



Homes England

Date: 23 January 2024

Our Ref: RFI4576

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4576

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

I am requesting a copy under FOI/EIR, of the response from Mr G Harris, Senior Project Manager at the South East England Development Agency (SEEDA) to an email dated 27 May 2008 from Mr Tim Flisher, Development Control Manager at Dover District Council regarding the expiry of planning permission for the visitors' centre and the section 106 Agreement.

Response

We can confirm that we do hold the requested information.

Please see attached Annex A for the email you have requested and Annex B for the relevant attachment.

Section 40 – Personal information

We have redacted some information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.





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To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty, we are able to confirm that there are many thousands of emails and documents associated with Betteshanger Colliery. This was explained in our previous response to you (ref RFI4531).

We note that while you requested a specific email, you didn't state what it was you were seeking to find in the email. As you indicated in request RFI4531, you already have the Section 106 Agreement dated 13th August 2004 between Dover District Council, the South East England Development Agency (SEEDA) and Kent County Council.

We do hope the email we have supplied is useful to you. We acknowledge that there is no duty placed upon you in legislation to explain why you have requested the information, however it may be of mutual assistance if you could tell us if there is a particular part of the development process you are interested in, or a particular issue so that we can more efficiently locate the requested information.

Should you need further assistance we recommend reading the ICO guidance on requesting information:

<https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>





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Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

Information Governance Team
Homes England
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL
United Kingdom

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





Homes England

Date: 23 January 2024

Our Ref: RFI4576

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Betteshanger Colliery
Date: 04 June 2008 12:17:48
Attachments: [Betteshanger letter \[REDACTED\]. \[REDACTED\] 15Oct2007.doc](#)

[REDACTED],

I note your comment about about the issuing of letters on the discharging of conditions, from our records we must concur with Rummey Design Associate comments in that we have very little correspondence on file in support of the clearing of the conditions you refer. Before we can consider payment we would need evidence, by copy of the original letter, that new correspondence may be required.

In respect of Condition 26, I enclose a copy of my letter previously sent to you on 15th October 2007.

With regard to the meeting this has been requested by [REDACTED] and is being coordinated by [REDACTED] on his behalf. If you do not see the need then can I request you liaise with [REDACTED] as it will save both SEEDA and their consultants, both time and travel.

Regards

[REDACTED]

[REDACTED]
Senior Project Manager

SEEDA
The Observatory
Brunel
Chatham Maritime
Kent
ME4 4NT
Tel [REDACTED]
Dir [REDACTED]

From: [REDACTED]
Sent: 02 June 2008 09:40
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Betteshanger Colliery

[REDACTED],

I note that [REDACTED] email was initially sent to [REDACTED]. I presume that this was an inadvertent slip of the finger but, for the record, [REDACTED] has no responsibilities relating to the planning side.

I will copy to [REDACTED] any letters relating to conditions already discharged and which I referred to in my previous email. If you need anything further (such as a new letter) on these conditions and any others where details have been discharged, we will need to charge £85 in accordance with the recent changes in the Fees Regulations.

While I note your reference to a meeting, this will only be necessary in my view if it serves a clear

planning purpose which cannot otherwise be met. You will be aware that I am pursuing all of the conditions which I previously identified; indeed, I have already had some responses and good progress is being made. I am not clear how a meeting would accelerate this process.

■

From: ■
Sent: 30 May 2008 17:20
To: ■
Cc: ■
Subject: FW: Betteshanger Colliery

■,

I enclose a copy of the e-mail sent from ■ at Rummey Design Associates to ■ in response to your e-mail regarding the clearing of the planning conditions on Betteshanger.

I believe provisional dates are being coordinated by DDC for a joint meeting to clear outstanding matters.

Regards

■

■

Senior Project Manager

SEEDA

The Observatory
Brunel
Chatham Maritime
Kent
ME4 4NT
Tel ■
Dir ■

From: ■ [mailto:■@rummey.co.uk]
Sent: 30 May 2008 16:11
To: ■ [mailto:■@dover.gov.uk]; ■ [mailto:■@dover.gov.uk]; ■
Cc: ■
Subject: Re: Betteshanger Colliery

■

What our client needs is a letter from DDC headed paper discharging the Conditions that you have identified as having been cleared. This is for legal reasons that then enable SEEDA to market the plots for development at Betteshanger.

I have no written record of the conditions that you have identified below as being approved. Please can we arrange a meeting to discuss asap.

Regards

■

On 29/5/08 16:30, ■ [mailto:■@rummey.co.uk] wrote:

From: [REDACTED]@dover.gov.uk]
To: [REDACTED]@seeda.co.uk
Cc: [REDACTED]@dover.gov.uk], [REDACTED]
[REDACTED]@dover.gov.uk], [REDACTED]@seeda.co.uk,
Sent: Tue, 27 May 2008 16:18:12 +0100
Subject: Betteshanger Colliery

Dear [REDACTED]

[REDACTED] has passed to me your letter of 16 May 2008 with attachments. I am sorry for the lengthy delay in replying to previous correspondence. I can only plead other priorities and the rapid march of that seemingly diminishing resource of time!

The conditions on the planning permission granted in 2004 (and, more particularly, those concerning the initial infrastructure works and the works on the former tip) have, of course, been the subject of lengthy correspondence and negotiations hitherto, in particular between myself and [REDACTED]. My first step, therefore, has been to review my own records of what has previously been approved, for I had thought that very little remained outstanding.

