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To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: EN010083

Date: 26 February 2020

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8, 9, 10, 13 and 14

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

Examination Timetable, Procedural Decisions and notification of hearing(s)

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

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

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 21 January 2020¹. In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting.

¹ Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains several deadlines for receipt of information by the Inspectorate. All deadlines are at 12 noon on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

The Planning Inspectorate will be using an electronic portal, which Interested Parties will be able to use during the Examination to make written representation submissions. The Wheelabrator Kemsley K3/WKN project page will reflect a new tab for IPs to use, "make a submission", which can be accessed using the link provided below.

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

Interested Parties are reminded that submissions per deadline is influenced by my final Examination timetable attached at Annex A. The portal operates on a system where submissions should be separated in accordance to the deadline submissions types reflected in the timetable and I therefore urge all IPs where possible to ensure you submit documents respective to the associated deadline and relevant document submission types. Where this is not possible please use the "other" drop down option.

Electronic attachments should be clearly labelled with the subject title and not exceed 50MB. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

The Inspectorate will be monitoring the use of the new submission form and therefore your feedback thereto will be greatly appreciated. Interested Parties will still be able to send, where practicable, electronic copies of their submission as email attachments to the wheelabratorkemsley@planninginspectorate.gov.uk project mailbox on or before the applicable deadline, however we would encourage you in the first instance to use the submission form.

If you experience any issues when using this portal, please contact a member of the case team to assist. Your feedback will help the Inspectorate identify and prioritise future service enhancements for our customers.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons² invited to the Preliminary Meeting. The changes will be published on the Wheelabrator Kemsley K3 and WKN project page of the National Infrastructure Planning website.

I have received a request from Minster-on-Sea Parish Council to hold future hearings in alternative venues. Details of these venues were supplied to the Planning Inspectorate after the Preliminary Meeting. I will give careful consideration to this

² Other Persons are persons that I chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

request along with the representations made by the Parish Council and others at the Preliminary Meeting.

At the Preliminary Meeting I indicated that it may be prudent to reserve an additional day for accompanied site visits should that prove necessary. I have made a Procedural Decision that this should be on 16 June 2020.

I have considered KCC's request at the Preliminary Meeting and decided to treat as important and relevant issues for the Examination matters relating to waste recovery capacity and management of waste hierarchy and related policy matters.

Other Procedural Decisions

Annex B contains important details and clarifications about my other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- **Examination Timetable;**
- **Examining Authority's Written Questions (ExQ);**
- **Statement of Common Ground (SoCG);** and
- **Local Impact Report (LIR);**
- **Habitats Regulations Assessment;** and
- **Accompanied Site Inspection**

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by Deadline 1 in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my Rule 6 letter³. Nor are they restricted to the content of my Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations "*the data, methodology and assumptions used to support their submissions*"⁵.

Further written submissions will be requested by the ExA at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be

³ [Rule 6 Letter – 21 January 2020](#)

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExA's Written Questions

I have compiled my first Written Questions (ExQ1) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010083-000600>

Answers to the ExQ1 must be provided by Deadline 2 in the Examination Timetable (**Annex A**).

If you require a hard/digital editable copy of the ExQ1s, please contact the Case Team who will send you a copy.

Hearings

I have decided to hold a series of hearings on 16th and 17th April 2020. Notice of the dates, times and places of these hearings is provided at **Annex C** along with other important information about these events including details about what Interested Parties should include in a request to be heard at a hearing and the procedure that will be followed at hearings.

The dates and times of these hearings are also confirmed in the Examination Timetable at **Annex A**, whilst also including periods of time reserved for other hearings to be held. I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Accompanied Site Inspection

Information about the Accompanied Site Inspection, scheduled to take place on **Wednesday 15 April 2020**, is also contained in **Annex B**.

