

## Inquiry Day 7

The Inquiry was told that a representative of Historic England would visit Leeds Castle on Thursday 21<sup>st</sup> May, following belated notification by MBC of the Appeal.

**Mr Richard Knox-Johnston, leader of the CPRE/JPG case, introduced Mrs Helen Whately MP who gave a strong statement on behalf of the community.**

**Miss Tafur began her cross-examination by asking if Mrs Whately had prepared her statement herself.** She confirmed she had. She went on to ask if she was familiar with the NPPF. Mrs Whately said she was familiar with it in general but not specific details. Miss Tafur tried to say that Mrs Whately had made no mention of economic benefits to the community and therefore had failed to give a balanced view. Mrs Whately responded that everyone who had communicated with her prior to the election had expressed concerns about the environment. Miss Tafur drew her attention to MBC's draft Economic Draft Strategy. Mrs Whately was quite firm in comment that there were right locations for the economy to grow but that this was not one of them. Miss Tafur continued with an MBC survey carried out in January showing that 51% of residents had said 'Yes' to development at J8, to which Mrs Whately pointed out that local residents' views also counted. Following a question from the Inspector, Mrs Whately confirmed that she had, indeed, visited the Appeal site.

**Mr Knox-Johnston then introduced Mr Graham Warren, a highly qualified hydrogeologist with over 40 years' professional experience who has spent the last ten years working as a volunteer with CPRE Protect Kent.**

**Mr Warren began by describing the detailed geology of the Appeal site** and explained that it lies within the zone of a principal aquifer from which there are currently legal licenses to abstract up to 10 megalitres/day ie. it is a significant major source of water for the area. He explained that his main concern was the risk of contamination of ground water from the accidental leakage of hydrocarbons, engine oil, battery acids, cleaning fuels etc. from the site. He had been unable to identify specific provision in the application to deal with any of these possibilities. Small scale leaks were likely to be undetected which could accumulate and result in a major impact. There would therefore have to be mitigation measures to alert relevant authorities to every type of contaminant causing water pollution in order to protect ground water. All legal abstraction units would also need to be alerted.

**Mr Warren continued by describing the site as being classified as "seriously stressed"** in an official assessment published in July 2013 ie. in the event of drought conditions, no reserve supplies would be available if the aquifer became contaminated and therefore out of use. The presence of a Sustainable Drainage System (SUDS) existing in such a permeable geological structure could accelerate contamination of such a borehole. The Appellants' Environmental Statement and technical conclusions acknowledged such a risk of contamination BUT put heavy reliance on mitigation measures, requiring complex arrangements and a high degree of management. His experience of such projects was that over time there tended to be lapses in the level of scrutiny required.

**Mr Warren also expressed concern over disposal of foul sewage,** particularly due to the absence of such arrangements in the application, apart from via a cesspit, a point he questioned since cesspits were usually used in small scale domestic situations. This was despite the fact that MBC had confirmed availability of mains' drainage adjacent to the site.

**Since drought conditions were becoming increasingly frequent, water companies were therefore becoming more vulnerable**, but they were also under great pressure to keep down increases in charges and were unlikely to invest in capital projects. If such a borehole became contaminated, a desalination unit would be required, but this would come with a very high operating cost, perhaps 10-15 times that of a conventional borehole.

**Miss Tafur opened her cross-examination noting that neither the Environment Agency nor South East Water had raised any objections to the proposals.** Mr Warren agreed. She asked if the suggested Conditions were standard. Mr Warren confirmed they were. She then asked if the Conditions were followed would this mean that the site would be OK. Mr Warren explained that his concern was that a margin of hazard would remain, emphasising the magnitude of impact on the community if the borehole failed. He was particularly worried whether regulatory authorities had the capacity to continue monitoring the site for its lifetime. Miss Tafur suggested that this approach would prevent any development within the zone of such an aquifer. Mr Warren responded this was possible BUT went on to emphasise the ever increasing need for a public water supply by an ever increasing population. He suggested that Kent was getting to a situation where water resources were becoming so precious that we should not compromise an increasingly vulnerable resource.

**Miss Tafur thought that the issue of foul sewage could be conditioned**, but Mr Warren said he had been unable to find mention of this in the paperwork. He reiterated the fact that he was not satisfied by the details of condition, particularly if the site was poorly managed, to which Miss Tafur retorted that there was no suggestion the development would not be properly managed. Mr Warren concluded by saying that it was not worth the risk.

**The Inspector asked if the amount of ground remodelling to be done**, which included mainly removal of materials, might affect the aquifer. Mr Warren responded that he had mainly considered the pollution risk and that extreme care should be exercised during the sand removal phase. Drilling boreholes through the aquifer could result in drainage of water through the borehole (like removing a plug!).