Working through the conditions highlighted as outstanding on [REDACTED] spreadsheet, my comments are as follows:

- Condition 5 (Roundabout and highway construction details) was previously noted on an earlier version of the spreadsheet as "cleared" with no reference to formal approval being awaited. Indeed, the condition required no further submissions or approvals. [REDACTED] and I agreed long ago that nothing was outstanding on this condition.
- The details pursuant to Condition 6 (Wildlife tunnels) were approved long ago in my letter of 27 May 2005 to [REDACTED]. This condition was also previously recorded as "cleared" and I cannot understand, therefore, why you state that you still await a response..
- I had previously agreed with [REDACTED] that the details pursuant to Condition 7 (Additional contaminants) would be submitted as and when required in accordance with the condition. [REDACTED] subsequent letter of 6 November 2007 refers. I am following this up with my colleague, [REDACTED], who deals with contaminated land matters but who is currently on leave. I hope to reply to [REDACTED] shortly.
- Condition 9 (Enclosure and boundary treatments) was one of the outstanding matters from my earlier discussions with [REDACTED] (letter dated 27 May 2005 to [REDACTED] and his reply of 13 June 2005 refer).
- There is a note on the earlier spreadsheet that Condition 16 (Roundabout and highway drainage) had been "cleared". However, in correspondence with [REDACTED], he sent plans specifically relating to this condition with his letter of 5 December 2005. These details were forwarded to the Environment Agency on 16 December 2005. In response, the Environment Agency referred to the possibility that breaches of planning conditions had occurred. On both this condition and condition 43 I asked for elaboration and suggested that the Agency sought to resolve the matter direct with [REDACTED]. No reference was made, however, to condition 16 in the letter dated 20 February 2005 from the Environment Agency.
- The details pursuant to Condition 23 (Nature Conservation

Management Plan) were submitted by [REDACTED] with his letter dated 27 July 2007. I note that I effectively asked for it in my letter dated 27 May 2005 to [REDACTED] when it was already overdue and I pointed out the shortcomings in the details which had been submitted relating to this condition. I recall that it was delayed by the need to await the implementation of the approved landscape scheme. I am liaising with [REDACTED], our Senior Ecologist, on this submission and hope to revert to [REDACTED] shortly.

- I do not recall receiving any details pursuant to Condition 26 (Opening times of spoil tip facilities). [REDACTED] and I had previously agreed that submission of these could await a later date.
- Essentially the position with Condition 29 (Remediation measures) is as for Condition 7; I am liaising with [REDACTED] and will respond to [REDACTED]
- Condition 32 (Enclosure and boundary treatments) is as per condition 9.
- Condition 43 (Foul and surface water drainage) was also outstanding (letter dated 25 May 2005 to [REDACTED] refers; in reply, [REDACTED] stated *"Details...have been submitted relating to drainage for roads and hardstandings. Plot development is not part of these works."*). The details received with [REDACTED] letter of 5 December 2005 in connection with condition 16 were also considered to relate to this condition and the views of the Environment Agency were sought accordingly. The response on this condition also referred to possible breaches of conditions and I suggested seeking to resolve the matter as per condition 16. The subsequent letter from the Environment Agency dated 9 February 2006 (which also referred to condition 54) was copied to [REDACTED] with my letter of 20 February 2006. I am aware of subsequent correspondence between the Environment Agency and [REDACTED]; on 5 June 2006 I was advised by the Agency that information was
- I checked with [REDACTED] on 11 October 2005 whether he had been involved in connection with Condition 56 (Archaeology). He sent an interim reply on 25 November 2005 in which he referred to having agreed a method and timetable concerning excavation but had not seen a final report.
- [REDACTED] and I agreed previously that no further action was needed over Condition 57 (materials brought in from elsewhere).

At this stage, I have not checked whether any other conditions are outstanding. However, could I draw your attention to the following:

- The planning permission for the temporary visitors' centre expired on 30 November 2007. I am not aware that an application has been made either for its retention or for its replacement by an alternative building.
- The S106 Agreement which accompanied the 2004 permission

Incidentally, given the efforts which we have put in to resolving the conditions on the permission for Betteshanger and the charges which we now impose for discharging conditions, may I suggest that you submit a greater level of detail on any future such submissions.

Yours sincerely,

[REDACTED]
Development Control Manager
01304 872461

██████████@dover.gov.uk

This e-mail, including any attachments, is intended for the above addressee.

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██████████
for and on behalf of:

Rummey design

South Park Studios South Park Sevenoaks Kent TN13 1AN

t ██████████ f ██████████
e ██████████@rummey.co.uk w www.rummey.co.uk

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Please consider the environment before printing this email.

As a public authority, please note that all documentation held by SEEDA is subject to the Freedom of Information Act 2000.

SEEDA is the Government funded agency responsible for the sustainable economic development and regeneration of the South East of England - the driving force of the UK's economy.

██████████
Dover District Council
Planning and Technical Services Department
White Cliffs Business Park
Dover Kent
CT16 3PG

15 October 2007

Dear ██████████

**Betteshanger Colliery and Tip:
Planning Application DOV/02/0905**

We confirm that in accordance with Condition 26, the opening hours for the Country Park, constructed on the former colliery tip site, are from dawn to dusk with seasonable adjustment taking into account the clock change from GMT to BST etc, the overnight camping area, car park and visitors centre being excluded.

Yours sincerely

██████████
████████████████████

c.c ██████████
████████████████████