



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

Our ref: Document 10.1 – Deadline 2
Covering Letter

Your Reference: EN010083
18th 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 2 SUBMISSIONS – 18th MARCH 2020

DOCUMENT 10.1 - COVERING LETTER

I write to provide submissions made on behalf of WTI/EFW Holdings Ltd, the Applicant, at Deadline 2 of the Examination into the application which seeks a 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 2 and provides a further update to that provided at Deadline 1 on the status of the Statements of Common Ground being prepared.

The submissions made at Deadline 2 comprise the following (using the Applicant's referencing system, as recorded in the Application Guide):

- Document 10.1 – this Covering letter
- Document 10.2 – The Applicant's Responses to Written Representations
- Document 10.3 – The Applicant's Responses to Local Impact Reports
- Document 10.4 – The Applicant's Response to the Examining Authority's Written Questions (ExQ1)
- Document 10.5 – Further submissions by the Applicant on ISH1 DCO Questions.

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An updated version of the Application Guide (Document 1.2) has also been provided. In particular the Application Guide records a number of amended documents which have been submitted at Deadline 2, which comprise the following:

- Document 2.1 – Draft DCO (clean and tracked)
- Document 2.2 – Explanatory Memorandum (clean and tracked)
- Document 2.6 – Summary of Applicant’s Structure and Standing (clean and tracked)
- Document 2.7 – Table of Amendments to the DCO (a new document at Deadline 2)
- Document 3.1 – Amended 2019 ES Chapters and Appendices, as follows:
 - o Chapter 2 – Site Description and Proposed Development (incorporating revised K3 and WKN Works Plans and WKN Parameter Plan)
 - o Chapter 3 – Methodology (clean and tracked)
 - o Chapter 4 – Traffic and Transport (clean and tracked)
 - o Chapter 5 – Air Quality (clean and tracked)
 - o Appendix 5.2 – Stack Height Determination for WKN (clean and tracked)
 - o Appendix 5.4 – Assessment of Ecological Impacts (clean and tracked)
 - o Chapter 8 – Human Health (clean and tracked)
 - o Chapter 11 – Ecology (clean and tracked)
 - o Appendix 11.2 – Habitat Regulations Assessment (clean and tracked)
 - o Appendix 11.7 – MMO Licence Application documents
 - o Chapter 12 – LVIA (clean and tracked)
 - o Chapter 14 – Summary Tables (clean and tracked)
- Document 5.5a – K3 Works Plan (amendments to key)
- Document 5.5b – WKN Works Plan (amendments to key)
- Document 5.6 – WKN Parameter Plan (amendments to key).

As set out within the ES Chapters, none of the conclusions of the ES have changed.

Statements of Common Ground

Further to the update provided by the Applicant at Deadline 1, work has continued to agree Statements of Common Ground with the parties identified within the Rule 6 letter. The position at Deadline 2 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 continuing to review the document. The Applicant will continue to discuss the SoCG with Swale in order to be able to submit at least a draft as soon as possible.
-
- **8.2 – The Environment Agency** – a draft of the SoCG was provided at Deadline 1. The results of revised air quality modelling undertaken to inform the Applicant’s Deadline 2 submissions is being provided to the EA and due to the conclusions of that modelling work not having changed it is expected that the SoCG will be able



to be signed and submitted once those results have been reviewed and other changes incorporated.

- **8.3 - Natural England** – as above, a draft SoCG was provided at Deadline 1. Discussions between the Applicant and NE are continuing with a view to having the SoCG signed in due course.
- **8.4 - Kent County Council** - Following comments issued by the County Council on the first draft of the Statement of Common Ground on 26 February 2020, the Applicant provided a revised version on 16 March 2020. The County Council is in the process of reviewing this Statement of Common Ground and will aim to work with the Applicant to be in a position to submit a draft version of the Statement, or an update on progress, by Deadline 3.
- **8.5 - Highways England** – as noted at Deadline 2 the Applicant met with Highways England on the 28th 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 continues to await a response from HE on the various points made within that Technical Note, which will allow a SoCG to be drafted. A further update will be provided at Deadline 3, if not before.

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

- **Network Rail** – email correspondence between the Applicant and Network Rail is appended to this letter and confirms that at present Network Rail do not believe a SoCG is required;
- **The Marine Management Organisation** – the Applicant has contacted the MMO in order to understand what matters they would anticipate any SoCG would cover. At present the Applicant's position is that an SoCG with the MMO is not necessary but an update on that position will be provided in due course.

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 2.

Yours sincerely,

A black rectangular box redacting the signature of David Harvey.

