

Write to decide tip row

There will be no public inquiry to 'decide the railway cutting' planning wrangle at Bishopsbourne and Kingston. Instead, the Environment Secretary, Mr Michael Heseltine, will decide the issue on written statements.

He is considering an appeal by Campion Controlled Tips against the City Council's refusal to allow the firm to reclaim the land for farming use by filling the cutting with refuse to restore it to its original level.

Conservationists have condemned the plan because of the cutting's flora and fauna. Bishopsbourne and Kingston Parish Councils are against the scheme, as are many other organisations and individuals.

Written statements should be sent to the Secretary of State, Department of the Environment, Tollgate House, Houlton Street, Bristol, quoting reference CA/79/361/BIS/KIN and the department's reference APP/5273/A/79/11841.

Copies of all representations will be made available to both parties in the appeal and comments should be made before February 1.

Details of the grounds of appeal are available for inspection at the City Architect's Office, 12/15 Dane John, Canterbury, and the council's statement and grounds of refusal will be available at the same office shortly.

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CANTERBURY CITY COUNCIL



M. G. P. Young, Solicitor, City Secretary

41 Old Dover Road (entrance from Cossington Road) Canterbury, Kent CT1 3DH Telephone: 51755

If calling or telephoning please ask for

Miss Hanson

Extension **148**

**TO ALL PERSONS AND BODIES
HAVING AN INTEREST IN THE APPEAL.**

My ref: **T50/16/3/18**

Your ref: **PBH/JG**

19th June, 1980.

Dear Sir or Madam,

**TOWN AND COUNTRY PLANNING ACT, 1971
APPEAL BY CAMPION CONTROLLED TIPS LIMITED - RECLAIM TO
LEVEL BY TIPPING OF WASTE FOR FURTHER AGRICULTURAL USE
RAILWAY CUTTING BETWEEN BISHOPSBOURNE AND KINGSTON**

I have to inform you that the appeal in this case has now been withdrawn by the Appellants, and the local inquiry planned for the 24th June, 1980, has, therefore been cancelled.

Yours faithfully,



City Secretary.

N.S. Shirley, Esq.

CANTERBURY CITY COUNCIL



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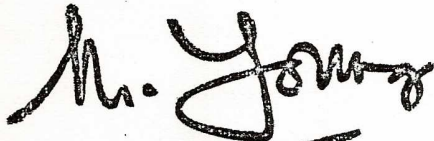
16th May, 1980.

Dear ~~Sir~~ Madam,

TOWN AND COUNTRY PLANNING ACT, 1971
APPEAL BY CAMPION CONTROLLED TIPS LIMITED - RECLAIM TO
LEVEL BY TIPPING OF WASTE FOR FURTHER AGRICULTURAL USE
RAILWAY CUTTING BETWEEN BISHOPSBOURNE AND KINGSTON

With reference to my letter of the 21st April last, as required by the appropriate Inquiries Procedure Rules, I enclose herewith a copy of the Council's Statement of Submissions to be put forward at the local inquiry on the 24th June, 1980.

Yours faithfully,



City Secretary.

CANTERBURY CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

Appeal by Campion Controlled Tips Limited against the refusal of Canterbury City Council to grant Town Planning Permission to reclaim to level by tipping of waste for further agricultural use of disused railway line between Bishopsbourne and Kingston.

Application CA/79/361/BIS/KIN

Department of the Environment reference APP/5273/A/79/11841

STATEMENT OF SUBMISSIONS TO BE PUT FORWARD ON BEHALF OF THE CANTERBURY CITY COUNCIL

1. The application was submitted to the Council on the 28th March, 1979 and was supplemented by information contained in the Appellants' letter dated 21st August, 1979 and Plan No. A3-4040-1 received by the Council on the 30th August, 1979.

Before determining the application, the Council consulted the Bishopsbourne and Kingston Parish Councils and the Kent County Council as Local Highway Authority. Publicity to the proposed development was given under the provisions of Sections 26 and 28(2) of the Town and Country Planning Act, 1971. The Council received objections from the three consultees, seven other organisations and 105 individuals. Formal notice of the decision to refuse planning permission was issued on the 19th October, 1979.

2. The grounds of refusal were:-

- (i) The proposed operations would be inappropriate in an area which is shown as being of great landscape value in the Kent County Development Plan and has been designated as being of outstanding natural beauty by the Countryside Commission.
- (ii) The proposed operations would result in the loss of trees and other vegetation which forms a significant feature within a designated Conservation Area.
- (iii) The proposed tipping operations would be likely to cause disturbance detrimental to the amenities enjoyed by the occupiers of dwellings in Bishopsbourne.
- (iv) The removal of the embankment would be likely to cause disturbance detrimental to the amenities enjoyed by the occupiers of dwellings in Kingston.
- (v) The increased use of the unsuitable narrow and winding approach roads, and of poor access, would be likely to create unacceptable additional hazards to both pedestrian and vehicle traffic.