Availability of application documents and representations submitted to the Examination

All documentation and audio recordings associated with the examination of this application can be found using this link:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010083/EN010083-000533-Kemsley%20K3%20-%20Examination%20Library%20\(pdf%20version\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010083/EN010083-000533-Kemsley%20K3%20-%20Examination%20Library%20(pdf%20version).pdf)

Annex D provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

Your status in the Examination

You have received this letter because you fall within one of the groups described in this FAQ document: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>

If your reference number begins with **2002** you are in Group A. If your reference number begins with **XX** you are in Group B. If your reference number begins with **XX** you are in Group C.

If having read the FAQ document published at the link above and you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁶. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published at:

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

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

⁶ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

I look forward to working with all parties in the examination of this application.

Yours faithfully

Grahame Kean

Grahame Kean, Examining Inspector

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Notice of Issue Specific Hearing under Section 91 of the Planning Act 2008, requests to appear and procedure to be followed
- D** Availability of representations and application documents

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	Wednesday 19 February 2020 (morning)
2	Issue Specific Hearing 1 (ISH1) ISH1 on the draft Development Consent Order (dDCO)	Wednesday 19 February 2020 (afternoon)
3	Issue by ExA of: <ul style="list-style-type: none"> • Examination timetable • ExA's Written Questions (ExQ1) 	As soon as practicable following the PM
4	Deadline 1 (D1) Deadline for receipt of: <ul style="list-style-type: none"> • comments on any updates to application documents submitted by the Applicant before or at the PM; • comments on any additional submissions received before or at the PM; • comments on Relevant Representations (RR); • summaries of all RRs exceeding 1500 words; • Written Representations (WRs) by all Interested Parties (IP); • summaries of all WRs exceeding 1500 words; • Statements of Common Ground (SoCGs) requested by ExA – see Annex E; • Local Impact Reports (LIRs) from any Local Authorities; • response to any further information requested by the ExA for this deadline; • post-hearing submissions including written submissions of oral cases; <ul style="list-style-type: none"> • notification by Statutory Parties of their wish to be considered as an IP by the ExA; • notification of wish to speak at any subsequent Issue Specific Hearings (ISH); • notification of wish to speak at an Open Floor Hearing (OFH); 	Monday 2 March 2020 (midday)

	<ul style="list-style-type: none"> • provision of suggested locations and justifications for site inspections for consideration by the ExA; • notification of wish to attend an Accompanied Site Inspection (ASI); and • notification of wish to have future correspondence received electronically. 	
5	<p>Deadline 2 (D2)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • comments on WRs; • comments on any SoCG; • comments on any LIRs • responses to ExQ1; • Applicant's revised dDCO; • comments on any additional information/submissions received by D1; and • responses to any further information requested by the ExA for this deadline. 	Wednesday 18 March 2020
6	<p>Accompanied Site Inspection 1 (ASI1)</p> <p>Date reserved to hold an ASI1 (if required)</p>	Wednesday 15 April 2020
7	<p>Open Floor Hearing 1 (OFH1)</p> <p>Date reserved to hold an OFH (if required)</p>	Wednesday 15 April 2020 (evening)
8	<p>Issue Specific Hearing 2 (ISH2)</p> <p>ISH2 into Environmental Issues, including traffic and transport</p>	Thursday 16 April 2020
9	<p>Issue Specific Hearing 3 (ISH3)</p> <p>ISH3 on the dDCO.</p>	Friday 17 April 2020
10	<p>Deadline 3 (D3)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • post-hearing submissions including written submissions of oral cases; • comments on responses to ExQ1; • comments on Applicant's revised dDCO; • comments on any additional information/submissions received by D2; and • responses to any further information requested by the ExA for this deadline. 	Wednesday 22 April 2020
11	<p>Issue by ExA of:</p>	Wednesday 6 May 2020

