



Mr E Williams  
Major Applications and Plans  
The Planning Inspectorate  
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Bristol  
BS1 6PN

Our ref: Document 9.1 – Deadline 1  
Covering Letter

Your Reference: EN010083

2<sup>nd</sup> March 2020

Dear Mr Williams,

## THE PLANNING ACT 2008

### WTI/EFW HOLDINGS Ltd. - EN010083: APPLICATION FOR THE WHEELABRATOR KEMSLEY GENERATING STATION (K3) AND WHEELABRATOR KEMSLEY NORTH (WKN) WASTE-TO-ENERGY FACILITY ORDER

#### DEADLINE 1 SUBMISSIONS – 2<sup>nd</sup> MARCH 2020

#### DOCUMENT 9.1 - COVERING LETTER

I write to provide submissions made on behalf of WTI/EFW Holdings Ltd, the Applicant, at Deadline 1 of the Examination into the application which seeks Development Consent Order for the construction and operation of the Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste-to-energy facility on land to the north-east of Kemsley, Sittingbourne, in Kent.

This letter summarises the submissions made by the Applicant at Deadline 1 and provides an update on the status of the Statements of Common Ground being prepared.

The submissions made at Deadline 1 comprise the following (using the Applicant's referencing system, as recorded in the Application Guide):

- Document 9.1 – this Covering letter
- Document 9.2 – The Applicant's Responses to Relevant Representations
- Document 9.3 – The Applicant's Responses to Additional Submissions
- Document 9.4 – The Applicant's Post Hearing Submission on ISH1 – the Draft DCO
- Document 9.5 – Suggested Locations for the Accompanied Site Inspection.

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In addition, as requested by the Examining Authority an updated version of the Application Guide (Document 1.2) has also been provided. The Guide will continue to be updated as the examination progresses.

### **Statements of Common Ground**

The SoCG's requested to be produced, as recorded in the Rule 8 letter of the 26<sup>th</sup> February 2020 are noted and the Applicant recognises the benefit to the ExA of signed SoCG's being provided as early as possible within the examination.

The position at Deadline 1 of the respective SoCG's between the Applicant and other parties is as follows:

- **8.1 - Swale Borough Council** – the Applicant has provided a draft of an SoCG to the Borough Council who are currently reviewing the document. As such it is not considered appropriate to provide a draft at this stage but it is envisaged that a draft, if not a signed version, of that SoCG will be provided at Deadline 2.
- **8.2 - The Environment Agency** – the SoCG is at an advanced stage and a draft is provided as part of the Deadline 1 submission. Both the Applicant and the EA are reviewing the ExA First Written Questions to ascertain whether their responses to those require any changes to the SoCG and an update will be provided at Deadline 2.
- **8.3 - Natural England** – as above, the SoCG between the Applicant and Natural England is at an advanced stage and a draft is provided as part of the Deadline 1 submission. The parties are undertaking a final review of the SoCG and it is anticipated that a final signed version should be provided at Deadline 2.
- **8.4 - Kent County Council** - The applicant provided a draft SoCG to KCC on 7th February and both parties met on the 10th February 2020 to briefly discuss their respective positions on the application and to review the comments made in KCC's Relevant Representation of the 4th December 2019. KCC provided draft comments on the SoCG to the applicant on 26 February with comments focused on the structure, format and content of the agreement. The applicant will revert back to KCC with a revised draft SoCG. It is therefore not considered appropriate to provide a draft of the SoCG at Deadline 1, but it is expected that a significant update on the progress of the SoCG will be submitted at Deadline 2 on the 18th March.
- **8.5 - Highways England** – the Applicant met with Highways England on the 28<sup>th</sup> January 2020 to discuss a technical note produced by RPS Transport which responded to the S42 comments made by HE. During that meeting it was agreed that there would be merit in the parties agreeing an SoCG. The Applicant is currently awaiting the response from HE on the various points made within that



Technical Note, which will allow a SoCG to be drafted. An update on the progress of the SoCG with HE will be provided at Deadline 2.

The position of the Applicant regarding other Statements of Common Ground is as follows:

- **Network Rail** – the Applicant is not aware of any direct impacts arising from the proposed K3/WKN facilities on Network Rail assets or of the presence of any Network Rail rights or covenants within the application land. On that basis the Applicant does not consider a SoCG with Network Rail to be necessary but have requested that Network Rail make their position clear. The Applicant is awaiting a response from Network Rail at present and will update the ExA on the position regarding the Network Rail SoCG as soon as possible.
- **The Marine Management Organisation** – the Applicant has provided a response to the MMO’s letter of the 12<sup>th</sup> February 2020 within Document 9.3. It is noted that the Rule 8 letter does not request a SoCG between the Applicant and the MMO and the Applicant confirms that it is not considered necessary to agree one given the MMO licence has already been issued. However the Applicant is in correspondence with the MMO and will provide an update to the ExA should that position change.

The Applicant acknowledges the request by the ExA to provide a Statement of Commonality and will submit that as appropriate as the various SoCG’s advance.

Please do not hesitate to contact me should you have any queries regarding the Applicant’s submissions at Deadline 1.

Yours sincerely,



David Harvey  
Director

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