to assist the Secretary of State in making his decision on the application.

2. Appearances and identification of participants

Applicant Teal Energy (TE):- represented by Mark Westmoreland-Smith of Counsel (Agent Howard Sharp and Partners LLP). At this point in time the number of witnesses and the scope of their evidence have not been determined but there will definitely be one planning witness. Mark Westmoreland-Smith will represent TE at the Inquiry.

Kent County Council (KCC):- represented by Stephen Morgan of Counsel. At this point in time KCC only envisage calling a planning witness who will be Michael Clifton. Stephen Morgan will represent TE at the Inquiry.

Ebbsfleet Development Corporation (EDC):- was not represented. It is anticipated that from 1st July 2015, EDC will take over the planning powers for the area in which the application site is located. KCC anticipated that they would continue to be responsible for representation at the public inquiry as a part of the transitional arrangements but these have yet to be formalised. There is no indication as to whether or not EDC would also wish to appear at the public inquiry or the position it might take on the application. The Planning Inspectorate (PINS) will make enquiries to ascertain EDC's position.

London Resort Company Holdings (LRCH):- represented by Mark Challis. LRCH have obtained 'Rule 6' status and are therefore subject to the same Inquiry Rules Procedures as TE and KCC re preparation and submission of evidence etc. At this point in time the number of witnesses and the scope of their evidence have not been finally determined but it is envisaged that there

will be one planning witness and one master planning witness. Legal representation has yet to be determined.

3. Other organisations who may wish to speak at the Inquiry

Lafarge Tarmac (LT) :- represented by Charles Brown of David Locke and Associates. David Locke are awaiting instructions from their client and do not know whether or not they will be attending.

United Kingdom without Incineration Network:- despite the volume of evidence in support of its objection to the proposal, in an email of 13 May, UKWIN indicated that it would not be attending the PIM and would not be appearing at the Inquiry. In the Email it also offered to provide written responses to any questions that might be forthcoming.

Dartford Borough Council (DBC), Gravesham Borough Council and Greenhithe Town Council:- whilst formally objecting to the proposal and submitting representations in support of their position, none of these local councils attended the PIM and their future intentions concerning their future involvement in the determination of this application were then unknown. DBC have subsequently confirmed that they do not intend to attend the Inquiry.

4. Other persons who may wish to speak at the Inquiry

Although there are a number of objections to the proposal from individuals, none of these or any other member of the public attended the PIM. None of those present had any knowledge of any member of the general public who may wish to appear at the Inquiry.

The Inspector asked those present to alert anyone whom they knew who may wish to speak at length and/or to present technical evidence, to let the case officer (Leanne Palmer) know ASAP and in any event before 23 June 2015.

5. The main issues

The Inspector tabled the preliminary main issue that he had identified as:-

'Whether the proposal is sustainable development in accordance with the Development Plan and the National Planning Policy Framework'.

This was generally agreed as a framework. However, TE indicated that in its opinion it should also refer to the National Policy for Waste. LRCH also pointed out that the SoS wished to be informed about the likely implications of the proposed development on the wider policy initiatives in the area. It also said that it considered the impact of the proposal on the regeneration of the wider area to be a critical consideration. The Inspector agreed to take these points on board when setting out the main issues for the purpose of the Inquiry. He also agreed to give the parties notice of all technical matters that he considered should be examined at the Inquiry.

6. Inquiry Timetable

The Inquiry is due to open at 10:00 hours on Tuesday 21 July 2015 with an estimated 10 sitting days that includes time for site visits. It will be held in the Hollingbourne Room of the Mercure Hotel, Ashford Road, Hollingbourne, Maidstone.

A discussion was held about the length of time required for the Inquiry in due of the limited number of potential witnesses and other interested parties wishing to speak. The Inspector agreed to maintain the current programme

but to review the matter again when the actual number of witnesses has been established, time estimates had been submitted and the extent to which other third parties would be participating in the Inquiry became clearer.

Sitting hours will generally be 10:00 – 17:00 hours, with a one hour or less break for lunch. On Fridays, the Inquiry will sit between 09:30 - 15:00 hours with a shorter lunch break. If the Inquiry is not progressing to timetable then 09:30 starts and later finishes may be arranged.

The order of appearances will be:- TE, KCC, other third party organisations or members of the public in support of the proposal, LRCH, LT, other third party organisations or members of the public against the proposal.

If any members of the public have difficulty attending because of work and other commitments then, the Inspector indicated that he would seek to hear them out of turn. Subject to that and depending on the number of other third parties who wish to speak, he will programme their appearances en-block within an outline programme. He indicated that he would be prepared to consider sitting at a venue in or near Swanscombe if there are sufficient local people wanting to make verbal representatives to warrant it and to hold an evening session to hear evidence from persons whose other commitments make it difficult for them to be present in the daytime. He asked KCC to research the availability of a venue for such an eventuality

Provisional time estimates (examination in chief and cross-examination) and confirmation of the order of witnesses are required by no later than 12 June with a finalised version on or before 30 June.