	<ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required); 	
12	<p>Deadline 4 (D4)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • responses to ExQ2 (if required); • Applicant’s revised dDCO; • Any revised/updated SoCGs; • comments on any additional information/submissions received by D3; and • responses to any further information requested by the ExA for this deadline. 	Wednesday 20 May 2020
13	<p>Accompanied Site Inspection 2 (ASI2)</p> <p>Date reserved for an ASI2 (if required)</p>	Tuesday 16 June 2020
14	<p>Issue Specific Hearing 4 (ISH4) (if required)</p> <p>Date reserved to hold ISH4 on any Outstanding Issues</p>	Wednesday 17 June 2020
15	<p>Issue Specific Hearing 5 (ISH5) (if required)</p> <p>Date reserved to hold ISH5 on the dDCO.</p>	Thursday 18 June 2020
16	<p>Deadline 5 (D5)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • post-hearing submissions including written submissions of oral cases (if required); • comments on responses to ExQ2 (if required); • comments on Applicant’s revised/updated dDCO; • comments on any revised/updated SoCGs; • comments on any additional information/submissions received by D4; and • responses to any further information requested by the ExA for this deadline. 	Wednesday 24 June 2020
17	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • Consultation on the ExA’s preferred DCO (if required); and • Report on the Implications for European Sites (RIES) (if required). 	Wednesday 15 July 2020
18	<p>Deadline 6 (D6)</p> <p>Deadline for receipt by the ExA of:</p>	Wednesday 5 August 2020

	<ul style="list-style-type: none"> • comments on the ExA's preferred DCO (if required); • comments on the ExA's RIES (if required); • Applicant's Final preferred DCO in Statutory Instrument (SI) template validation report; • Any revised/updated SoCGs; • comments on any additional information/submissions received by D5; and • responses to any further information requested by the ExA for this deadline. 	
19	<p>Deadline 7 (D7)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • comments on any revised/ updated SoCG; • comments on the Applicant's Final preferred DCO in the Statutory Instrument (SI) template validation report; • comments on any additional information/submissions received by D6; and • responses to any further information requested by the ExA for this deadline. 	<p>Wednesday 12 August 2020</p>
20	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p>Wednesday 19 August 2020</p>

Examination submissions

All Interested Parties are encouraged to make submissions for specific deadlines identified in the Examination timetable above via the Wheelabrator Kemsley K3 and WKN project webpage, using the 'Make Submission' tab, which will automatically indicate the active 'Deadline x' to which IPs must respond. This tab is now live for IPs to make submissions here:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Wheelabrator-Kemsley-Generating-Station-K3-and-Wheelabrator-Kemsley-North-WKN-Waste-to-Energy-Facility/?ipcsection=docs>

Publication dates

All information received will be published on the National Infrastructure Planning project webpage as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010083/EN010083-000533-Kemsley%20K3%20-%20Examination%20Library%20\(pdf%20version\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010083/EN010083-000533-Kemsley%20K3%20-%20Examination%20Library%20(pdf%20version).pdf)

Hearing agendas

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least seven working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites

Where an applicant has provided a No Significant Effects Report (NSER) or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its assessment under the Habitats Regulations. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the 2017 Habitats Regulations and/or Regulation 28 of the 2017 Offshore Marine Regulations.

Procedural Decisions made by the Examining Authority

I have made a number of Procedural Decisions following the Preliminary Meeting¹:

I have decided to treat as important and relevant issues for the Examination to include matters relating to waste recovery capacity and management of waste hierarchy and related policy matters.

1. Examination Timetable

I have decided that 16 June 2020 will be reserved for an additional accompanied site visit if needed.

Otherwise there is no change to Examination timetable, except that the Applicant has agreed to provide at each relevant deadline associated to their DCO a "Table of Changes to the DCO", including word version of their DCO and Explanatory Memorandum in clean and tracked change versions.

The Applicant is reminded to provide an updated "Guide to the application documents" for each deadline as requested at the PM, and to provide their ASI Itinerary by D1 for the ExA's consideration.

The ExA's decision whether to hold one or more future hearings at alternative venues requested by Minster-on-Sea Parish Council will be made following submissions received by D1.

2. Examining Authority's Written Questions

Some of my first Written Questions (ExQ1) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and I request for each to check my ExQ1s carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015².

