

LINTON PARISH COUNCIL

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Mid Kent Planning Support
Maidstone House
King Street, Maidstone
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Case Worker: Marian Geary

18/501181/FULL, seeking to amend planning conditions to:
16/508659/FULL Land South Of Redwall Lane Linton Kent.

Linton Parish Council have considered the above application and wish to STRONGLY OBJECT to it, on several grounds as listed below.

We were advised by the Case Worker that the deadline for comment has been extended until 11 May 2018 and therefore trust that our objections are in good time and will be taken into account. If the Planning Department's view should be that the application be approved, we request that it should instead be referred to the MBC Planning Committee for determination.

Definitions

The Planning Committee Report for the meeting of 6 July 2017 states, inter alia:

"The EHO also raises the issue of number of vehicles to enter and leave the site during the period between 2300 and 0600hrs and it is considered necessary to restrict the number of vehicles as proposed by the applicant, no more than 8 (1 per hour) during these hours and a condition to require the applicant to keep records of vehicle movements for review if necessary."

The Planning Decision Notice dated 3 October 2017 further extends this and says:

"(10) ... No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0700hrs.

Reasons: In the interests of Local amenity"

We noted the extension from 0600 to 0700, and we took the Decision to mean that the total number of HGVs passing the entrance to the site, either inwards or outwards, would be no more than 8 in total during the hours specified. We suggest that any normal reading of this condition would reach the same conclusion.

We presume the present application should be read the same way, ie now 32 movements through the site entrance, whether inwards or outwards. If that is not the case we wish to be advised and we strongly recommend that should the application be approved, the decision notice is clear and unequivocal in stating how many movements in total are to be permitted.

Local Amenity

The planning decision notice referred to above specifically restricted the number of HGV movements, and it did so "For reasons of Local Amenity."

If a large industrial site is built in rural countryside local residents will inevitably suffer, and are doing. Any responsible local authority will accept that it has a duty to mitigate these consequences, as far as it possibly can. Since MBC has specified the above restriction, we consider that it should be strictly adhered to and no amendment considered at least until after the site is actually operating and some operational experience has become available.

In the case of the Wares Farm industrial development, HGVs are supposedly to be channelled to the East on leaving the site, towards the A229. There is no restriction for HGVs arriving at the site, and there is no restriction as regards direction once the A229 is reached. However it is clear that almost all will turn North up the A229 and pass through Maidstone, or along the B2163 through Boughton Monchelsea and Leeds to join the M20 for transit across the Channel. We therefore point out that the consideration of local amenity should not be restricted simply to the immediate site environs but should cover all of Maidstone Borough along those routes. We hope you will appreciate that passing an HGV along Redwall Lane, up Linton Hill, and along the B2163 or through the centre of Maidstone, every fifteen minutes throughout the night, will seriously affect local amenity over a wide area of your borough. Moreover, various sites within that area have been determined to be in breach of EU and UK pollution regulations, and this application if approved will make matters significantly worse.

Noise Pollution

The underlying issues relating to the amendments sought to conditions 16 and 17 of the planning decision notice are complex, technical and hard to understand. As a minimum, we request that a plain English version of the reasons underlying the request for amendment are produced, so that the Planning Committee as well as other interested parties such as Linton and Hunton Parish Councils, can have this made available to them before making a decision on the matter.

In the meantime, we observe that a change in permitted noise levels from 5dB below ambient to 5dB above means in practical terms a doubling in the amount of noise produced.

We also feel it is wrong that noise considerations should be restricted purely to the Industrial Site itself. The loudest and most intrusive noise likely to be experienced as a result of this development will be felt by residents on Linton Hill as HGVs travel up it, and we request that this impact should also be considered. It clearly falls within the area since both the A229 and Linton Crossroads are frequently referenced both in the original application and in the Decision Notice.