7. Timetable for the submission of evidence and other material

- (i) The Inspector asked all of the principle parties to review their Statements of Case in view of the passage of time since they were originally written. To avoid any surprises, he also asked for a more detailed assessment of the respective cases than had previously been submitted and an exchange of skeleton evidence on or before 1st June.
- (ii) The Inspector agreed that proofs of evidence will be exchanged and submitted to PINS on or before 30 June. They are to be submitted in hard copy (2) and electronically. They should be concise, to the point and without extraneous material and repetition. They should not contain site or proposal descriptions, reasons for refusal, planning history, full details of national and local policies etc or long discourses about matters that are agreed. These should appear once in a Statement of Common Ground, cross referenced to the appropriate Core Documents where necessary. Proofs should also not contain long extracts of material that are in Core Documents and neither should any appendices. Only one copy of appendices plus an electronic version need be submitted. Proofs should have a concise conclusion, separate appendices and if over 1500 words they must be accompanied by summaries (1), which are to be a concise synopsis of the arguments contained in the main proofs. If they exclude extraneous material and are appropriately referenced to appendices or core documents then they should not need to be longer than 3,000

words. Only the conclusion or summary will be read out at the Inquiry. Everything else will be taken as read.

Copies of all of the above should be sent to all of the main parties on or before 30 June. An additional copy should be provided for use by other participants and placed in an accessible location along with the Core Documents.

- (iii) If the scope of the evidence to be presented by any third parties wishing to participate is to be wider than the representations that they have already made or make in response to the communication from PINS inviting supplementary evidence, or if they wish to submit technical material to the Inquiry, then a Statement of Case should be submitted before 1st June.
- (iv) There is no automatic provision for rebuttals in the procedures but, should the need arise; PINS' Case Officer is to be advised of the circumstances by 8 July for consideration by the Inspector. Their main purpose is to enable disadvantaged parties to respond to material that is new i.e. not referred to in the Statements of Case or results from recently changed circumstances. As the Statements of Case are to be updated, unless there are changed circumstances then there should be no surprises and no need for rebuttal proofs. The Inspector wishes it to be known that he would be sympathetic to applications for costs if participants introduced new issues into their proofs above those referred to in any revised Statements of Case. Rebuttals should contain factual information that contradicts that submitted by an opposing party. They are not a vehicle for advancing counter opinion or elaborating on matters already discussed in the main proofs. The Inspector will expect any rebuttals to be submitted in full by 13 July at the latest.
- (v) The Inspector pointed out that any other interested persons wishing to speak will also be incorporated into the programme. If these persons are to submit statements or to speak from pre-prepared notes that are longer than two sheets of A4 paper then it is expected that these will be circulated to the other participants before the start of the Inquiry and handed to the Inspector at the start. If extensive technical evidence is to be presented then it should be submitted and exchanged in accordance with the above time table. Persons speaking from notes or reading statements shorter than two pages should hand in typed copies when presenting their evidence and have copies available for the opposing parties.

8. Section 106 obligation(s) and conditions

A draft Section 106 Agreement has been agreed by TE and KCC. The Inspector pointed out that the document should ideally be submitted in its completed signed form before the Inquiry opens.

It should be accompanied by statement(s) setting out how it meets the requirements of the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Regulations 2010. Separate supporting documents (e.g. policies) should be appended, even if contained in the core documents – this will provide the Secretary of State with separate documents for ease of reference in relation to these matters.

Reference should also be made to the Planning Inspectorate Good Practice Advice Note 16 on submitting planning obligations.

A signed copy of the Agreement must be with the Inspector before the Inquiry is closed or it will be disregarded.

A full list of finalised conditions that have been discussed and agreed as far as is possible by all four main parties, with reasons, should be submitted by 13 July. Reference should be made to the conditions' compliance with the Planning Practice Guidance. The model conditions in revoked Circular 11/95 and recommended by the Secretary of State should be used where possible. Conditions from different organisations should be checked for a common format, especially if they are not standard conditions and any English inconsistencies corrected. An electronic copy in word of the conditions finally agree at the Inquiry should be submitted after its close.

9. Procedure and programme

The Inquiry will open at 10:00 on Tuesday 21 July 2015 and will be run in accordance with the 2000 Inquiry Procedure Rules. At the opening of the Inquiry the Inspector will deal with housekeeping and procedural matters. The main parties (LRCH, KCC, TE) will then have the opportunity to make brief opening statements (maximum 15 minutes) providing a summary of their respective cases in that order. These should be available in writing on the day. All main proofs will be taken as read and to conserve Inquiry time only brief introductions of witnesses will be allowed.

The cases will be heard in the above order followed by any other organisations and then individuals who wish to make representations. Cross examination will be by LRCH against TE and KCC and vice versa in that order. The Inspector may ask questions after each witnesses re-examination or if appropriate during the main witness examination process.