3. Statements of Common Ground (SoCG)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. Final signed versions of the SoCGs listed below are requested to be submitted by **Monday 2 March 2020** (Deadline 1, **Annex A**).

¹ Section 89(1) of the Planning Act 2008

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

1. The Applicant and Swale Borough Council, to include:

- Development Consent Order
- Environmental Impact Assessment, including issues related to:
 - The predicted potential effects
 - Cumulative effects
- Noise and disturbance during construction, operation and decommissioning
- Landscape and visual effects
- Air quality
- Biodiversity
- Highways and transport
- Construction Environmental Management Plan.

2. The Applicant and the Environment Agency, to include:

- Development Consent Order
- Environmental Permits
- Water environment, including water quality, hydrology, discharges, drainage, flooding and the Water Framework Directive
- Air quality, ecology/habitat loss, disturbance (noise, light and visual)
- Construction Environmental Management Plan

3. The Applicant and Natural England, to include:

- Development Consent Order
- Biodiversity, including issues related to international and national designation, air quality, water quality and hydrological changes; lighting, construction noise and visual disturbance
- The need for and means of securing mitigation including the effect of the ECJ Judgment C-323/17
- Air quality
- Water Quality

4. The Applicant and Kent County Council to include:

- Development Consent Order
- Traffic and transport including Public Rights of Way
- Archaeology and cultural heritage
- Biodiversity
- Water environment including surface water flooding and drainage
- Construction Environmental Management Plan
- K3 Plans

5. The Applicant and Network Rail to include:

- Protective provisions

The SoCGs should cover the following topics where relevant:

- Methodology for Environmental Impact Assessment including assessment of cumulative effects
- Data collection methods

- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the Development Consent Order

6. The Applicant and Highways England to include:

- Traffic generation, traffic management and highway safety
- Construction effects on the surrounding strategic road network including the management of abnormal indivisible loads and Construction Traffic Management Plan
- Co-ordination with other major construction projects if appropriate
- Operational effects and Operational Traffic Routing and Management Plan

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO. Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by Deadline 6, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant** to Deadline 4. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The Applicant is reminded to also provide the ExA with updated Statements of Commonality of SoCGs as agreed at the PM, to assist in providing an accessible overview of the current position between the Applicant and relevant parties.

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in April 2020, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Local Impact Reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports³.

Local authorities⁴ are invited to submit LIRs by **Monday 2 March 2020 (Deadline 1, Annex A)**.

5. Accompanied Site Inspection (ASI)

³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁴ Defined in s56A of the Planning Act 2008

Time has been reserved in the Examination Timetable to undertake an ASI on **Wednesday 15 April 2020** and Tuesday 16 June 2020 (if required).

The time, date and place for this ASI reserved for 15 April 2020 will be notified in writing to all Interested Parties, providing at least 21 days' notice

As requested in Annex C of my Rule 6 letter dated 21 January 2020, IPs are requested to submit their suggested locations and justifications for site inspection for my consideration by **Deadline 1**. I have also requested that the Applicant submit to the Examination a draft itinerary for the ASI timetabled by the same date.

Following the submission of these documents and comments thereto by D2, I will make a decision on the final itinerary for the ASI reserved for 15 April 2020, which will be published to the National Infrastructure Planning website no later than Wednesday 8 April 2020. Requests by Interested Parties to attend the ASI should be provided by D1. However, IPs I expect to attend the ASI will include representatives of the Applicant, Kent County Council and Swale Borough Council, together with other Interested Parties (or their representatives), who notified me by D1 of their wish to attend the ASI.

It may be necessary to limit the numbers of persons who accompany me for logistical and safety reasons, but it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations within the itinerary. Once the final ASI itinerary has been published I would encourage you to contact the Case Team.

Interested Parties should be aware that **ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development**. However, I may invite participants to indicate specific features or sites of interest.

