

**From:** Andy  
**To:** Democratic Services  
**Cc:** Andrew Perman  
**Subject:** Fwd: 19/00660/LAPRE - Lullingstone Castle Lullingstone Lane Eynsford Kent DA4 0JA  
**Date:** 30 May 2019 14:34:39  
**Attachments:** A225 - Castle Approach Junction.png

---

Hi Holy,

I have only just been informed that the email below needs to go to yourself as well. I would like it to be included in the hearing tomorrow as it raises some genuine concerns which I believe need addressing.

Belinda Carrick has already submitted a request to you for myself to make representations on her behalf at the licensing hearing tomorrow. If I had known previously that I needed to make an objection to be able to make my own representation then I would have done so however this whole process has been rushed and therefore left me, with little knowledge of the process, feeling very pushed out and ignored.

Best wishes,

Andrew Perman  
[REDACTED]

Begin forwarded message:

**From:** Andy [REDACTED]  
**Subject:** Re: 19/00660/LAPRE - Lullingstone Castle Lullingstone Lane Eynsford Kent DA4 0JA  
**Date:** 30 May 2019 at 13:28:48 BST  
[REDACTED]

Hi David,

I am Andy's immediate neighbour and the partner of Belinda Carrick who has nominated me to represent her at the licensing hearing tomorrow.

With regards to the notice period, I drive up and down Lullingstone Lane several times a day, every day, and was not aware of the notices being displayed prior to the 17th April 2019.

Your email states - what prejudice is likely to have or have not been experienced if the notices were not affixed on the correct date. I think that the fact we are having this conversation now two days before the event is due to take place and you are unable to provide pieces of evidence for which it is your responsibility to gather and make available just goes to show how important it was that the notices were displayed at the correct time and why there is a minimum 28 days required (to the best of my knowledge) by law.

I am shocked that, by your own admission, the correct name was not displayed in several places on the application form and on the public notice. On one I could understand as an oversight but on several, also, is it not your responsibility to make sure that important things like company name are correct and match details like the company number and directors?

With regards to acknowledging that the application form had not been published in full on your website this shows yet another 'mistake' and thank you for your apology.

You said in your email that the Council 'understands' that the public notice was indeed published in a local newspaper and that the Council did take a copy of this newspaper but you are currently unable to provide the details of which newspaper this was and when, however, you will try and find it in time for the hearing. Sorry for being blunt here but I cannot take your word for this and neither should I have to, it stands to reason that as much as you are asking 'us' to provide evidence of the notices not appearing when they should have rather than requiring proof from the applicant, this is one thing for which 'you' can provide absolutely unquestionable proof that this requirement of the notice was displayed correctly and yet you are unable to provide this. If this is not available at the hearing and be in a manner that we can confirm then the notice was not served correctly. To me this is very important as you mention "what prejudice is likely to have or have not been experienced if the notices were not affixed on the correct date." and by not actually displaying the notice at all in a local paper means that anyone with possible objections who did not happen to frequent Lullingstone Castle from the date the notices were displayed, which you have a duty to gather and address, would not have even been made aware of the application and be able to make their lawful objection.

I am quite concerned at this point that there is a catalogue of errors with this application with each one a possible reason to reject the application and yet you have shown a dogged determination to proceed to the extent that I must strongly question whether you have shown any requirement to be fair and balanced and rather are siding completely with the applicant.

I have several other major concerns which you may have been able to fully answer with the benefit of an extra week, a few of these are serious safety issues which I think you need to address as a matter of urgency, I have highlighted these in red:

**Siting of Toilets** - it looks like these will be right outside (within 1-2 metres) of my kitchen, dining room, lounge and bedrooms. While the plan does not state how many toilets are planned it does say that he is expected upwards of 2500 people at any one time. I would anticipate this would fill the area of grass outside my windows fully.

**Access for residents** - we have had no notification of whether we will be stopped traveling down the lane to get back to our houses bearing in mind traffic is being restricted. In several documents it has been said that due consultation with the residents will take place but no one has spoken to either myself or my partner, not even once.

