

Rt Hon John Denham MP
Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

Netherbury
Meadow Close
Bridge, Kent
CT4 5AT

December 27th 2009

Dear John Denham MP

BY EMAIL AND POST

Re: Planning Application Y09/0627/SH DEMOLITION OF EXISTING
BUILDINGS, CONSTRUCTION OF A NEW 5731 SQUARE METRE RETAIL
SUPERSTORE, TOGETHER WITH ASSOCIATED ENGINEERING

I am writing to ask that you issue a direction to Shepway District Council requiring it to insist that an environmental impact assessment ('EIA') be undertaken by Sainsbury's, before planning permission can be granted for the above application, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ('the EIA Regulations').

Planning application YO9/0627/SH was consented to by resolution of the Development Control Committee, on December 14th 2009, without an EIA. Furthermore, at no time during the planning process were members of the public informed by Shepway District Council or by the Secretary of State that they could ask the Secretary of State to consider separately whether the proposal required an EIA. This requirement to inform people about this procedure has recently been judged necessary by the High Court in order for the UK to properly comply with Directive 85/337/EEC.

The proposal is a Schedule 2 Development and fits and surpasses the criteria in Columns 1 and 2 under 10(b) respectively of the EIA Regulations. The proposal concerns 1.83 hectares of edge of town centre brown field land of which 5731 square metres is to be the superstore and the remaining land is to be for parking for 270 cars and associated purposes. The superstore and parking will lie within a residential area. It will be open long hours (until 22hrs) and the operational service yard will be operating until 22.40hrs all days except for Sunday. Furthermore, the proposed site abuts a conservation area, an Ancient Monument

(The Royal Military Canal) and two listed buildings. English Heritage has made strong objections to the development which it has not retracted regarding the adverse impacts of the proposal.

It cannot be correct in law that a development of this size, with its considerable visual and carbon increasing impacts, is considered outwith the EIA Regulations. The council's and Sainsbury's erroneous view appears to be based on the fact that the proposal site was formerly developed and housed a manufacturer of medicinal drugs and as a result the environmental impacts as per Schedule 3 of the EIA Regulations can somehow be overlooked or downplayed. This is nonsense. The sensitive location, the surrounding residential community, the sustainability of the historic town centre of Hythe, the huge extra generation of traffic which could at close to full capacity would be much, much more than the estimated 24,000 car movements weekly, the resulting increase in air pollution, extra vibrations, noise, congestion and all this further compounded by the estimated additional 863,876 kg per annum of carbon to be generated by the superstore itself, all strongly suggest that this proposal is precisely the sort of development which the EIA regulations are supposed to regulate. I know of no authority that suggests otherwise.

Shepway's Screening Opinion is therefore flawed. It is based on Sainsbury's opinion that its superstore, the 270 car parking spaces and associated wide reaching environmental impacts will not be significantly greater than what existed before or that the nature of its superstore is not markedly different from the medicinal manufacturer.

Sainsbury's assertion, in its Screening Request letter of June 2009, that it can somehow circumvent the EIA Regulations by submitting its own partial paperchase 'EIA' is clearly unlawful. The EIA Directive and EIA Regulations are not to be narrowly construed. The indirect, direct and cumulative environmental effects from a superstore in this location must surely require an environmental assessment with all the environmental information per schedule 4 and additional safeguards of publicity and consultation regarding this information under the EIA Regulations.

I look forward to hearing from you at your earliest opportunity.

Yours sincerely

Emily Shirley