Notice of hearings under Section 91 of the Planning Act 2008, requests to appear and procedure to be followed at hearings

Date	Hearing	Starting Time	Venue	Access and Parking
Thursday, 16 April 2020	Issue Specific Hearing 2 (ISH2) into Environmental Issues, including traffic and transport	10.00am	Hempstead House Hotel , London Road, Bapchild Sittingbourne, Kent, ME9 9PP	Free parking available at venue
Friday, 17 April 2020	Issue Specific Hearing 3 (ISH3) into the draft Development Consent Order (dCO)	10.00am	Hempstead House Hotel , London Road, Bapchild Sittingbourne, Kent, ME9 9PP	Free parking available at venue

Those Interested Parties (IPs) who wish to speak at the hearing should notify the Case Team using the "make a submission" tab for Deadline 1 and select the "Notification of wish to speak at any subsequent ISHs", by midday (12 noon), **Monday 2 March 2020**. It is suggested that any IP confirming their wish to attend any subsequent ISH do so using the "Free Text" option.

It would help with the management of the hearing following publication of the Agenda for the relevant hearing, if you can let the Case Manager know:

- what hearing(s) you wish to attend;
- whether you wish to speak at the hearing and the subject matters and agenda items for the points you wish to make; and
- of any special needs you may have (e.g. disabled access, hearing loop).

Please ensure that you include your IP reference number in your correspondence.

The hearing venue will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and all necessary issues have been covered.

Every effort will be made to ensure that the issues in the agenda will be discussed on the day. Depending on the number of parties wishing to speak, it may be necessary to limit the time allocated to each speaker.

The ExA reserves the right to rearrange the agenda for a hearing on the day. If discussion of an issue takes longer than anticipated, it may have to be completed at a later date.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on

¹ Rule 14

either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². My examination will be principally undertaken through the exchange of written submissions, and I will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

Hearing agendas

I will aim to publish a draft agenda for each hearing on the Wheelabrator Kemsley K3 and WKN page of the National Infrastructure Planning website at least seven working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Requests to appear at Open Floor hearing

Interested Parties are required to notify the Examining Authority (ExA) using the "make a submission" tab for Deadline 1 of their wish to take part in an Open Floor Hearing (OFH) and select the "*Notification of wish to speak at an OFH*". It is suggested that any IP confirming their wish to attend an OFH do so using the "Free Text" option.

I remind Interested Parties of the Procedural Decision issued with the Rule 6 letter requesting notification from Interested Parties in this regard on or before midday (12 noon), **Monday 2 March 2020** (Deadline 1, **Annex A**).

If no written requests to take part in an OFH are received by the above deadline, I am not required to hold such a hearing; although I may choose to do so, nonetheless.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

If an Interested Party wishes to attend an OFH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, using the "make a submission" tab for Deadline 1 and appropriately titled to allow us to quickly identify which event the notification relates to.

² Rule 14(5)

Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

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

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make. Documents can also be viewed electronically at the following locations close to the application site, free of charge.

If you have difficulty accessing any documentation, please contact the Case Team using the details provided at the top of this letter.

Electronic deposit Locations

Local authority	Library/ address	Opening hours
Kent County Council	Sittingbourne Library Central Avenue Sittingbourne Kent ME10 4AH	Monday: 10am – 5pm Tuesday: 10am – 5pm Wednesday: 10am – 5pm Thursday: 10am – 5pm Friday: 10am – 5pm Saturday: 10am – 5pm Sunday: Closed
Swale Borough Council	Swale Borough Council Offices East Street Sittingbourne ME10 3HT	Monday: 8.45am – 5pm Tuesday: 8.45am – 5pm Wednesday: 8.45am – 5pm Thursday: 8.45am – 5pm Friday: 8.45am – 4.30pm Saturday and Sunday: Closed
Printing costs	Black and white	Colour
A4	15p	20p
A3	Photocopy only – 15p	Photocopy only – 20p
Link to all council library locations		
https://www.sittingbourne.me/community/local-services/sittingbourne-library https://www.swale.gov.uk/contact-us/		