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Your Ref:

Published only

Our Ref: EN010090

Date: 3 September 2018

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Dear Sir/ Madam

## **The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)**

### **Application by DS Smith Paper Ltd for an Order Granting Development Consent for The Kemsley Mill K4 Combined Heat and Power Generating Station**

#### **Examining Authority's Agenda for Open Floor Hearing**

Further to the procedural decision and timetable enclosed with my Rule 8 letter of 24 July 2018, notifying you of the times, dates and locations associated with the Examination of this application, I am now providing my agenda for the Open Floor Hearing (OFH) to be held at the Coniston Hotel (Holiday Inn), from 7.00pm on Wednesday 12 September 2018. The agenda included at **Annex A**, identifies the Applicant (DS Smith Paper Ltd) and other Interested Parties (IPs) that I have invited to attend the OFH.

IPs who wish to speak on subject matters not on the agenda for Issue Specific Hearings (ISH) scheduled for 13<sup>1</sup> and 14<sup>2</sup> September 2018, should attend and participate in the OFH, where they are entitled to raise important and relevant matters.

Any IPs that wish to participate in the OFH should notify the Planning Inspectorate indicating the issues that they wish to speak about no later than **midday on 10 September 2018** using the contact details above. Please ensure that you include your IP reference number in your correspondence.

Planning Inspectorate staff will be available at the venue for half an hour before the hearing commences. It is helpful if intending participants make themselves known to staff during this time. The OFH will be open to the public and anyone wishing to attend to observe may do so.

The examination timetable provides for the possible holding of further hearings on 6 and 7 November 2018. If I decide to proceed with these further hearings, I will write to you separately to provide formal notice.

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<sup>1</sup> Issue Specific Hearing (ISH2) on Environmental matters, Landscape & Visual, Ecology, Air Quality and other matters

<sup>2</sup> Issue Specific Hearing (ISH3) on the draft Development Consent Order

Agendas for any further hearings that I might hold would be provided for, at least 1 week in advance of such hearings and published on the project page for the Kemsley Mill K4 Combined Heat and Power Generating Station of the National Infrastructure website, which can be accessed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/kemsley-paper-mill-k4-chp-plant/?ipcsection=overview>

If you have any further queries, please do not hesitate to contact the case team using the above address, email address or telephone number.

Yours faithfully

*Kevin Gleeson*

**Examining Authority**

**Annex A**      Agenda for the Open Floor Hearing (OFH)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## **Kemsley Mill K4 Combined Heat and Power Generating station - Open Floor Hearing (OFH)**

This document sets out the agenda for the Open Floor Hearing (OFH), which I notified all Interested Parties (IPs) of in my Rule 8 letter of 24 July 2018 in **Annex C**.

**Date:** 12 September 2018  
**Time:** 7.00pm, room opens from 6.30pm  
**Venue:** **The Coniston Hotel (Holiday Inn),**  
70 London Road,  
Sittingbourne  
ME10 1NT

**Access and Parking:** Free parking available on site

### **Purpose of the Open Floor Hearing**

The OFH is held to discharge the Examining Authority's (ExA's) duty to hear Interested Parties (IPs) who request to be heard.

### **Participation, conduct and management of hearing**

All IPs who wish to make oral representations are invited to participate in the hearing, attending at the appointed start time of 7.00pm. Participation is subject to the ExA's power to control the hearing. However, this hearing does not have a subject matter controlled agenda and participants may bring up any matter arising from the application that is also important and relevant to a decision taken under the Planning Act 2008 (as amended) (PA2008). Participation is therefore of most relevance to IPs who wish to raise matters that are not addressed in the agenda for an Issue Specific Hearing (ISH).

At this stage, no formal requests to be heard have been received. However, I have made a procedural decision to hold an OFH to provide any IPs an opportunity to make their oral case at this public hearing.

The ExA requests that DS Smith Paper Ltd (the Applicant) attends the hearing. The Applicant may be asked by or through the ExA to address questions raised by any IPs and will be provided with an opportunity to respond to IPs written and oral cases.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and IPs may attend with expert advisers, but IPs may participate without expert advice.

Guidance under the PA2008<sup>3</sup> and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

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<sup>3</sup> DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', March 2015.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. IPs should note that it is not normal procedure at an OFH for an ExA to permit the cross-questioning of an unrepresented IP by the Applicant or the Applicant's representatives.

The agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all IPs have made their oral representations and responded to the ExA's exploration of the matters arising from them.

If by ten minutes after the conclusion of Agenda item 2, no IPs have attended and sought a hearing in relation to any of the remaining agenda items, the ExA is entitled to conclude that none wish to do so and may then close the hearing with immediate effect.

## **Agenda for the Open Floor Hearing**

### **1. Welcome, introductions and arrangements for this Open Floor Hearing**

### **2. Representations by any Interested Parties**

Each Interested Party (IP) in attendance and wishing to speak will be invited to put oral submissions to the ExA. A time guide of ten minutes per IP will be applied to these submissions.

The ExA may ask questions of the IP and the Applicant about matters arising from written and oral submissions.

The Applicant will be provided with a summary right of reply. A time guide of three minutes will be applied to these submissions.

### **3. Review of issues and actions arising**

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing.

### **4. Next steps**

### **5. Closure of the hearing**