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David Harvey
WTI/EFW Holdings Ltd (the Applicant)

Your Ref:

By e-mail only

Our Ref: EN010083

Date: 13 November 2019

Dear Sir

Planning Act 2008 (as amended) – Procedural Decision under s89(3)

Application by WTI/EFW Holdings Ltd for an Order Granting Development Consent for the Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste to energy facility

Advice following issue of decision to accept the application for examination

In undertaking checks at the acceptance stage for the above project, the Inspectorate made some observations in relation to the application and issued s51 advice in respect of these initial observations, requesting the Applicant provide clarification documents or amendments to their application documents to be submitted to the Planning Inspectorate prior to the Relevant Representation period.

The s51 advice letter and s55 checklist have been published and made available on the project page of our website.

Procedural decision following issue of acceptance decision

As the appointed Examining Authority (ExA) I have reviewed the submitted application documents received on 18 October 2019, and this letter is my notice of a procedural decision regarding the additional submissions made by the Applicant in response to [s51 advice](#) issued by the Planning Inspectorate on 09 October 2019.

The Applicant within their covering letter [AS-009] dated 18 October 2019, refers to the amended documents which address the matters raised in the Planning Inspectorate's s51 advice and summarises which documents had been submitted namely:

- S51 Application Guide [AS-001];
- S51 Application Form;

- S51 Draft Development Consent Order [**AS-002**];
- S51 DCO Validation Report [**AS-003**];
- S51 Book of Reference [**AS-004**];
- S51 Summary of Land Interests and Rights [**AS-005**];
- S51 Summary of Applicant's Structure and Standing [**AS-006**];
- S51 Consultation Report [**AS-007**]; and
- S51 Land Plan [**AS-008**]

The Applicants amended documents referenced within the Examination Library as **AS-005** and **AS-006**, responds to the Planning Inspectorates s51 advice regarding the applicant's Statement of Reason and Funding Statement, which respectively have been replaced by the S51 Summary of Land Interests and Rights and S51 Summary of Applicant's Structure and Standing. I have accepted these documents and those referenced above into the examination on 05 November 2019, which have now been published and made available on the project page of our website.

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/wheelabrator-kemsley-generating-station-k3-and-wheelabrator-kemsley-north-wkn-waste-to-energy-facility/?ipcsection=overview>

On 08 October 2019 the Secretary of State decided that the application as submitted on 11 September 2019 for the proposed Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste to energy facility satisfied the acceptance tests under section (s)55 of the Planning Act 2008 (PA2008).

I have therefore not accepted the applicants revised S51 Application Form as the Application form [**APP-003**] as submitted for Acceptance is the only form, which relates to the Application documents as submitted for the Secretary of State to consider when deciding to accept/refuse the application for Examination.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Grahame Kean

Examining Authority

This communication does not constitute legal advice.

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