The Council will introduce evidence to support these grounds of refusal.

3. In pursuance of Section 29 of the Town and Country Planning Act, 1971, the Council considered the Kent Development Plan (1967 Revision) and the Kent Structure Plan which was then in draft but which has since been approved by the Secretary of State on the 31st March, 1980 and accordingly will produce extracts from those documents as follows:-

Kent Development Plan

Paragraph

- (i) to show that the site is within an area defined as being of great landscape value and also within an area designated by the Countryside Commission as being of outstanding natural beauty. (The Council will submit that the proposed operations, if permitted, would be harmful to the quality of the landscape).

Paragraph

- (iii) the policy of the Plan that the deposit of waste material will be co-ordinated whenever possible with the reclamation of derelict land and worked out mineral pits which are not required for recreational purposes. (The Council will submit that the appeal site cannot be regarded as derelict land or a worked out mineral pit and is therefore outside the terms of the policy).

Kent Structure Plan

- (i) to show that the site is within an area identified as a Special Landscape area to which the following policies apply:-

CC6 Development will not normally be permitted if it is likely to cause a loss of, or material change to, landscape areas and features which are:-

- (i) representative of the Kent Countryside by reason of their physiographic character or vegetation cover, with particular regard being paid to those areas of rare or possibly unique scenic quality, or
- (ii) of historic interest, or
- (iii) of an unspoilt quality free from urban intrusion.

CC7 The Local Planning authorities will give long term protection to Special Landscape Areas and will normally give priority to their landscape over other planning considerations.

- (ii) In the context of nature conservation, the objective of the Plan to conserve and enhance the habitat diversity and rarity of the Kent countryside and the coast.
- (iii) In the context of waste disposal, the objective of the Plan to ensure that adequate and safe waste disposal facilities are available, capable of taking all the County's waste in the most economic way, but without unacceptable risks to natural resources or other detrimental effects on the environment. The relevant policies are:-

CC28 In areas where suitable mineral workings in need of restoration are available, there will be a general presumption against proposals for waste disposal by land fill on other sites.

CC29 The local planning authorities will permit the disposal of waste only where there are adequate proposals for the layout and control of operations on the site, access, measures to protect natural resources and the local environment, and provisions for the restoration of the site to an appropriate after-use.

The Council will refer to the objectives of the Plan that the landscape heritage should be conserved and enhanced and that, with respect to the North Downs, the major objective is the protection and enhancement of the landscape which is recognised as being of national importance. The Council will submit that the proposed operations would conflict with the policies and objectives of the Plan.

The Council will produce evidence regarding the general natural history interest of the site with particular reference to the vegetation, bird life, insects, mammals and public use and the effects that removal of the embankment and the waste disposal would have on those matters. The Council will submit that the criteria set out in the objectives and policies for determining the suitability of sites for waste disposal purposes were not made in the case of the appeal site and that the criteria described above led, in part, to the grounds of refusal. Furthermore, the Council will produce evidence regarding the possible effect on the public water supply as follows:-

The Mid Kent Water Company operate a source works at Barham (O.S. ref. TR 198509) which is licensed to abstract up to 13.638 Ml (3 million gallons) of water per day from boreholes in the chalk for the purpose of public water supply.

The water obtained from this source is of a very high standard of organic and bacterial purity and requires only precautionary chlorination before distribution.

Water travels within the chalk through cracks and fissures and travel may be rapid in this strata. During such flow there is little or no filtration effect.

In consequence of the possible movement of pollutants within aquifers, the Southern Water Authority has adopted a guideline policy that polluting materials including domestic refuse should not be deposited in or on chalk aquifers within 1500 metres of the point of abstraction of a source with an output equivalent to that of the Mid Kent Water Company's Barham Pumping Station.

Much of the site of the proposed infilling lies within 1500 metres of the source and it is important that the aquifer within this area should be protected in order to maintain the high quality of the water obtained from Barham.

Amenity waste is a form of domestic refuse and can be expected to contain polluting materials. It should be treated in the same way as general domestic waste and should not be used as a landfill material within 1500 metres of Barham Pumping Station as this would constitute an unacceptable hazard to the purity of the public water supply.

The Council will also produce evidence regarding the criteria affecting waste disposal both in respect of the proposed site and its relationship to existing licensed disposal sites in the Canterbury area.

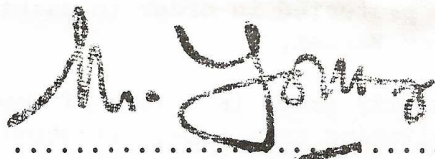
4. The Council will refer to previous applications affecting the appeal site (referred to in 2 of the list of documents) and to the decisions made.
5. The Council will submit that the proposed operations will result in the loss of the majority of the trees and other vegetation growing on the appeal site to the detriment of the quality of the landscape and the character and appearance of Conservation Areas designated under Section 277 of the Town and Country Planning Act, 1971.

