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**To:** [ManstonAirport@pins.gsi.gov.uk](mailto:ManstonAirport@pins.gsi.gov.uk)  
**Subject:** Second Written Questions issued on 5/4/19  
**Date:** 03 May 2019 01:07:15

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Dear Sirs,

Your question ExQ2, G.2.2 asks Thanet District Council what is the latest position with the Stone Hill Park Planning Application (OL/TH/18/0660), for which the deadline for determination was extended to 31 March 2019, which has now passed.

I wrote to Thanet District Council a long time ago notifying them that this planning application is invalid. I never received a reply from the Council, so I write to draw this important issue to your attention, as obviously it will affect when, or if, this application can be determined.

The invalidity is caused by the following:-

The application is for a "Comprehensive redevelopment of the site involving the demolition of existing buildings and structures and removal of hard standing and associated infrastructure, and provision of mixed use development. Application submitted in hybrid form (part-outline and part-detailed). The outline element comprises an outline planning application (with all matters except Access reserved for future determination) for the provision of buildings/floorspace for the following uses; Employment (Use Classes B1a-c/B2/B8), Residential (Use Classes C3/C2), Retail (Use Classes A1-A5), Aviation (Sui Generis), Education and other non-residential institutions including museums (Use Class D1), Sport and Recreation (Use Class D2), Hotel (Use Class C1), Open space/landscaping (including outdoor sport/recreation facilities), Car Parking, Infrastructure (including roads and utilities), Site preparation and other associated works. The full/detailed element of the application comprises; change of use of retained existing buildings, and means of access".

The issue is with the Outline element of the application (i.e. the vast majority of it, as the Full/Detailed part of the application is very small indeed). With regard to this Outline element, all matters are reserved for future determination EXCEPT ACCESS. It follows that Access is for approval now, as part of the current application and not a future reserved matters application, for the WHOLE site apart from the very small Full/Detailed part of the site.

The Town and Country Planning (Development Management Procedure)(England) Order 2015 (S.I. 2015/595) defines those matters that may be reserved for future approval, by means of planning conditions, and later approved under a reserved matters application.

Article 2 of this Order provides inter alia as follows:-

"Access" in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Therefore, if Access is for approval now for almost the entire site as demonstrated above, it follows that details are required within the application of "the accessibility to AND WITHIN the site for vehicles, cycles and pedestrians, in terms of the positioning and treatment of access and circulation routes".

This means that the application should contain such details, for every proposed vehicular, cycle and/or pedestrian route within the site, such that these can be consulted upon, considered and approved as part of any planning permission that may be granted. It will not be possible to reserve "access" for future approval under a planning condition, because the application has not been made on that basis and it expressly says that "access" is for approval now, therefore there is no legal power to reserve "access" for future approval.

But on combing through the application, there are no such details of every proposed vehicular, cycle and/or pedestrian route proposed within the site. Therefore the application, as made, is very incomplete, and the consultation on it incomplete, and it cannot be determined as it stands because of this lack of required information.

In short, there is a basic but yawning gap between what the application says it is for, and the details and information that have been supplied within it. It would be irrational and unlawful to determine it as it stands. The application requires major amendment to include the missing details, and then reconsultation thereon.

Therefore I would ask the Examining Authority to enquire specifically of Thanet District Council what it is doing with regard to obtaining these details and consulting upon them.

With thanks for your kind assistance.

Yours faithfully,

J.D.I. Baker

(Representor number 20014834).

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