

PMG RESPONSES TO LETTER FROM KAY SULLY, 23RD JULY 2020

Introduction

Prior to responding to some of the statements in the letter from Kay Sully, dated 23rd July, on behalf of The Planning Inspectorate's Chief Executive, I would like to explain my role.

I was formerly Public Affairs Consultant to Peninsula Management Group (PMG), an informal body established by the businesses and landowners from the four industrial estates located on the Swanscombe Peninsular - Manor Way, Kent Kraft, Rod End and Northfleet Industrial Estates - who would be most affected by The London Resort project.

PMG's role is simply to co-ordinate matters and try to help the onsite businesses and landowners. They have no rights to negotiate deals between LRCH and businesses. That is down to the individual parties and they will have to fund their own defence although it is promised - hollow words to date as LRCH has no money - by LRCH they will help with costs.

These businesses have been severely impacted by the LRCH proposals since 2012 when they were first mentioned locally. There are a diverse range of clean and dirty businesses onsite, with many of the latter not being able to relocate due to environmental and other issues. They are not large multi-nationals with deep wallets readily able to afford the services of a Public Affairs Consultant.

Thus in 2018, I offered to withdraw my paid services as The London Resort project was stalling. Since then I have acted on a pro-bono basis as I seriously believe if this project is allowed to progress it will mean the end of many of the businesses with a loss and/or relocation of approx 1,500 direct jobs. It will also have a very severe socio impact on the local area effecting many families, far more if you include indirect employment.

These business and landowners cannot afford to fight the middle-eastern funded LRCH business. They have already had to cope with HS1, Brexit, coronavirus and now have to face LRCH not knowing whether they will be onsite tomorrow or bulldozed over in the name of some 'fancy' project that might or might not go ahead.

Responses to issues in letter from Kay Sully, on behalf of PINS Chief Executive

"...please be aware it is important to note that the Inspectorate is not the body responsible for the making of the Direction under s35 of the PA2008 as this is the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) and therefore the Inspectorate has no involvement in this."

This is noted. However, I have today submitted a further Fol request to MHCLG asking if The Planning Inspectorate gave the SoS any advice as there are meeting notes going back to 2013 when The Planning Inspectorate explained to LRCH that the project would meet NSIP criteria in terms of economic regeneration, cross-council boundary issues etc. I find it difficult to comprehend that The Planning Inspectorate was able to give such advice not knowing the site and the uses thereon and would be surprised if this advice was not forwarded to the SoS.

“In relation to your point about being unable to participate in the scoping process, please note that a scoping opinion adopted by the Inspectorate on behalf of the Secretary of State is formed on the basis of information provided by the Applicant”

It is disappointing as in this case the Applicant has deliberately downplayed the existence of the industrial estates which is evident since the project was first proposed. Thus, it is claimed the Application was misleading all parties from the onset and if representatives from The Planning Inspectorate are not familiar with the site they wouldn't have known this (see below). It is also of interest to note that one of your Officers initially advised the Diocese of Rochester that he thought landowners were statutory consultees but had to correct himself. It is a pity that logic doesn't prevail!

“Whilst the Inspectorate can make Applicants aware of the interest raised and remind them of their duty to participate in meaningful engagement with those affected...”

This has been severely lacking and has been brought to the attention of both The Planning Inspectorate and Dartford Borough Council. However, this has had no effect and the Applicant has failed to even take note of suggestions put forward by the Peninsula Management Group (PMG). Reference is made to the Group's existence in LRCH/PINS meeting notes where it is erroneously stated by the Applicant that PMG has legal and professional advice concerning land acquisition and the CPO process - they don't, nor do the businesses!

Apart from causing extensive uncertainty to the 140+ interested parties (businesses and landowners) for over eight years now, the situation has not been helped by the Applicant's lack of co-operation and engagement. They have failed to maintain open dialogue with the businesses and landowners and thus the businesses have never been certain as to whether LRCH intends taking their land or not. Prior to LRCH's fourth public consultation the estates were not included within the scheme but were reintroduced AFTER the consultation had finished.

Whilst PMG was being helpful in trying to assist the Applicant in getting a skeleton draft Option for consideration by each and every party, it has been made abundantly clear to the Applicant that PMG has no mandate to negotiate on behalf of the businesses and LRCH must negotiate directly with each and every business and landowner etc. However, there is little evidence to date that the Applicant has started to collate a database of businesses and landowners on the four industrial estates (Manor Way, Kent Kraft, Rod End and Northfleet) despite guidance from PMG.

“The Inspectorate relies on the information provided being accurate, we retain the right to ask for more information at relevant points in the PA2008 process. Additionally, the Inspectorate may refuse to accept an application which fails to properly assess Likely Significant Effects (LSE).”

Since mid-2015, PMG has been e-mailing The Planning Inspectorate about the existence of the industrial estates and the likely impact of the project on them (see numerous e-mails from Bramwell Associates). Furthermore, in November 2015 a representative from The Planning Inspectorate attended a site meeting at Swanscombe, one stop being Manor Way Industrial Estate. Thus one would have thought that questions might be asked about the impact on the businesses then or subsequently, especially as the lack of engagement had already been flagged-up to The Inspectorate.

“Please note, the applicant must consult on its Preliminary Environmental Information and it must have regard to responses to this consultation. Whether it has done this will be a key consideration at Acceptance.”

