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Robert Shala  
By email

Your Ref:

Our Ref: TR010006

Date: 29 November 2016

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Dear Mr Shala

## **Planning Act 2008 (as amended) – section 87 and section 102A**

### **Application by Highways England for an order granting development consent for the M20 Junction 10a**

#### **Request to become an Interested Party**

On 29 November 2016 we received an email from you stating that you have an interest in lands affected by the above order. Your email has been treated as an application to become an interested party under s102A of the Planning Act 2008 (PA2008).

The land within which you hold an interest is identified in your application as Wyevale Garden Centre Ashford Car Park, Hythe Road, Willesborough, Ashford, Kent, TN24 ONE. You state that you are a lessee of this land.

As the appointed Examining Authority I am required to make a decision as to whether, as a result of the information provided, your interest would fall within one or more of the categories in s102B of the PA2008. But on the basis of the information provided with your application, I am unable to come to a conclusive decision.

I therefore request from you the following information in order to assist my decision:

- Official copies of the title register and title plan (from Land Registry) detailing your interest in the land which you believe qualifies you to be a person within one or more of the categories in s102B of the PA2008.

This information should be sent to Planning Inspectorate using the details provided at the top of this letter, and marked for the attention of Richard Price, Case Manager. For your convenience s102B of the PA2008 is set out in full, overleaf:

## **102B Categories for the purposes of section 102A**

*(1) A person is within Category 1 if the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.*

*(2) A person is within Category 2 if the person—*

*(a) is interested in the land, or*

*(b) has power—*

*(i) to sell and convey the land, or*

*(ii) to release the land.*

*(3) An expression, other than "the land", that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 has in subsection (2) the meaning that it has in section 5(1) of that Act.*

*(4) A person is within Category 3 if, should the order sought by the application be made and fully implemented, the person would or might be entitled—*

*(a) as a result of the implementing of the order,*

*(b) as a result of the order having been implemented, or*

*(c) as a result of use of the land once the order has been implemented, to make a relevant claim.*

*(5) In subsection (4) "relevant claim" means—*

*(a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);*

*(b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);*

*(c) a claim under section 152(3).*

*(6) In this section "the land" means the land to which the application relates or any part of that land.*

Following receipt of the requested information, I will make a procedural decision providing notice of the decision I have made. Please be aware that this letter and any response(s) received about it will be published to the Planning Inspectorate's website and entered into the examination of the application.

Yours sincerely

*Mike Ebert*

**Dr Mike Ebert C Eng, MICE, FIC, CMC  
Examining Authority**

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.