6. The Council will refer to the Canterbury City Council (Elham Valley Railway Line Bishopsbourne/Kingston) Tree Preservation Order No. 2 of 1977 and to the letter dated 30th January, 1979, it received from the Department of the Environment conveying the Secretary of State's decision not to confirm the Order.
7. The Council will submit that right turns into the site and left turns out from the proposed access would be difficult and perhaps impossible. The proposed access is narrow, single vehicle width and steeply sloping and visibility at its junction with the highway would be severely restricted by a sharp bend in the road, a bridge parapet and by natural ground levels. The approach roads are narrow, winding, in places steeply undulating and with restricted forward visibility. The Council will contend that the substantial commercial vehicle traffic associated with the proposed development would introduce unacceptable additional hazards to the free and safe passage of other road users on the approach roads and at the access to the site and increase the risk of accidents.

The Council will also produce evidence to describe the highway conditions at each end of the site.

8. The Council will also wish to suggest that the site is more suitable for informal recreation use, being a linear link between Bishopsbourne and Kingston lined with trees and other vegetation and containing a rich variety of plant and wild life. The Council will demonstrate that by a number of decisions taken it is prepared to participate actively in instituting such a use.
9. The Council will submit that each and every one of the several issues raised in the grounds of refusal is separable from every other such issue raised in the grounds of refusal even if included in the same ground or paragraph and the Council will submit that each issue raised in the grounds of refusal as aforesaid is in itself a reason for dismissing an appeal.
10. The Council will seek to answer the several issues raised in the appellants' grounds of appeal.

16th May, 1980.....



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City Secretary

LIST OF DOCUMENTS AND PLANS WHICH MAY BE REFERRED TO BY THE COUNCIL AT THE INQUIRY

1. The planning application the subject of this appeal (application CA/79/361/BIS/KIN) including related correspondence and the notice of decision dated 17th October, 1979.
2. Previous planning applications relating to the appeal site including related correspondence and the decision notices, being applications under the following references:-

ES/6/68/543
ES/6/68/543/A
CA/77/943/BIS
3. Extracts from the Kent Development Plan (1967 Revision), with particular reference to:-
 - (i) the County Map.
 - (ii) paragraph 37 of the Written Statement (areas of great landscape value).
 - (iii) paragraph 38 of the Written Statement (areas of outstanding natural beauty).
 - (iv) paragraph 39 of the Written Statement (recreation in the countryside).
 - (v) paragraph 64 of the Written Statement (areas for the deposit of waste material).
4. Extracts from the Kent Structure Plan, as approved by the Secretary of State on the 31st March, 1980, with particular reference to:-
 - (i) The North Downs Special Landscape Area - paragraphs 10.10, 10.11, 10.12, 10.88 and 10.89 and policies CC6 and CC7.
 - (ii) Informal recreation - paragraphs 10.24, 10.25, 10.26, 10.28, and 10.90, and Policy CC11
 - (iii) Nature Conservation - paragraph 10.16.
 - (iv) Waste Disposal - paragraph 10.60 and policies CC28 and CC29.
5. The Canterbury City Council (Elham Valley Railway Line Bishopsbourne/Kingston) Tree Preservation Order No. 2 of 1977 and the letter dated 30th January, 1979 received from the Department of the Environment under reference SE2/5273/146/9).
6. The decisions of the City Council with regard to the use of the appeal site for recreational purposes as set out under the following minute references:-
 - (i) Item 535 of the Minutes of the Meeting of the Planning Committee (Town Planning) on 20th July, 1977.
 - (ii) Item 725 of the Minutes of the Meeting of the Amenities and Recreation Committee on the 5th September, 1977.
 - (iii) Item 7 of the Minutes of the Meeting of the Finance and General Purposes Sub-Committee on the 6th November, 1978.

- (iv) Item 1661 of the Minutes of the Meeting of the Planning Committee (Town Planning) on the 30th January, 1980.
7. A plan to show the appeal site in relation to the locality, including -
 - (i) the physical characteristics of the appeal site.
 - (ii) the principal points on public rights of way from which the appeal site is seen.
 - (iii) designated Conservation Areas.
 8. Department of the Environment Circular 23/77.
 9. Plan submitted by the Mid Kent Water Company showing the appeal site.
 10. Leaflet prepared by the National Farmers' Union and Country Landowners' Association entitled "Caring for the Countryside".
 11. Plan prepared by the Waste Disposal Officer showing other sites in the Canterbury area.

The above may be inspected at the offices of the City Architect and Planner at 12/15 Dane John, Canterbury, during normal office hours.