**Amendments to plan** - the diagram showing the amendments to the plan are in such a low resolution that they are unreadable. How can you submit a plan that cannot be read properly.

**Fire Exit** - One of the few things that are readable on the new plan and have not changed from the old plan even though an objection has been submitted is the fire exit that goes through my property. I have not been asked, permission has not been granted and all access points through my property will be chained shut and unavailable.

**Access**, I have included a diagram showing the accidents for the last 5 years, a summary and also some photographs of pedestrian access (these are on a second email). I think this will be an issue for the highways agency and the police and as far as I know a plan should have been submitted along with a detailed risk assessment. I also wonder whether it is a legal requirement to obtain a license to manage the traffic on public roads especially main A roads such as the A225 especially considering the demarcation point was the exact same point as a fatality in Nov 2017.

The A225 is a fast and dangerous road from just before Castle Road down to Eynsford railway station and this is demonstrated by the fact there have been many accidents along this relatively short stretch. It is planned that a double decker bus will ferry large numbers of the public from Eynsford (where they will park if coming by car or by train) and will deposit them at the entrance to the Lullingstone Driveway whereupon it will turn around and complete this journey every 15 minutes throughout the day until 4pm. I have attached a graphic that details accidents that have occurred at the very point of demarcation including a fatality that occurred on the exact same spot in Nov 2017. It is worth noting this is a very fast road (60mph), there is a bend in the road as you approach the demarcation point and on top of this the bus will have to turn around in the road to go back into Eynsford and get more passengers (there is not enough room to turn a bus around in the entrance to the driveway). There is no mention in any plan on how the traffic should be controlled on this road to facilitate the manoeuvring of this vehicle safely apart from a couple of traffic marshals. It is my understanding that marshals can direct the traffic if they have been trained properly, have the necessary qualification, a risk assessment has been carried out and a traffic plan implemented and I am unsure at this stage whether a license needs to be issued by the highways agency to allow this to take place on a public road. On speaking with the Highways Agency and the Fire Brigade both suggested that traffic lights with signage for a considerable distance up and down the road would be more than sensible.

**Pedestrian access** - It has been stated in the event plan that the public will arrive by train and walk to the venue. This is along the A225 which has no pavement but just a grass verge which is single track and in a few places require walking along the road. This will be the route for many people including parents with their children, some will

invariably be of a very young age as this is a family event and in my opinion is a completely unacceptable risk. Again I am not aware of any risk assessment being carried out and supplied for scrutiny.

It has also been brought to my attention that the bus will stop at 4pm, the event finishes at 9pm. An obvious question is how will those that have parked in Eynsford or arrived by train get back to their cars/train? The only route is to walk along the A225.

In summary on this point, there is no mention in any plan I have been given/seen (including the traffic management plan) on how the traffic should be controlled on this section of road to facilitate the manoeuvring of this vehicle safely or to mitigate any of the risks posed to pedestrians and other road users. I have received nor seen any copy of any risk assessment concerning this and can only assume one has not been carried out, as such I do not believe that due diligence has been carried out either by the event planners or Sevenoaks Council on this.

I have also spoken to Kent Fire & Rescue who sent a fire engine from Sevenoaks to check on access for emergency vehicles but anything they recommend are only that, recommendations and they have no power of enforcement. As such they stated that they consider this to be an unsuitable venue but would have to deal with whatever arose as best they could.

**Evacuation plan** - a plan has been carried out though I do not believe that due care has been taken to look properly at the exit routes.

The first exit is through the gatehouse, this is residential and not sure if that has any bearing on it being a viable exit route.

The second is via the vehicular exit from the grounds which is through an automatic black wooden gate, this is not a pedestrian route and so does not have the necessary safety features on the gate mechanism required if it is used for pedestrian access for the public.