David Harvey
Director



Appendix A

Correspondence between the Applicant and Network Rail regarding the need for
a Statement of Common Ground

David Harvey

From: Donoghue Nicholas <Nicholas.Donoghue@networkrail.co.uk>
Sent: 06 March 2020 11:51
To: David Harvey
Cc: Long Henry; Sprei Stephen
Subject: RE: Network Rail Section 42 Consultation Response Wheelabrator

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Hello David,

I note that we may have missed the deadline, however please see below.

I have now managed to discuss with my colleagues and as we mentioned in our s.42 response, it appears that NR are not affected by the DCO which you confirm in your previous email, therefore we do not believe a SoCG is required. However, if it is established that Network Rail does have an interest and/or any existing rights over any of the land within the DCO, these must be retained.

Many thanks,



Nick Donoghue
Town Planning Technician | Property
One Eversholt Street, London, NW1 2DN
Mobile: [REDACTED]
Email: Nicholas.Donoghue@NetworkRail.co.uk

From: David Harvey <david.harvey@dhaplanning.co.uk>
Sent: 26 February 2020 14:49
To: Donoghue Nicholas <Nicholas.Donoghue@networkrail.co.uk>
Cc: Town Planning SE <TownPlanningSE@networkrail.co.uk>; Sprei Stephen <Stephen.SPREI@networkrail.co.uk>
Subject: RE: Network Rail Section 42 Consultation Response Wheelabrator

Hello Nick

Further to my email below I am conscious that we are approaching the Inspector's first Deadline on the K3/WKN application, which is on Monday 2nd March. I am intending to provide the Inspector with an update as to the progress of any Statements of Common Ground being prepared and intend to reiterate the position I have set out below in respect of his request for a SoCG between the applicant and Network Rail. However in that respect I would be grateful if you could provide any update from your side this week if at all possible, and please do not hesitate to give me a call if it would help to discuss.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk
Mobile: [REDACTED]



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From: David Harvey

Sent: 04 February 2020 09:04

To: Donoghue Nicholas <Nicholas.Donoghue@networkrail.co.uk>

Cc: Town Planning SE <TownPlanningSE@networkrail.co.uk>; Sprei Stephen <Stephen.SPREI@networkrail.co.uk>

Subject: RE: Network Rail Section 42 Consultation Response Wheelabrator

Dear Nick

Further to your letter of the 2nd August 2019, attached, we have now received the Rule 6 letter from the Examining Authority regarding the examination of the K3/WKN DCO application. Within that letter the Inspector requests a Statement of Common Ground between the applicant and Network Rail.

As Stephen is aware we had a similar situation a couple of years ago on the DS Smith K4 DCO application, where we agreed that given the lack of any direct impacts or the presence of any rights or covenants on the land that a SoCG with Network Rail was not required. In my view the same would apply to the current K3/WKN application; as you note in your letter there are no direct impacts given the location of the site and our searches and Book of Reference do not identify any rights or covenants relating to Network Rail. I would therefore be grateful if you can confirm your position on the SoCG and whether you need any further information at this stage in that respect. The Preliminary Meeting is taking place on the 19th February and ideally I would like to update the Inspector at that meeting as to the position regarding that SoCG.

For reference, in terms of the last point within your letter, we have submitted as part of the application two Rail and Water Transportation Strategies, one relating to K3 and one relating to WKN. At present the contracts Wheelabrator have entered into for K3 do not allow for the use of rail or water transportation, as that is dependant on the source of the waste. K3 was originally planned to deal with waste arising from a North London contract, which did allow for the potential for transportation by methods other than road but that contract was cancelled. However for both K3 and WKN the benefits of alternative methods of delivery are acknowledged if the waste being processed allows for those methods to be used, and the Rail and Water Transportation Strategies would be secured within the DCO and would require Wheelabrator to review the ability to use alternative methods of transport every five years.

I trust the above is useful and look forward to your response regarding the SoCG – please give me a call if it would help to discuss.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk
Mobile: [REDACTED]



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From: Donoghue Nicholas <Nicholas.Donoghue@networkrail.co.uk>
Sent: 22 August 2019 13:59
To: info@wtikemsley.co.uk
Cc: Town Planning SE <TownPlanningSE@networkrail.co.uk>; Sprei Stephen <Stephen.SPREI@networkrail.co.uk>
Subject: Network Rail Section 42 Consultation Response Wheelabrator

[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]

Dear Sir/Madam,

Please see attached letter with Network Rail’s Section 42 consultation response.

Kind regards,

Nick Donoghue
Town Planning Technician | Property
Network Rail
1 Eversholt St | London | NW1 2DN
M [REDACTED]
E Nicholas.Donoghue@networkrail.co.uk
www.networkrail.co.uk/property

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