There is no evidence that the Applicant has taken serious notice of the estates in their consultation. In their initial Scoping Report (if that is what is meant by ‘Preliminary Environmental Information’) there is no reference to the estates.

In the June 2020 Report, the following mentions are made:

*1.5 The Proposed Development will involve an extensive restoration of land used in the past for **mineral extraction, waste disposal and industrial activities including cement and paper production**, with a comprehensive landscape strategy proposed, incorporating wildlife habitats.*

Development content and land take

4.26 LRCH and its advisers tested a range of development options and confirmed the area of land required to deliver a viable and globally-attractive resort. This requirement was then reconciled with site constraints and the land-take of associated development. Sensitivities taken into account included the following.

- i). The amenity of residential neighbourhoods at the south-western corner of the Swanscombe Peninsula,*
- ii). **The displacement of existing businesses from the Manor Way, Northfleet and Kent Kraft industrial estates.***

5.24 The majority of the Kent Project Site on the Swanscombe Peninsula comprises open, low lying land with **extensive former CKD tips and other brownfield former industrial land**. A number of drains, filtration systems, aeration lagoons and other features are also present.

Much of the peninsula has re-vegetated naturally but areas of bare ground remain.

Other parts of the Kent Project Site on the Swanscombe Peninsula **include the existing Manor Way, Northfleet and Kent Kraft industrial estates**.

Kent Project Site

10.34 The majority of the Kent Project Site on the Swanscombe Peninsula comprises a large area of open land in a low-lying riverside landscape beside the River Thames, between the Queen Elizabeth II Bridge and Gravesend.

10.35 The Peninsula has a long industrial history relating to the manufacture of cement and the majority of the area is a brownfield site comprising previously developed land, some of which is contaminated. **Other parts of the Kent Project Site on the Swanscombe Peninsula that are characteristic of industrial uses include the existing Manor Way, Northfleet and Kent Kraft industrial estates**

10.37 As such, the landscape fabric across the Swanscombe Peninsula is extremely varied and includes extensive areas of marsh and grassland, semi-mature woodland and scrub, grassed embankments which act as flood defences, and some industrial premises, with public access limited to a small number of public footpaths including Saxon Way, which runs along the western flood embankment. Much of the peninsula has re-vegetated naturally former industrial areas and spoil heaps, but areas of bare ground remain.

10.56 The most notable landscape effect as a result of the development would be the change in character from a mosaic of marshland, scrub, cleared brownfield land, former quarries, industrial works and disused industrial works to an entertainment resort and associated infrastructure across much of the Project Site. Other potential effects include the removal of sections of hedgerow and trees to allow for access and layout, together with the planting of new hedgerows and trees to strengthen the structure of the landscape

10.58 The main potential likely significant landscape and visual effects of the proposed development once completed, irrespective of any mitigation measures, are summarised below:

- Potential landscape impacts caused by the operational development would generally be localised in scale and restricted to the change in land use and character across the Project Site itself and changes in character in the immediate environs as a result of changes in views;

· *Changes to the character of the landscape of the Project Site, through the change in land use, the introduction of new temporary and permanent built features and infrastructure. These would have permanent long-term effects on landscape character. A permanent, long-term impact on landscape character would occur due to physical impact on landscape of the Kent Project Site in particular, including ground remodelling, tunnelling and the introduction of new built and natural features within existing scrub, marsh and former and existing industrial land. Whilst the scale of change in built form and the loss of some natural habitat is likely to give rise to adverse landscape and visual impacts across some parts of the Project Site, the change in character from **run-down former industrial site/industrial dump** to a vibrant entertainment resort is likely to be beneficial in others. There would also be additional beneficial effects such as the creation of new wildlife habitats and enhancements to existing habitats within the DCO boundary;*

This seriously understates the potential, function and value of the estates and the approx 140 businesses operating out of the units. In addition to an extensive range of 'dirty' businesses, there are manufacturing, supply, service, engineering and a wide range of other industries. Many of these cannot be relocated within close proximity to their existing premises and thus would lose their ability to operate, potentially resulting in '000s of redundancies. Additionally, if they were able to relocate many employees might have to relocate their families as well meaning a significant socio-economic impact on the locality.

“In reaching a decision as to whether an application is of a satisfactory standard, the Secretary of State must have regard to (inter alia) the extent to which the Applicant has followed any applicable guidance given under section 37(4) of PA2008 (section 55(5A)(b)). For example, paragraph 6 of the DCLG Application Form Guidance (2008) states that ‘the application information must be provided to a sufficient degree of detail that will enable the Secretary of State (and all interested parties) to appropriately consider the proposal’.”

It is very evident that the Applicant has been 'economical...very economical with the truth' since the onset, intentionally playing-down the value and importance of the estates. The Applicant's concerns about what to do and how to tackle them has always been known. In fact, one former Chief Executive visiting the estates in 2017 openly admitted "he did not know what they could do with them as the businesses are so inter-twined and relocation would be so difficult". The current Chief Executive has not had the courtesy to either speak to the businesses or visit the site.

Finally with reference to the Secretary of State's Scoping Opinion, the three local Councils - Dartford BC, Gravesham BC and Kent CC, along with the Ebbfleet Development Corporation - make mention of the fact that there are industrial estates on the proposed site and question how the Applicant intends to deal with relocating them. There is no mention of this in the main section of the Scoping Opinion although it is very evident in the statutory responses from the aforementioned parties. Why is this?

**Dan Bramwell
Bramwell Associates
7th August 2020**