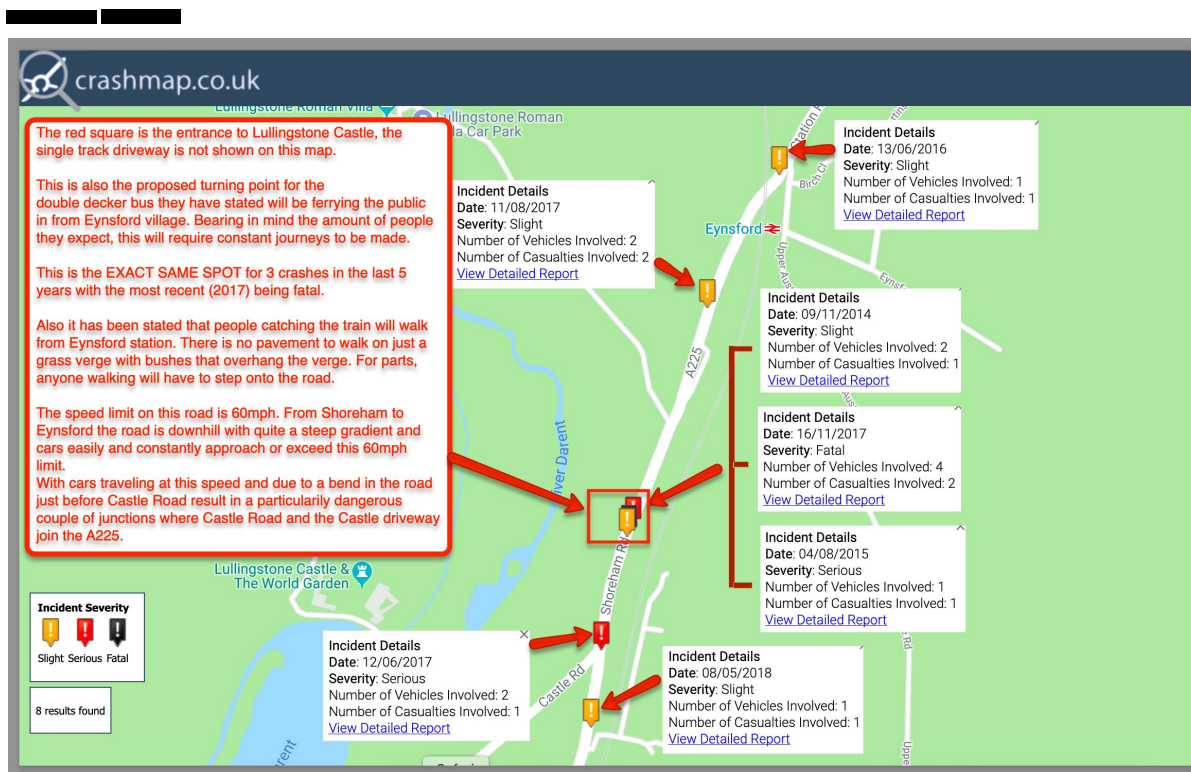
The third is the walkway bridge over the river, this is open on both sides with gaps large enough to fit a fully grown man through easily let alone a child. As such I believe that the bridge itself should have a risk assessment carried out on it and work carried out to minimise any risk, I am not aware of any such assessment having been carried out and have not seen it in any plan.

I have included the summary of crashes over the last few years, I have attached further photos regarding access and the siting of toilets in a second email as this one was getting a bit large.

Please can you acknowledge receipt of this email and the one following with further images.

Best wishes,

Andrew Perman



On 30 May 2019, at 11:44, Andrew Baker [REDACTED]

Sent from my iPad

Begin forwarded message:

**From:** David Lagzdins [REDACTED]  
**Date:** 29 May 2019 at 21:24:28 BST  
**To:** [REDACTED]  
**Subject:** 19/00660/LAPRE - Lullingstone Castle Lullingstone Lane Eynsford Kent DA4 0JA

Dear Mr Baker

Thank you again for the letter received last week concerning the above licensing application. We thank you for bringing these issues to our attention.

We note your concerns that the licensing hearing should not go ahead. Below, we have endeavoured to consider carefully the issues which you have raised. We would draw your attention, in particular, to our response relating to the notice period.

