

APPEAL BY KENT INTERNATIONAL GATEWAY LTD ARISING FROM MAIDSTONE BOROUGH COUNCIL'S FAILURE TO DETERMINE AN APPLICATION FOR PLANNING PERMISSION FOR A PROPOSED RAIL/ROAD FREIGHT INTERCHANGE, WAREHOUSING AND OTHER WORKS ON LAND BETWEEN THE M20 AND THE A20, TO THE WEST OF JUNCTON 8 AND EAST OF THURNHAM LANE, MAIDSTONE.

Revised Proof of Evidence on behalf of the Joint Parishes Group (JPG)

Opening Statement

Richard Jacques

5 October 2009

JPG
c/o Clerk to the Joint Parishes Group
4 Birkhall Close
Walderslade
CHATHAM
Kent ME5 7QD

NB We reserve the right to make changes to this and other proofs once we have seen the evidence and outstanding information from the Appellant and other Rule 6 Parties.

1. Personal Details

- 1.1 My name is Richard Jacques and I appear at this public inquiry on behalf of the Joint Parishes Group (JPG). I have been helped in the preparation of this proof of evidence by colleagues within the JPG.
- 1.2 I am a Parish Councillor and resident of Thurham and I Chair the JPG.
- 1.3 I am not an expert in planning law or any other technical matter relevant to this public inquiry. I appear as a local resident and Parish Councillor and a member of the JPG.
- 1.4 The JPG includes the 14 Parish Councils of: Bearsted, Boxley, Broomfield & Kingswood, Detling, Downswood, Harrietsham, Hollingbourne, Langley, Leeds, Lenham, Otham, Sutton Valence, Thurnham and Ulcombe, which have come together to oppose this application. We represent some 12,000 households and in excess of 23,500 people.
- 1.5 We are not trespassing on the professionals' territory, simply offering a local perspective. JPG itself cannot cover all the objections. However, where we are silent, this does not mean that we do not care. We fully endorse the Local Planning Authority. We are speaking from personal experiences of the impact that this proposal would have on local residents.

2. Presenting the Strategic Case Against KIG On behalf of the Parishes

- 2.1 Parish Councils may be the lowest elected tier of local government but they are the tier closest to the citizen. JPG is a unique coalition of Parish Councils who have combined to fight the biggest threat to this part of Kent since the Battle of Britain was fought in the skies above Maidstone.
- 2.2 We aim to present the strategic case against the proposed KIG on behalf of all our members. This will, however, allow individual Parishes the opportunity to make individual submissions and presentations based on their local perspectives. Together, we hope that this approach avoids duplication and repetition but still allows the community's elected representatives the chance to express their thoughts.
- 2.3 We believe that the community view is important and endorse the Government's commitment to giving local people a real say over the future of their neighbourhoods.¹

3. Overview of evidence

- 3.1 We fully support the grounds for refusal set out by Maidstone Borough Council both at their May 2009 and September 2009 Planning Committee meetings. We also support the concerns expressed by Kent County Council. However, we believe it is important to give you the Parish view and I will be calling upon fellow JPG witness to make specific submissions.

4. Procedural Concerns

- 4.1 However, before I briefly outline our case I wish to explain why we Parish Councillors feel a little cynical about this whole exercise.
- 4.2 Mr Inspector, the paucity of this planning application; the delays in providing the necessary information to enable an informed decision; the lack of timely and adequate consultation; and the fact that the Highways Agency Article 14 Order remains in place; causes the JPG grave concerns and are, frankly, with all due respect, an insult to local democracy.

¹ Communities in control: real people, real power (DCLG, 2008)

- 4.3 Consequently, our first proof is on the Supplemental Environmental Statement which you kindly agreed we could submit. It explains why we believe international, EU and national law is breached because the appellant has not given the public sufficient information or a proper opportunity to be involved at an early enough stage in the decision making process.² This is a fundamental point because it could mean that the outcome of this Inquiry could well be open to challenge through the Courts or directly to Brussels.³
- 4.4 In particular whilst none of us – least of all local residents who have lived with this cloud over our heads for over two years – want to delay matters, we do feel there has been indecent haste to ensure “it will all be over by Christmas”. We feel this severely prejudices those parties that are least equipped or resourced to participate in this decision making process. Not just ourselves, but the ordinary members of the public to whom we are all ultimately accountable. To that extent, this is not a public Inquiry at all.
- 4.5 However, I appreciate all the support by the Planning Inspectorate so far, and the Programme Officer, and I am sure you will give the JPG a fair crack of the whip, but none of that I’m afraid overcomes our fundamental concerns.

