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TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

**APPEAL BY
KENT INTERNATIONAL GATEWAY LTD**

AGAINST MAIDSTONE BOROUGH COUNCIL'S FAILURE TO DETERMINE A
PLANNING APPLICATION RELATING TO

THE KENT INTERNATIONAL GATEWAY

RAIL / FREIGHT INTERCHANGE, WAREHOUSING AND OTHER WORKS

LAND TO THE NORTH AND SOUTH OF THE ASHFORD TO MAIDSTONE EAST
RAILWAY LINE, AND BETWEEN THE M20 AND A20, BEARSTED, MAIDSTONE,
KENT

OPENING STATEMENT
FOR



PINS reference APP/U2235/A/09/2096565/NWF
Maidstone BC reference MA/07/2092
DTA ref: 1727 Opening Statement 13 October 2009

The purpose of this brief opening statement is to update the Inquiry on Natural England's position in respect of Ecology.

Natural England made representations about the inadequacy of information as to the impacts of the appeal proposals on ecology, on 27th November 2007, 6th February and 24th July 2009. Natural England has continued to engage with those acting for the appellants and the Borough Council and has received and considered substantial additional information since July. On 15th September, I submitted a short proof referring to a review of further information, which had only recently been received, and ongoing discussions with the appellant's ecological consultants.

Since then there has been further information and clarification submitted, which Natural England carefully assessed last week.

It is now considered that Natural England's concerns can be met by the full package of mitigation measures now offered, subject to some further discussions about the timing of construction mitigation and securing all of the measures in a legally enforceable obligation.

I have seen the draft S106 obligation submitted by Marrons. I note that it is intended to include a Schedule (6) relating to ecological mitigation. If the Schedule includes all that is currently offered as mitigation, and in particular a Biodiversity Mitigation and Enhancement Strategy, including the proposed 'green' or 'living' roof on Unit 1 and the mitigation land outside the application site, comprising areas referred to as A, B and C in draft plans and discussions, and all as clarified in discussions since the submission of the draft plan in September, then Natural England's concerns about ecological impacts will be satisfied.

In accordance with its normal practice, when these matters have been incorporated into the planning obligation, Natural England will withdraw its objection. I communicated this decision to the appellant's ecological consultant on Friday 9th October.

On the basis that we see no reason why the measures would not be so incorporated, I do not intend to present evidence on ecology, unless requested to do so by the Inspectors, and I do not expect to cross examine the evidence of Mr Goodwin. This may have some effect on the Inquiry programme for Friday 23rd October, in that I intend to present only landscape evidence that day.

I would emphasise that whilst Natural England's particular concerns should be met, the concerns of the Borough Council, as local planning authority, relate to a wider range of biodiversity issues. Natural England's position should not be taken to be an agreement by the Council to the measures proposed.

Natural England's objection in respect of the impacts on the enjoyment of the AONB and its setting and the North Downs Way remains unchanged.

David Tyldesley MIEEM FRTPI FRSA