

Decision Notice

MC/20/1075



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

Applicant Name:
Planning Inspectorate

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment &
Transformation
Gun Wharf
Dock Road
Chatham
Kent
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Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Wheelabrator Kemsley (K3), Land To The East Of DS Paper Mill , North Of Kemsley , Sittingbourne , Kent

Proposal: Consultation from the Planning Inspectorate on a request under the Planning Act 2008 Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 (Rule 9) regarding the examination procedure for KEM3-SP016 - Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste to energy facility in Swale

I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

- 1 The current consultation relates to procedural matters on how best to proceed with the examination of the proposal regarding issue specific hearing and other examination matters. This is because Covid-19 has meant that usual procedures cannot be followed. As Medway Council had no objections to the application it has no comment on these subsequent detailed matters.

Your attention is drawn to the following informative(s) :-

- 1 This decision relates to the letter from the Planning Inspectorate dated 6 May 2020 reference EN10083.



David Harris
Head of Planning
Date of Notice 19 May 2020

**TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS)
(ENGLAND) (AMENDMENT) (REGULATIONS 2013)**

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.