**In re-examination, Mr Knox-Johnston questioned the capacity of the Environment Agency to regulate such activity.** Mr Warren highlighted recent questions arising over the issue of fracking, and said it was difficult to see how the Environment Agency could provide sufficient policing arrangements to ensure the borehole's integrity.

**Mr Craig Howell Williams introduced his next witness, Mr Jason Lewis, Director DHA Planning, to talk about transport planning and potential impact on traffic/Operation Stack etc.**

Mr Lewis began by saying that there was no requirement for traffic from the site to use unsuitable routes and that there would no additional detrimental effect when Operation Stack was in place. In fact, the proposal would be beneficial to the Maidstone area as it would offer easy access for employees. To this end, developers had already held talks with community minibus providers.

**Miss Tafur enquired about the 17 ton weight restriction on the B2163 through Leeds**, to which Mr Lewis replied that this applied to the laden weight of HGVs and so 20 ton trucks would be unable to use this route. Miss Tafur raised the issue of the Leeds Castle Traffic Management Plan (mentioned in earlier evidence by Mr Bill Lash). Mr Lewis explained that during the Fireworks Spectacular 2014 the number of vehicles leaving the castle grounds between 10.45 p.m. and 11.15 p.m. had been 3,500. The number of peak hour trips for the proposal, however, was expected to be 346 in the morning and 191 in the evening, ie. significantly fewer.

## **THIS ONLY HAPPENS ON ONE EVENING OF THE YEAR, THOUGH!**

**Miss Tafur went on to mention criticism of the transport assessment being carried out in June**, rather than July or August. Mr Lewis responded by saying that it was not good practice to carry out such assessments during school holidays because traffic flows in August could be 20% lower than in other months. KCC had not raised any concerns. He added that in his professional and personal experience, this method was correct.

**Miss Tafur asked about sustainability of the site**. Mr Lewis said that a proposal was in place with a local provider for transport of workers to eg. local railway stations. In addition a hub proposal had been put forward for canteen and crèche facilities, also a footpath upgrade, indeed the latter had already been put into effect by the local council. A bus stop, only 400 m from the site, offered an hourly service by the no. 10 bus from 7 a.m. to 7 p.m. In addition, a Travel Plan for the site included other sustainable transport measures.

**A lengthy discussion ensued about potential alternative sites** identified in Mr Cottage's evidence provided during the previous week. Mr Lewis questioned Mr Cottage's methodology using AA Routefinder drive times as opposed to those favoured by himself, Google drive times, which took into account different times of day, including peak hours. He mentioned drive times to Kingsnorth Commercial Park, G Park and others.

**Miss Tafur then took issue with Mr Knox-Johnston's assertion the previous day that the M20 might be re-covered with a quieter surface in the near future.** Mr Lewis refuted this following a Google consultation.

**Mr Knox- Johnston enquired about the destination of sand-laden lorries from the site.** Mr Lewis said he had not been provided with such information, Mr Knox-Johnston would have to ask the Appellants as he had just been told that they would either be travelling eastbound or westbound on the M20. It would only be made clear just prior to commencement of the project. Mr Knox- Johnston pursued the idea that it would be nigh impossible to measure the PRECISE amount of sand in departing lorries. Mr Lewis responded that the contractors' aim and hope would be to fill lorries to capacity where at all possible. Mr Knox-Johnston asked what would happen if a customer ordered 50 tons of sand, in which size lorries would this be delivered. Mr Lewis said this situation had not been assessed and that it was unlikely that a system would be set up as a 'cash and carry'. It was more likely to be a large scale activity at a major site. He confirmed that pre-application discussions had taken place with MBC prior to ADL's withdrawal.

**The next issue concerned the number of parking spaces available.** Mr Lewis said that it was not relevant whether ADL occupied part of the site or not as figures used were based on gross floor area and were not user dependent, as per the Kent and Medway Structure Plan. Answering a question he said that the number of parking spaces filled by completed Scarab vehicles was unknown to him. Mr Knox-Johnston suggested that up to 30-40 completed Scarab sweepers might occupy these spaces at any one time. Mr Lewis said that the ADL element formed part of a detailed application, whilst the remainder was outline, but he suggested that Mr Knox-Johnston confirm these figures with Mr Buckwell.

Mr Knox-Johnston asked if KCC had officially been told that ADL were no longer involved in the application. Mr Lewis responded "No" but he was sure that by now KCC had been made aware through local publicity of the Public Inquiry.