5. Scope of our Evidence

- 5.1 Our local perspectives are based on our knowledge of Government policy. You do not need to be (indeed you should not have to be) a planner or lawyer to work out that this proposal goes against almost every relevant Government policy.
- 5.2 In relation to employment, of course we all want to create jobs, but the Government’s Sustainable Communities agenda is very clear - and even more so since the onset of the current recession and the most recent Budget - public and private investment should be targeted where it is needed most.⁴ ⁵We will explain that this means avoiding Greenfield sites in areas of relatively low unemployment and targeting locations such as the Thames Gateway.⁶ ⁷ It is intriguing that this central material consideration is hardly addressed by the Appellant.
- 5.3 In relation to the environment and ecology, our evidence will demonstrate that this proposal would lead to a permanent loss of countryside and access to it, which is in conflict with Government policies that seek to protect the countryside for all and for future generations.⁸
- 5.4 In our evidence on tourism, we demonstrate that it will actually undermine sustainable local tourism and our local economy.
- 5.5 In relation to landscape, our evidence clearly demonstrates there is no case to override well established policies that seek to protect this site, the species that live in or near it, and the views to and from it, including, of course, the North Down’s Area of Outstanding Natural Beauty which is the planning equivalent of a National Park.⁹
- 5.6 In relation to the business case our evidence confirms what the Appellant themselves acknowledge. There is little in the way of evidence to support their business case; this is clearly the wrong site. Moreover, there is no likelihood that this development will ever be anything more than a distribution depot dominated by road, not rail freight.

² Aarhus Convention, (United Nations, 1998)

³ Directive 2003/35/EC (European Commission)

⁴ Sustainable Communities; building for the future (ODPM, 2003)

⁵ Building Britain’s Future, New Industry, New Jobs (BERR, 2009)

⁶ Transforming places; changing lives: taking forward the regeneration framework (DCLG 2009)

⁷ Thames Gateway Delivery Plan (DCLG 2007)

⁸ Securing the Future – UK Government Sustainable Development Strategy (DEFRA 2005)

⁹ Countryside and Rights of Way Act 2000 (OPSI)

- 5.7 In relation to hydrology and geology, our evidence highlights the lack of adequate assessment and our real concerns for the environment.
- 5.8 In relation to road traffic, our evidence shows that even accepting the Appellant's conservative estimate of thousands of vehicle movements on a daily basis, including 3402 HGVs, into and out of the site render this proposal unsustainable. A freight interchange, or more likely, a distribution centre, will cause unmitigated environmental damage to this part of Kent in terms of noise, emissions and sheer volume of vehicle movements. The volume of road traffic generated by this particular site will be particularly damaging in this location.
- 5.9 In relation to quality of life our evidence demonstrates the damage that will be inflicted on community cohesion, and how the noise and light pollution will permanently blight our lives.
- 5.10 In relation to public health (the impact on human beings)¹⁰, we address an issue that is almost ignored by the Appellant and yet is an essential requirement of the Environmental Assessment. We demonstrate the negative impact of the proposal.
- 5.11 Finally, we will cite archaeological evidence that serves to highlight the lack of adequate assessment of our cultural heritage.
- 5.12 So, we will demonstrate compelling reasons why you should recommend the appeal be dismissed. On all grounds, this planning application fails the tests set out in International and in European law, national planning guidance and statements, regional strategic planning policy, local planning policy and above all the common-sense test, "Is this the right place?"
- 6. Conclusion**
- 6.1 The JPG's position rests on the detrimental effect KIG will have on local communities. This is why we are so opposed. The revisions to the original scheme do nothing to make it any more. Simply put, it is the wrong scheme in the wrong place.
- 6.2 Over 80 years ago, the writer Charles Igglesden, standing on top of the North Downs and surveying Thurham and the other parishes laid out before him, described it as:
- 6.3 "One of the most charming spots in Kent if you love wild undulating country, rich with woodland and lanes that twist about and rise to the heights of the chalk hills from which you obtain a wondrous view of typical Kentish scenery."
- 6.4 80 years on thanks to the efforts of local people and strict planning controls the view remains amongst the finest in Kent.
- 6.5 As the KCC publication "Explore Kent" puts it, "it is as though you are standing on the roof of Kent".¹¹
- 6.6 We owe it to future generations that in 80 years time they can enjoy the same view.
7. Thank you for the opportunity to put our case.

¹⁰ Directive 85/337/EEC (European Commission)

¹¹ Explore Kent (KCC 2009)