

**Mohammed Gary (Mr A) EDU**

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**From:** Land, Martin (Energy Wholesale) [Martin.Land@eon-uk.com]  
**Sent:** 22 November 2007 09:21  
**To:** Mohammed Gary (Mr A) EDU  
**Subject:** FW: Overview of Medway Development Control Meeting on Kingsnorth  
**Attachments:** @

**Without prejudice**

We had a strange meeting last night, full brief attached below. No real objection but a local labour resistance to consider at the meeting.

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**From:** Waters, Doug (Energy Wholesale)  
**Sent:** Thursday, November 22, 2007 9:13 AM  
**To:** Taylor, Bob (Energy Wholesale); Plowman, Keith (Energy Wholesale); Land, Martin (Energy Wholesale); Smith, Adrian (Energy Wholesale); Scoins, Colin (Energy Wholesale); Seabourne, Brian (UK Centre); Morritt, Chris (UK Centre); Pyke, Tim (UK Centre); Smith, Jonathan (UK Centre); Highmore, Emily (UK Centre); Lightfoot, Jim (Energy Wholesale); Ulliott, Gary (Energy Wholesale); Sanderson, Alan (Energy Wholesale); Farthing, Derrick (UK Centre); Ainscough, Catherine (Energy Wholesale); Gallagher, Mary; Busby, Richard (Energy Wholesale)  
**Cc:** Burgess, Claire (Energy Wholesale)  
**Subject:** Overview of Medway Development Control Meeting on Kingsnorth

Medway Development Control Committee last night voted to defer their decision on Kingsnorth 5&6 until after they have been to site and had a chance to review all the information presented by the Planning Officer in his report. Reasons for this decision are set out below together with a plan of action to resolve.

Attending from E.ON were Martin Land, Claire Burgess, Emily Highmore and myself. David Sharpe (our Planning Advisor) also attended

By way of background the Council is Conservative control with the committee having 10 Cons (incl. Chair), 4 Lab and 2 Lib Dem. Kingsnorth was first on the agenda with a pretty full public gallery, large police presence and no disturbance. (Profiles of Committee and Council Cabinet are held by the Project team including register of interests and previous voting history)

Before proceedings could commence the Labour lead tabled a Recorded Vote on the following two items: (a recorded vote is politically expedient to show to voters your voting history at re-election)

1. Defer the presentation and decision until a future meeting citing insufficient time to read the complex report
2. That the meeting should be on this issue alone and not include other agenda items

Note these are the proposals by local Labour MP Bob Marshall-Andrews (Lab). The votes were not carried – the first one only by the casting vote of the chair.

It was made clear to the Committee that they should only assess the application on Town & Country Planning grounds alone and that they were only advising the Secretary of State of their decision. Energy Policy and Climate Change were not valid grounds for this committee

The Planning Officer then presented his report including a copy of which can be found attached together with some supplementary advice which includes:

- A condition requested by Scottish Power on NOx dispersion



- Representations from Swale Borough Council, Dr Caroline Lucas (MEP – Green) and Bob Marshall-Andrews MP (Lab)

The Planning Officer recommendation was for positive vote.

Councillors then discussed the application:

- The concerns over insufficient time to familiarise themselves with the issues was again expressed. It was apparent that many had not read the report, our Non-Technical Summary, our letters offering briefings, our website, attended the public information days nor our briefing last year to Councillors
- There was some discussion of the planning process and how the Council wanted the full say or none at all. The Chair and the Council Lawyer reiterated that that was the process.
- Other Councillors expressed concern over the cost of a Public Inquiry if called by Medway and cost recovery by E.ON. Their lawyer said they could reject on T&C Planning Grounds (against Officer Recommendation). Not only would Council be liable for costs in these circumstances if found for the applicant but if rejection was not on valid grounds the National Audit Office would be interested (note Medway has just had a number of Planning Policies rejected by the Planning Inspector)
- The Chair stated that if there was to be a Public Inquiry it was better called by the Secretary of State rather than Medway Council since all the objections relate to his responsibilities under S36 – namely Energy Policy. She suggested that those at Westminster (Bob Marshall-Andrews) who are interested in such matters should raise in the appropriate place – i.e. Westminster rather than Medway Council.
- The Conservative Vice Chair then proposed delay until after a site fact finding visit much to the amazement of the Labour Lead who had previously proposed this. This was passed unanimously. This was probably again politically expedient.

What this means:

- E.ON will host site visit(s) of Councillors as soon as possible and get back to the next appropriate committee (they are every 3 weeks with a gap over Christmas)
- Details will be organised with the Planning Officer and Director at Medway – next 3 are 12<sup>th</sup> Dec, 2<sup>nd</sup> Jan and 23<sup>rd</sup> Jan (probably realistic)
- Whilst this means that we are likely to be delayed until the New Year it allows us to put across our rationale, something the Planning Department have not been keen for us to do previously. Once details are finalised with Council I will advise
- My main concern is to get this organised as soon as possible and not allow the Councillors to delay. I have a call with the Director of Planning at Medway today
- We will be seeking advice and supporting the Government Relations team on nature and timing of appropriate dialogue and process at a wider MP/MEP level

Regards

Doug

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