CLOSING SUBMISSIONS ON BEHALF OF THANET DISTRICT COUNCIL

1. TDC's position regarding this appeal remains unaltered by the evidence and arguments advanced at this inquiry. It repeats what was said in opening that TDCs position is set out in paragraphs 1.4 – 1.11 of the Statement of Common Ground. In particular the resolution of the Planning Committee of 14 December 2011 recorded at paragraph 1.10, recognising, as all parties to this appeal must, that the matter is considered *de novo* under section 78.

2. The relevant decisions in relation to the application were taken by democratically elected members. People from the community, many born and bred in Thanet, who volunteer to serve their community and do so by standing for election by the residents of Thanet. Once elected they carry out their responsibilities to serve the best interests of all the residents of Thanet for the overall benefit of the whole area. In this case they fully debated all the issues, in public, aided by advice from experienced and appropriately qualified professional officers. Not all Members agreed with the proposal. That is the essence of democracy but, when put to the vote, they voted in favour of this scheme.

3. Contrast this to the real objectors to this proposal – the Rule 6 parties. I have no doubt that they are well intentioned and sincere in their beliefs but the fact remains that there have been a dozen or so objectors to this proposal appearing at this inquiry.The Rule 6 parties comprise a handful of self-appointed members of organisations such as FOAM that do not enjoy any public mandate whatsoever. Indeed, numerically, they fall far short of the minimum of 21 members that section 61F of the 1990 Act (as amended by Schedule 9 of the Localism Act 2011) requires to constitute a neighbourhood forum.

4. Allied to this point is the plain, observable fact that none of those appearing in opposition to this appeal scheme have produced any technical evidence to substantiate the many and varied assertions that they have made. Whilst ordinarily this could be allowed to pass without comment in closing, it cannot be done so in this appeal for the important reason that one of the leading Rule 6 parties has launched a judicial review challenge to the Secretary of State's Screening Direction. It should be recorded in the decision letter – irrespective of the outcome – that no independent technical supporting evidence (with the possible exception of Mr Causer, an architect) has been produced to this inquiry by any of the Rule 6 parties to support their assertions on issues such as

- Increased traffic fumes and increased levels of air pollution
- Sewerage incapacity issues
- Vibration
- Noise
- Light pollution
- Loss of employment
- The impact of listed buildings and other heritage assets
- Overshadowing
- Nesting peregrine falcons
- The effect on areas of landscape and scenic value
- Impact on visual amenity
- Traffic; and
- Car parking.

The absence of this evidence is surprising given these matters were raised by the solicitors acting for the Claimant in the judicial review pre-action protocol letter.

5. Finally, TDC maintains it has acted (as it did with the Dreamland CPO) in an exemplary, proactive and positive manner as advocated by paragraph 14 of the NPPF and determined this application consistent with the advice set out in paragraphs 186-206. Put bluntly TDC has looked for solutions not problems. Contrast that to the Rule 6 parties. They have no identifiable, credible, viable and deliverable alternative proposals to suggest. In short, they have asserted problems but offer no solutions.

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