

**APPEAL REF: APP/E2205/W/24/3352427**

**NOTES OF CASE MANAGEMENT CONFERENCE**

**Held at: 1000 hours, Monday 9 December 2024**

**Appeal brought by EDF Renewables against the decision of Ashford BC for the Installation of a solar farm with a generation capacity of up to 49.9 MW on Land South of M20, Church Lane Aldington**

**Appearances for the Main Parties at the Inquiry**

**Mr Shemuel Sheikh, Counsel** will appear for the appellants and call 3 witnesses, and others if necessary;

**Ms Annabel Graham Paul, Counsel** will appear for the Council and call 3 witnesses, and others if necessary;

**The Inquiry**

This is programmed to open at 1000 on 4 February 2025 and is scheduled to close on 12 February 2025 after 6 sitting days.

It was felt that 6 sitting days ought to be sufficient to complete proceedings.

**The Venue**

This will be the Council Chamber at the offices of Ashford BC.

The Inspector will need a retiring room and there should be provision for breakout areas for the appellants and the Council.

WiFi will be provided and remote participation and live-streaming will be possible, should the need arise.

**The Main Issues**

These come under three headings:

First there is the 'landscape issue' which can be expressed along the lines of the effect of the proposal on the character and appearance of the area but will also take in impacts on any RoW;

Second there is the 'heritage issue' which is the effect of the proposed development on the setting and thereby the significance of designated heritage assets; and

Then there is the 'planning issue' which will need to take into account the development plan and national policy, the benefits of the development, and any planning balance.

Alongside those, there is the potential for other main issues to arise, notably biodiversity, highways, and archaeology, but continuing discussions between the main parties may allow those to be addressed by conditions.

### **Inquiry Format and the Presentation of Evidence**

It was felt that there is merit in dealing with the evidence on a 'topic basis', with landscape first, then heritage, and planning last.

All evidence will be dealt with formally – there will be no 'round table' sessions as things stand.

### **Third Parties**

Setting some time aside for third parties to be heard together will be beneficial, and the Inspector intends to deal with this on Day 1 as per the timetable below.

Facilities will be put in place by the Council to allow those 3Ps who want to contribute remotely to be able to do so.

### **Timetable**

On the basis of what was discussed at the CMC the programme might look like this:

Day 1 (04/02/25): Inspector's introductory comments; Opening Statements; Third Party contributions; and Council's landscape and RoW evidence

Day 2 (05/02/25): Appellant's landscape evidence; and Council's heritage evidence

Day 3 (06/02/25): Appellant's heritage evidence; and Council's planning evidence

Day 4 (07/02/25): Appellant's planning evidence

Day 5 (11/02/25): Any further evidence; and suggested conditions;

Day 6 (12/02/25): Accompanied Site Visit; and Closings

This draft programme can be revisited after the exchange of evidence.

### **Statements of Common Ground**

A Statement of Common Ground (SoCG) between the Appellant and the Council has already been agreed but further work is underway to investigate the possibility that various matters (biodiversity, highways and so on) might be possible to deal with by condition. If an agreement can be reached, then a supplement to the SoCG can be issued.

### **Conditions and Planning Obligations**

A list of draft conditions should be prepared for discussion at the Inquiry – this can be a part of the SoCG or a separate document. The Inspector is

happy for discussions on conditions to continue up to and during the Inquiry, if necessary but it would assist if a final version could be made available by 10/02/25 at the latest.

As things stand, there is no need for any Planning Obligation.

### **Core Documents and Inquiry Documents**

A list of Core Documents can be agreed and the Council has kindly agreed to house them, alongside the Inquiry evidence (PoEs and Appendices), on the Council's website.

Inquiry documents can be added as and when they are submitted.

The Inspector will access material at the Inquiry in electronic form and will not require hard copies of the Core Documents or the various proofs of evidence and appendices. Inquiry Documents should however be handed up in hard copy.

The Inspector will also require a hard copy (at A3) of the application drawings and the visuals from the LVIA and/or HIA. These can be provided on Day 1 of the Inquiry.

### **Timetable for Submissions**

Exchange of evidence will be on 7 January 2025.

Rebuttals, if required, should be submitted by 28 January 2025.

### **Site Visits**

The Inspector will carry out an unaccompanied visit to the site and its surroundings before the Inquiry opens.

There will be an accompanied site visit after the evidence has been heard, which might be possible during the Inquiry but may need to take place after it has closed. The date of the visit and an itinerary can be agreed at the Inquiry.

### **Any Other Matters**

Nothing at present other than to say that the Inspector is happy to maintain lines of communication, as required, in the lead up to the Inquiry. The Case Officer, **Alison Bell**, will be the point of contact.

Paul Griffiths

**INSPECTOR**

10/12/2024