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**Eversheds Sutherland  
(International) LLP**

Your Ref: POWERLA/163931.010070

Our Ref: APP/U2235/W/23/3321094

Date: 13<sup>th</sup> September 2023

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Dear Sir,

**Town and Country Planning Act 1990**

**Appeal by: Statkraft UK Ltd**

**Site Address: Land North Of Little Cheveney Farm, Sheephurst Lane,  
Marden**

Thank you for your Planning Appeal. I am the case officer, if you have any questions, please contact me. I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

If you have not already sent copies of your appeal form(s), **full** statement of case, draft statement of common ground and other relevant documents to the local planning authority (LPA), please do so immediately.

**The procedure and the starting date**

The appellant has requested the Inquiry procedure. In accordance with s319A of the Act we have applied the criteria and considered all representations received, including the appellant preferred choice. We consider the Inquiry procedure to be suitable

The Independent Review of Planning Appeal Inquiries has been published and the Planning Inspectorate is now implementing some of the recommendations, where we can and in line with our Action Plan (hyperlinks below).

<https://www.gov.uk/government/publications/independent-review-of-planning-appeal-inquiries-report>

<https://www.gov.uk/government/news/16-out-of-22-rosewell-recommendations-implemented-as-planning-inspectorate-publishes-updated-action-plan>

The date of this letter is the **starting date** for the appeal(s). The timetable for the appeal(s) begins from this date.

### **The Inspector and Inquiry date**

The Inspector appointed to decide the appeal is P Major BA(Hons) DipTP MRTPI and the inquiry will open at **10.00am** on 16<sup>th</sup> January 2024. We have currently scheduled 6 sitting days.

The Inspector will hold a case management conference with the main parties on Teams (Inspectorate hosted), on 10<sup>th</sup> November 2023 at 10am. More details will follow including an agenda and details of how to call in. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if at all possible. Please can you provide the name and email address of your spokesperson 7 days before the case conference, along with the names/email addresses of any other participants.

In advance of the case management conference, parties are requested to focus only on the matters that are in dispute and give detailed consideration as to exactly what topics could most efficiently be dealt with as a round table discussion at the inquiry (or even just by written submissions) in order to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the conference. In light of the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

### **Sending documents to us, and looking at the appeal**

A timetable for some elements of your case is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk/>

If emailing documents, please use the email address above. If posting documents please send 2 copies of everything. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

## **Keeping to the timetable**

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

### **By 20<sup>th</sup> September 2023**

The LPA should send us and you a copy of their completed appeal questionnaire and supporting documents.

### **By 18<sup>th</sup> October 2023**

The LPA should send me 2 copies of their statement and they should also send a copy to any statutory parties. I will send a copy of any LPA statement to you. I will also send a copy of any comments I receive from other interested persons or organisations to both you and the LPA.

The LPA must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed, but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

### **By 26<sup>th</sup> December 2023**

You and the LPA must send me 2 copies of your proof of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A proof of evidence is a written statement that you, the LPA or a witness wants the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

## **Planning obligations - section 106 agreements**

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry opens.

## **Statutory parties**

'Statutory parties' are owners or tenants of the application/appeal site who made comments within the time limit on the application, or who do so on appeal. You will be able to confirm whether there were any statutory parties at application stage by checking the LPA's questionnaire. You must send any statutory party a copy of your full statement of case as soon as is practicable.

## **Withdrawing your appeal**

If you decide to withdraw your appeal, please contact me immediately on the telephone number or email address provided. You must confirm your decision in writing and it would be helpful if you could provide reasons why you are withdrawing.

## **Costs**

Costs can be awarded in this type of appeal. Details of this can be found on GOV.UK: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. **You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs.** You should be aware that withdrawal at any stage in the proceedings without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

## **The Appeal decision**

The decision is expected to be issued on or before 26<sup>th</sup> January 2024.

## **Further information**

Further information about the appeals process can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours faithfully,

John Legg  
Inquiries & Major Casework

The Planning  
Inspectorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Email: [john.legg@planninginspectorate.gov.uk](mailto:john.legg@planninginspectorate.gov.uk)  
Telephone: 0303 444 5244

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**Maidstone Borough  
Council**

Your Ref: 22/501335/FULL

Our Ref: APP/U2235/W/23/3321094

Date: 13<sup>th</sup> September 2023

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Dear Sir,

**Town and Country Planning Act 1990**

**Appeal by: Statkraft UK Ltd**

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The Inspector appointed to decide the appeal is P Major BA(Hons) DipTP MRTPI and the inquiry will open at **10.00am** on 16<sup>th</sup> January 2024. We have currently scheduled 6 sitting days.

Please can the LPA secure a suitable venue as soon as possible and provide details.

The Inspector will hold a case management conference with the main parties on Teams (Inspectorate hosted), on 10<sup>th</sup> November 2023 at 10am. More details will follow including an agenda and details of how to call in. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if at all possible. Please can you provide the name and email address of your spokesperson 7 days before the case conference, along with the names/email addresses of any other participants.

In advance of the case management conference, parties are requested to focus only on the matters that are in dispute and give detailed consideration as to exactly what topics could most efficiently be dealt with as a round table discussion at the inquiry (or even just by written submissions) in order to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the conference. In light of the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

### **Sending documents to us and looking at the appeal**

A timetable for some elements of the case is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

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If emailing documents, please use the email address above. If posting documents (other than the Questionnaire) please send 2 copies of everything. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

## Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

### By 20<sup>th</sup> September 2023

Using the model notification letter at the following link <https://www.gov.uk/government/publications/model-notification-letter-for-planning-appeals> you must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and the appellant(s) and will be considered by the Inspector (unless they withdraw them within the 5 week deadline). If they want to make any additional comments they must submit 3 copies within 5 weeks of the starting date, **by 18<sup>th</sup> October 2023**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by Inquiry' either free of charge from you, or on GOV.UK <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>;
- v) that the decision will be published on GOV.UK.

You must send a copy of a completed appeal questionnaire and supporting documents, a copy of your notification letter and a list of those notified to the appellant and me.

### **By 18<sup>th</sup> October 2023**

Please send me 2 copies of your statement giving **full** details of the case you will put forward at the inquiry including any documents, maps or plans you intend to refer to or use in evidence. The appellant may require you to send any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send a copy of your statement to the appellant(s) and you must send a copy of your statement to any statutory parties. I will also send you and the appellant a copy of any comments received from other interested persons or organisations.

You must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

You must allow anyone who wants to inspect the appeal documents a reasonable opportunity to do so. Your statement must say when and where this can be done.

### **By 19<sup>th</sup> December 2023**

You and the appellant must send me 2 copies of your proof(s) of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A 'proof of evidence' is a written statement that you, the appellant or a witness wishes the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

### **By 26<sup>th</sup> December 2023**

Please send a copy of the LPA inquiry notification letter.

### **Planning obligations - section 106 agreements**

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry opens.



## **Statutory parties**

'Statutory parties' are owners or tenants of the application/appeal site who made comments within the time limit on the application, or who do so on appeal. You must give details of any statutory parties at application stage on the questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due.

## **Withdrawing the appeal**

If you hear that the appeal(s) is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

## **Costs**

The appellant(s) has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

## **The Appeal decision**

The decision is expected to be issued on or before 26<sup>th</sup> January 2024.

## **Further information**

Further information about the appeals process can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours faithfully,

John Legg  
Inquiries & Major Casework