



GOVERNMENT OFFICE  
FOR THE SOUTH EAST

Representing Central Government in the South East

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Mr Richard Horton  
STOPKIG.org  
c/o Detling Post Office  
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Our Ref: MSU 004114/09  
Your Ref:

9<sup>th</sup> March 2009

Dear Mr Horton

Thank you for your letter of 5<sup>th</sup> March concerning the appeal against non-determination of a planning application for a rail freight terminal at the Kent International Gateway.

As I pointed out in my earlier letter the applicants have exercised their right of appeal against the non determination of this application by the local planning authority, Maidstone Borough Council. The Secretary of State for Communities and Local Government has now "recovered" the appeal for her own determination. This means that instead of writing a decision, the Inspector will submit a report with recommendations for consideration by the Secretary of State. Can I remind you that any representations on this appeal which you wish to make should be addressed to the Inspector at the Planning Inspectorate. Any further information regarding the Secretary of State's role or participation in this appeal, or the manner in which the appeal is to be determined, should be obtained from the Planning Inspectorate - the statutory body responsible for the processing of planning appeals.

I understand that the Highways Agency has raised an objection to this proposal. However, the Highways Agency does not have the power to issue an Article 14 Direction (as you appear to be suggesting). Only the Secretary of State has this power which has not been exercised in this case.

Your request under the Freedom of Information Act is being answered separately.

Yours sincerely

B J O'KEEFFE