

Inquiry Day 1

Despite torrential rain just beforehand, about 70 people turned out for a rally outside County Hall to protest against industrial development on grade 2 agricultural land this morning. In attendance were Cllr Paul Carter, KCC's Leader, and other county councillors, together with all the Borough Councillors for Bearsted and Thurnham/Detling, + a large number of Bearsted and Hollingbourne parish councillors and residents of Bearsted, Thurnham, Hollingbourne and Leeds. Two of the Parliamentary Candidates for Faversham and Mid Kent, Helen Whateley (Conservative) and Michael Desmond (Labour) were also present.

Nearly 40 members of the public went in to KCC's Lecture Theatre for the opening of the Inquiry at 10 a.m. by Mrs Katie Peerless Dip Arch RIBA, who has over 15 years as a Planning Inspector.

Key players are:-

Mr Craig Howell Williams QC (appeared for KCC at the KIG Appeal) – appearing for the appellants – to call 7 witnesses

Mr Stephen Whale QC – for MBC – calling 2 witnesses

Mr Neil Cameron QC – for KCC + Kent Downs AONB Executive + Natural England – calling 3 witnesses

Mr Richard Knox-Johnston (currently chairman CPRE South East England – for CPRE Protect Kent + Joint Parishes Group – calling 10 witnesses + hopefully the new MP

In addition, David Jarman, representing Hobbs Parker, will be making a statement to the Inquiry as he is involved with Roxhill Developments, a competing and wholly speculative warehouse development on the north side of the A20, for which a planning application was validated last week.

The Inspector had already made an informal site visit from the general highway but plans to make a formal visit, probably on 12th May. **This is a great opportunity for anyone thinking of walking the Public Right of Way which crosses the site!!! We will keep you updated.**

Fairly early on the Inspector revealed that her brother is involved with the company which assessed the quality of the agricultural land in question. Although the Rule 6 parties were content with this, Mr Howell Williams said the Appellants had yet to decide. It was not clear, therefore, until after lunch that the Inquiry would proceed under this Inspector. If they had objected then the Inquiry would have been adjourned and a new inspector appointed. However, he later confirmed the Appellants did not object to her remaining as Inspector.

The next issue appeared to stem from the fact that MBC had considered the site to be too far away from the nearby Grade 1 listed Leeds Castle and so had not notified Historic England (formerly English Heritage) of the inquiry. Mr Knox-Johnston, despite suggesting at the Pre Inquiry Meeting that this fact could invalidate the Appeal, urged that communication be made with Historic England with all speed. After some toing and froing, this was agreed.

The Appellants' case would be based upon the fact that:

1. MBC's Local Plan 2000 is now out of date and therefore shouldn't apply.
2. The emerging Local Plan (10 years down the line and still not adopted) should carry little weight.

3. J8 was apparently identified by MBC in 2011-14 as a strategic site for development.

Mr Whale said that MBC's case would be made around the following:-

1. Both planning applications for this site had been refused by MBC.
2. The Appellants recognised the detrimental effect on the landscape.
3. ADL have stated they will no longer occupy their part of the site (approx. 75%).
4. Potential harms outweigh the need for development and economic benefits, whether or not ADL planned to move in.

Mr Cameron explained how unusual it was for a county council in a two-tier system + KD AONB and Natural England to appear in such an appeal. However, these organisations felt strongly that the irreversible and unacceptable damage in visual and landscape terms provided a sufficiently compelling case. The appellants would have to demonstrate economic need over harm, also length of the construction period.

Mr Knox-Johnston's case would emphasize the lack of difference between this type of application in this location and the KIG Appeal, and went on to highlight some choice phrases from Inspector Phillipson's 2010 report. He also mentioned he felt it was dishonest for the Appeal to continue following ADL's withdrawal. Alternative sites, such as Aylesford Newsprint would feature, as would the duty for district councils to cooperate with neighbouring councils, and prematurity during the wait for adoption of the Local Plan. Other issues to be raised would be the loss of valuable land for growing food, lack of sustainability in terms of public transport availability, air quality, water (Kent is the most stressed county for water in the country), the area being the gateway to Leeds Castle, effects of Operation Stack, and also that under the NPPF equal weight should be given to social, environmental and economic factors.

Mr Whale led MBC's first witness, Mr David Green, of Jacobs in Maidstone, through his Proof of Evidence, concentrating on "Zones of Theoretical Visibility". Mr Green criticised Mr Etchells' (appearing later for the Appellants) evidence for being out of date and heavily influenced by the M20/CTRL corridor. Also Mr Etchells' lack of a clear definition of timescales. Mr Green had, however, studied the effects of such development at three clear times: during construction, after one year and after 15 years.

The afternoon was dominated by Mr Green's sturdy defence of Mr Howell Williams' cross examination which focussed on precise definitions of slopes, definition of "detract" and polytunnels. All fascinating stuff!

Mr Whale's second witness, Mr Michael Goddard, a chartered town planner, director of Goddard Hester, concentrated on defending the use of Policy ENV 28, saved in 2007. His firm view was that this remains an up to date policy in line with the NPPF. He questioned the sustainability of this proposed development and concluded that although it would fulfil the economic need, he doubted it would fulfil the social need and environmentally, it could not be defined as sustainable. This meant, therefore, that para 14 of the NPPF "presumption in favour of sustainable development" did not apply.