Notice Period and Prejudice

You have raised a concern that the blue notices around the premises may not have been put up at the appropriate time. Given this concern

we are asking and would welcome the parties to the hearing to make submissions as to:

- i. what evidence (or understanding) parties have as to when the notices were put up; and
- ii. what prejudice is likely to have or have not been experienced if the notices were not affixed on the correct date.

The Hearing would intend to consider this aspect as a preliminary matter and to consider whether it is appropriate for the application then to be considered itself.

We appreciate that some information has already been sent to the Council on this matter. However, we would ask that all parties be prepared to make submission on this issue.

In my telephone call with Mr Giles earlier he asked whether the notice requirements should be met absolutely, that is that any failure to abide by part of the notice requirements should make the application invalid. Our understanding (taking account of cases such as *R (Akin (trading as Efes Snooker Club)) v Stratford Magistrates' Court* [2014] EWHC 4633 (Admin) or *R v Secretary of State for the Home Department, Ex p Jeyanthan* [2000] 1 WLR 354) is that we must consider

1. Is the statutory requirement fulfilled if there has been substantial compliance with the requirement and, if so, has there been substantial compliance in the case in issue even though there has not been strict compliance? (The substantial compliance question.)
2. Is the non-compliance capable of being waived, and if so, has it, or can it and should it be waived in this particular case? (The discretionary question.)
3. If it is not capable of being waived or is not waived then what is the consequence of the non-compliance? (The consequences question.)

In this we are focussing on the issues of what the purpose of the notice was (i.e. to make the public aware of the application) and - if the requirements were not met - what prejudice has been suffered by this failure to meet the requirements.

#### Name of the Company

We understand that in several places on the application form and on the public notice the applicants stated an incorrect company name.

We consider that this was an error by the applicants. However, we also consider that as a Council we had reasonable certainty over the identity of the applicant. The application form stated a registered company number whose registered address matched the address submitted and who also had a director which matched the director stated on the form. We believe that the application was made by Kent Foodfest Limited (co. no. 09837484).

We note that each case cited on this issue related to interpretation of Section 123 of the Magistrates' Court Act 1980, which does not apply here. We also feel that there may have been some misunderstanding of paragraph 68 of the *Essence Bars* case (for which we would also direct you to paragraph 72 of that case). We do not believe this is a question of changing the applicant and we do not feel that the caselaw raised is directly analogous. In any event, we feel that the identity of the applicant has been and remains certain to the Council.

We acknowledge that the application form had not been published in full on our website. We apologise for that oversight. However, we have endeavoured to provide the information once requested.

#### Validation

As a point of information, we would like to clarify that the application in February was not withdrawn, but it was invalidated.

#### Publication in a Newspaper

The Council understands that the public notice was indeed published in a local newspaper. The Council did take a copy of this newspaper. However, further to our telephone call I am currently unable to provide the details of which newspaper this was and when. We will try to make this information available in time for the hearing.

We thank you again for bringing your concerns to our attention. Please feel free to get in touch if there are any issues arising from this email which I can assist with.

Regards

David Lagzdins  
Senior Solicitor  
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG  
Tel: 01732 227350  
DX 30006 SEVENOAKS  
Email: [REDACTED]  
Online: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

This email and any files transmitted with it are private and confidential and may be subject to legal professional privilege. It may not be disclosed to or used by anyone other than the intended recipient without the sender's express consent.

If you have received this email in error, please advise the sender as soon as possible and permanently delete this email.

<image001.jpg>



This email may contain privileged/confidential information. It is intended solely for the person to whom it is addressed. If you are not the intended recipient you may not copy, deliver or disclose the content of this message to anyone. In such case please destroy/delete the message immediately and notify the sender by reply email. Opinions, conclusions and other information in this message that do not relate to the official business of Sevenoaks District Council shall be understood as neither given nor endorsed by the Council. All email communications sent to or from Sevenoaks District Council may be subject to recording and/or monitoring in accordance with relevant legislation.

How do we handle your data? Would you like to [unsubscribe from our emails?](#)

Visit the Council at [WWW.SEVENOAKS.GOV.UK](http://WWW.SEVENOAKS.GOV.UK)