**Mr Knox-Johnston then raised the issue of the previous day's serious traffic congestion at the J8 roundabout**, and drew the Inquiry's attention to a Kent Online news article detailing congestion following a

major event at Leeds Castle, coincident with a cycling event on the A20 and resurfacing work on the A20 at Harrietsham

#### **A POTENT COCKTAIL**

**Responding to a question, Mr Lewis said that he had not had any direct consultations with the parishes;** Mr Buckwell should be asked. He also said he would not be drawn by questions about search criteria by Mr Knox-Johnston. The latter introduced a letter dated 20<sup>th</sup> January from KCC to MBC's CEO which suggested that MBC's current growth plan would cause damage to existing residents and businesses. He also wondered about the effect of Operation Stack if a figure of 50 weeks p.a. was used for sand removal. Mr Lewis said that the effects were entirely out of the control of the Appellants, the highway authority and the local authority. Indeed, it was incredibly inconvenient to the whole of Kent and therefore not appropriate to be included in any transport strategy. It typically occurred three times p.a. and last time was caused by a fire in the Channel Tunnel, an extremely rare event. Mr Knox-Johnston asked if this fact should have been catered for in the transport assessment, to which Mr Lewis replied "No, he had not been asked to do so", adding that the most severe impact was on J8 but that the London bound slip round had not been closed.

**The Inspector enquired as to whether or not a road safety audit had been carried out both for the temporary access arrangements and also the permanent road to the site.** Mr Lewis said that preparation of a construction management plan had not yet been done as it was classed as a Condition of the planning application.

**The Inspector then asked, given the amount of material being taken off site, did the applicant have storage facilities,** to which Mr Lewis responded "Yes, Hermitage Quarry just off J5 was able to accept such material".

**The afternoon's proceedings began with Mr Craig Howell Williams introducing Mr David Cassingham, Scarab's Managing Director,** who explained that he had begun life as a draftsman, turned apprentice engineer twenty four years at Scarab, and appointed MD in 2012.

**Mr Cassingham confirmed that no contract existed between Scarab and Gallagher's, merely a mutual understanding between two businesses, discussions having taken place over the past three years.** In answer to a question from Mr Howell Williams about the lack of a legal binding agreement reflecting a lack of commitment to the appeal site, Mr Cassingham confirmed his company's demonstration of support through the entire process. Mr Howell Williams went on to ask if Mr Cassingham could envisage any circumstances when he would not take up this opportunity for development, the latter replied "save for an economic collapse – NO".

**Mr Howell Williams said that Mr Cottage had considered the cost of the proposal to be £15 million,** to which Mr Cassingham responded this was a not a figure limited by Scarab and that any development costs were bound to increase. He accepted that the cost of everything goes up and that increasing costs were within Scarab's affordability. He added that Scarab didn't just want a viable business, it had ambitions and wanted to expand.

**Mr Howell Williams asked for his views on ADL and also other prospects for re-location.** Mr Cassingham responded that if ADL moved the space left behind would not provide:-

1. A prestigious Head Office environment for Scarab
2. Improved transport facilities
3. Opportunities for improved efficiencies
4. Opportunities for improved competitiveness

**Mr Howell Williams asked “Will you remain at Marden?”** Response – “not if other sites are identifiable as suitable. ADL’s announcement does not change our plans”. He added that the company’s inability to expand had recently resulted in the loss of a major contract. 2013 had seen a great increase in exports, although since then the situation had plateaued, and he anticipated a similar situation over the next couple of years of so.

**Mr Cassingham emphasised the need to retain his employees,** staff retention was of vital importance to the business, which manufactured 320-370 vehicles p.a. This included a very large range of models, each of which had options which could be altered to suit customer requirements ie. this was **not** a production line business. It involved very complex pieces of equipment, and even new employees who arrived with some training required further training by Scarab.

**At this point Mr Cassingham invited the Inspector to visit the company to see the situation for herself.**

**Mr Howell Williams then focussed on the evolution of the business.** Mr Cassingham responded that it started in a field just 2 miles away from the current site, it was therefore very much a local company and he talked about its strong values and ethos. Indeed, the first MD had been his mentor and he, himself, was only the third MD.

**A discussion followed about Mr Cottage’s earlier suggested alternative sites,** which Mr Cassingham dismissed as being either too far away to retain existing staff, or in areas considered not to be sufficiently prestigious for a Head Office location. Mr Howell Williams mentioned the Aylesford Newsprint site. Mr Cassingham responded that he had only been made aware of it since the start of the Inquiry and that he had not seen any publicity brochures for it, so he did not believe it was available yet. He added that if ADL’s site became available at Pattenden Lane, it would not be of any use as it would offer only additional rented space. It was not an option being considered. In response to a question about on-site parking of completed vehicles, Mr Cassingham said that completed vehicles were kept in fenced compounds due to their high value.