Natural Justice

The residents of Linton opposed the original Wares Farm Industrial Development. Many letters of objection were written, and contrary views expressed. The application was approved nonetheless, and their views ignored. Still, some comfort was taken from certain of the conditions imposed on the site, including the ones now seeking to be overturned. If these conditions are to be changed to such a large extent, before construction has even begun in earnest, we would argue that the entire basis of the original application has been falsified. It would appear, if the application is granted, that the terms upon which original decisions were based have been significantly undermined, as has the decision making process itself, and that an application for judicial review of the original decision may well succeed.

Incomplete Implementation of Planning Committee decisions

The minutes of the Planning Committee meeting of Thursday 6 July 2017, relating to the original Wares Farm application, are attached as an appendix to this letter. Linton Parish Council wishes to point out that several of the Committee's instructions have not been carried out, or only partially so. As one example, the committee's express instruction to set up a monitoring committee was not stipulated in the Decision Notice. The applicant's agents held a single meeting in November 2017 and despite several requests, no subsequent meeting has ever been held. (we have been advised that a meeting will be scheduled to take place during May 2018). We therefore request that a review should take place as to the extent to which the minutes have been implemented, and any shortfall corrected. We also request that other stipulations such as a written routing agreement and appropriate signage are properly monitored and enforced.

Linton Parish Council requests that this application should be **refused** for the reasons set out. The undersigned is happy to discuss or review any aspect of the above

Yours

[signed]

Jerry Whitmarsh
Chairman, Linton Parish Council

Agenda item

16/508659 - DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND - LAND SOUTH OF REDWALL LANE, LINTON, KENT

Minutes:

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

The Principal Planning Officer advised the Committee that he wished to further amend his recommendation by the deletion of conditions 14 and 22 and sought delegated powers to add reasons to conditions 4, 5, 7, 11 and 17.

Mr Leagas, an objector, Councillor Whitmarsh of Linton Parish Council, Councillor Thomas of Hunton Parish Council, Mr Marston, for the applicant, and Councillors Fermor and Webb (Visiting Members) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement, in such terms as the Interim Head of Legal Partnership may advise, to provide the following:

- Measures to accelerate the implementation of a scheme to improve the capacity of Linton Crossroads including the transfer of land in the south western 'quadrant' of Linton Crossroads to the County Council as Local Highways Authority in order to secure land for a left turn lane and, secondly, a financial contribution to secure relocation and construction of a bus stop on the western arm of the Heath Road (the Head of Planning and Development be given delegated powers to secure the detail and level of the contributions);
- A Landscape and Ecology Management Plan (LEMP) and long term management of the ecology/landscape areas including details of mitigation and enhancements;
- Monitoring and management of traffic within the vicinity of the site including that to the west of the site access on Redwall Lane;
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted (the Head of Planning and Development be given delegated powers to agree the financial contribution);
- A requirement to enter into a HGV routing agreement to include identification of roads which are unsuitable for use by HGVs (these roads to be determined by the Head of Planning and Development acting under delegated powers in consultation with KCC Highways);

- A Travel Plan and monitoring fee; the Travel Plan to encourage, where possible, the use of Euro standards low emissions vehicles to service the site (encompassing greener transport);
- A Delivery and Monitoring Committee comprising Ward Members; representatives of Linton and Hunton Parish Councils, the developer and the Local Planning Authority; and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee, to oversee quality of delivery and on-going management of the ecological enhancement areas; and
- A financial contribution of £10,000 towards the setting up and running costs of the Delivery and Monitoring Committee;

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the urgent update report and by the Principal Planning Officer at the meeting (the Head of Planning and Development be given delegated powers to finalise the reasons for conditions 4, 5, 7, 11 and 17).

2. That the roads identified as unsuitable pursuant to the HGV routing agreement are to be appropriately signposted as such and a mechanism, to be determined by the Head of Planning and Development acting under delegated powers in consultation with KCC Highways, should be put in place to secure delivery of the signposts within land controlled by the Highway Authority.

Voting: 9 – For 4 – Against 0 – Abstentions

Note: Councillor Munford left the meeting after consideration of this application (9.55 p.m.).