If there is not to be a full statement of case (see in 9 below) then closing submissions should be submitted in language that is concise and capable of transmission to the SoS. Neither document should be longer than 10,000 words and preferably much shorter. They should be comprehensively referenced back to the proofs of evidence and their appendices, core documents and points made in ex/c, x/ex or re/ex. Closing submissions should be capable of presentation in less than an hour. They will be heard in reverse order (LRCH, KCC, TE). The Inspector would like two written and an electronic version.

If full weight is to be attached to their evidence, then other interested parties must be prepared to answer questions from the opposing parties. Any references to extracts in other documents must be submitted in hard copy to the Inquiry including the title page.

9. Core Documents, Proofs and other documents

The Inspector asked all three main parties to agree a list of 'local' core documents as well as relevant policies, national guidance, circulars etc, other relevant appeal decisions and High Court decisions. These are to be made available by 30 June in one set of documents. As well as a copy for each of the main parties, the Inspector will require one copy and a further 'reference library' set should be made available at and before the Inquiry for the use of all participants. When advertising the Inquiry dates and venue the Council

should notify the public as to when and where this and other Inquiry material will be available for inspection prior to the opening of the Inquiry.

Extracts from documents will be permissible – to be identified by the cover of the document; any relevant introduction; and the context for the extract (e.g. section of chapter or full chapter as necessary).

The Inspector pointed out to participants that as the application would be determined by the SoS it would be necessary to include summaries of each participant's case in the report. He discussed the pitfalls of relying on closing submissions or case summaries arrived at by the Inspector from this source and his notes of the Inquiry. He therefore invited the parties to prepare comprehensive statements of case to be submitted at the end of the Inquiry that could form the basis of that party's case in the report.

10 General Guidance on submitting documents:-

- (i) Proofs, appendices and supporting documents should be bound separately from each other and clearly identified on the cover. Individual volumes should not be overloaded with material.
- (ii) All documents should be numbered in accordance with the following convention:-
 - Core Documents to have the prefix CD;
 - Applicant documents to have the prefix TE;
 - Local Planning Authority documents to have the prefix KCC;
 - London Resort Company Holdings the prefix LRCH;

Taking the County Council as an example, documents submitted by its first witness (Michael Clifton) would have the pre-fix '1' and each of his documents would be numbered sequentially i.e. KCC/1/1 (proof of evidence); KCC/1/2 (appendices); KCC/1/3 (Summary) etc for each subsequent document associated with that witness. The second witness' proof would be KCC/2/1 etc. Any general documents, not attributable to a specific witness, should carry the '0' series of numbers i.e. KCC/0/1 etc (e.g. Opening Statement).

Each of the parties should maintain their own document lists, which should be handed in at the close of the Inquiry. A separate list should be kept by each party of the documents handed to the Inspector during the course of the Inquiry that are new to the appeal. Documents handed in that are copies of or extracts from evidence or material in the CDs should not be included in the separate list.

The Inspector will use the 'X' series for his documents.

No document, unless specifically requested by the Inspector, will be accepted after the close of the Inquiry.

11. Site visits

The Inspector will make arrangements to visit the appeal site and its general locality prior to the opening of the Inquiry. He will make arrangements for further accompanied and unaccompanied visits as necessary during or after the Inquiry. He may also make arrangements either accompanied or unaccompanied to visit other energy from waste facilities if required to by any of the parties. In particular he invited the Appellant to consider whether or not it wished to make use of this opportunity but the offer is available to all of the main parties. The Inspector also indicated that he would visit any other sites in the area that are referred to him by any of the participants.

12. Environmental Impact Assessment (EIA)

TE referred to a request on behalf of the SoS for additional information, particularly concerning the cumulative impact of this and other proposals in the area, the use and disposal of water, the age of the ecological data and the nature of any connection from the facility to the national grid. It pointed out that a holding response that indicated what (if any) additional work might be necessary to satisfy this request was required by 22 May, together with a timetable for its production. It also said that it was awaiting a response from its ecologist as to the likely impact of the additional request. The Inspector said that he would review the timetable in the light of this and any timetable agreed for the submission of supplementary EIA information (if necessary).

13. London Paramount

LRCH pointed out that a development consent order application for "London Paramount" (a nationally significant leisure facility in the Ebbsfleet area) was anticipated in August 2015. In its view this also had an impact on this application and the timetabling of its consideration. The Inspector pointed out that whilst he understood LRCH's concerns, the date for this Inquiry had been fixed with that knowledge and after consultations at the highest level. He nevertheless agreed to keep the progress of the "London Paramount" application under review when programming this Inquiry.

14 Availability of Mr Morgan

Mr Morgan indicated that he was already committed to attend another Inquiry on 28-30 July but that if necessary a substitute could be provided. The Inspector undertook to try to work around this and where possible to arrange for business that need not involve Mr Morgan, such as site visits or evidence from other persons supporting the proposal, to take place on these days.

15. Close of Meeting

The meeting closed at 11:15 hours.

Mel Middleton

INSPECTOR

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