**Mr Cameron, Counsel for KCC, began his cross-examination by stating that he did not seek to question the value of Scarab’s business or the business’ ambition,** and that he appreciated Mr Cassingham was not an expert in seeking other sites, he was being advised by Stevens McGuire. Mr Cassingham explained that Scarab operates at full capacity and had no possibility of expansion. It operated mainly on a day shift basis, just 2-3 people at night. In general the core working hours of the workshop were 8 a.m. to 4.30 p.m. and office hours were 9 a.m. to 5 p.m. Occasional overtime was required, varying to suit individual needs. Previous attempts to find alternative sites had failed. The Operations Director had talked to local (Marden) landowners prior to 2011. Discussion of an error in figures was held.

**This was followed by questioning of evolution of site requirements over time.** Search criteria had not originally been fixed, but had been refined. Mr Cameron asked if a move to new premises would involve compromises. Mr Cassingham replied “No”, particularly with respect to staff retention. In terms of timescale, re-location to J8 would take a minimum of three years to move, assuming planning consent. The company’s leases expire in May 2018. Mr Cameron asked if a timescale had been set to move, to which the response was “No, but the company does have an ambition to move. We are awaiting the outcome of the Appeal. “Going to Waterside Park ranks higher than any timescale to move”. Mr Cameron: “The overall construction period (outside case) is 5-6 years”. Mr Cassingham: “We are prepared to wait, but we don’t believe we will have to because we have spoken to Gallagher’s regarding ADL’s withdrawal, so Scarab could be built sooner than first thought. It would not be ideal to wait 7+ years but we could wait for the perfect

location. We are not concerned that the price might rise. Pending the outcome of the Appeal we will make the decision to remain or else move to a less suitable location. If we remain here we would still be running but inefficiently. We would have to weigh up the balance of retaining staff versus not being able to run the business as efficiently as we would like versus expanding the business."

Mr Howell Williams asked "If the Appeal fails would you rule out all alternatives?" The response: "We would be forced to stay put and make do but this would not be a long term future. There would be severe consequences on the business". Mr Cassingham added that "there are other possibilities eg. the business might change eg. outsourcing, or having the work done abroad, but we don't envisage this" No other sites had apparently been put to him apart from those suggested by Mr Cottage.

In re-examination Mr Knox-Johnston asked if Scarab had a Property Manager. Mr Cassingham responded that there was an Operations Director but, yes, they had to rely on surveyors. In response to a question about any strategy relying on contingencies, Mr Cassingham responded "We can only hold to so many at once". "Was there an opportunity to discuss with the current landlord a complete re-development of the site?" This had not been discussed. At present Waterside Park was seen as the only option. A question was asked about current rental costs but Mr Cassingham dismissed this as being commercially sensitive information. It was Scarab's intention to have freehold premises rather than rented.

The height of the roofline, currently 8 m but prosed to be 17 m, came into question. Mr Cassingham explained it produced economies of scale since the overall footprint could be reduced with the introduction of a mezzanine floor.

Mr Knox-Johnston asked if properties outside the Maidstone area had been considered. Mr Cassingham responded: "Yes we would be prepared to look at anything considered suitable". Mr Knox-Johnston proposed the Aylesford Newsprint site, to which Mr Cassingham responded that he had only been made aware of this site during the course of the Inquiry but that no official literature was yet available.

Mr Knox-Johnston also asked if Scarab had discussed the re-location situation with ADL, to which Mr Cassingham had responded that they hadn't, and that they did not hold regular meetings with ADL.

His final question was "Have you, or your French parent company, considered the possibility of rising future costs if re-location does not take place soon"? "Yes".

In re-examination Mr Howell Williams asked if re-development might be possible in the ADL buildings. Mr Cassingham said it was not easy to see how it would work in the set of interspersed buildings, currently occupied by ADL. In response to Mr Howell Williams' question re the willingness of current employees to travel, Mr Cassingham said the relative cost of housing in different areas was relevant. He explained that over a three-four month period both he and his co-director had interviewed every member of staff about the business in general, including their concerns about a possible re-location to Waterside Park. Staff had expressed concerns particularly about the possibility of moving to Sittingbourne. The company had discussed in broad terms with Gallagher a re-location timetable. Now that ADL had withdrawn, the option of a speeded up timetable for Scarab was possible.

The Inquiry closed at 4 p.m. due to the need to vacate the room and would re-open at 9.30 a.m. on Tuesday 19<sup>th</sup> May.