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To Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010083

Date: 26 March 2020

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(3) and 9

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

Notification of Procedural Decisions and Amended Examination Timetable

I am writing to you following my letter of 26 February 2020, which provided you with my Examination Timetable, Written Questions and notification of hearings.

The Inspectorate in accordance with recent Government advice has updated the Wheelabrator Kemsley K3/WKN project page regarding Coronavirus (COVID-19), which includes a notice pertaining to the hearings scheduled for the week commencing 13 April 2020:

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

In accordance with the Government's measures to reduce the infection, which includes stopping all gatherings of more than two people in public and requiring people to stay at home, I have made the procedural decision to postpone the hearings scheduled for the week commencing 13 April 2020 as notified in my letter of 26 February 2020. Please refer to the amended Examination Timetable attached at **Annex A**.

This is a decision to **postpone** and not to cancel these events. I remain appointed and am now reviewing the procedures for this Examination. I am sure that you will understand my decision on this matter, considering these unprecedented times.

I have also decided to cancel the Accompanied Site Inspection and Open Floor Hearing reserved for Wednesday 15 April 2020.

In my Rule 8 letter I set a deadline by which IPs were requested to notify me of their wish to speak and/or confirm their wish to hold an OFH, being D1 (2 March 2020).

My Examination will be principally undertaken through written procedures, where I am required to hold an OFH in certain circumstances i.e. where Interested Parties request in writing that an OFH should be held. If no written requests are received, I am not required to hold these hearings.

I thank Minster on Sea Parish Council (MSPC) for their shortlist of possible venues to host the OFH (as requested by the Examining Authority at the Preliminary Meeting), however I received no written request to hold any OFH from any IPs by D1 and therefore the evening reserved for the OFH on 15 April 2020 **will not take place**.

The Examination Timetable

In order to facilitate the ongoing progress of this Examination, I have now revised the Examination Timetable in accordance with my procedural decisions above.

I have made provision for an additional round of Written Questions if required, to be issued by 9 April 2020. Questions or further information requested would relate to matters that I would have intended to include in the Hearing agendas. Responses would be required by Deadline 3 (22 April 2020) with comments on responses required by Deadline 4 (20 May 2020).

The Examination process is primarily a written one and I encourage parties to continue discussions on outstanding matters and prepare information and written submissions where it is possible and safe to do so. With this in mind, discussions should continue pursuant to the submission of updated draft Development Consent Orders, Statements of Common Ground and any further information that I may request.

In this respect, I would like to emphasise that **Deadlines 3** onwards still, at this moment, apply in the Examination timetable. Where circumstances clearly related to the COVID-19 pandemic make it difficult for approaching deadlines to be met, I will of course give full consideration to whether an extension should be permitted. I will continue to consider potential changes to the Examination Timetable in light of the emerging situation.

The Wheelabrator K3/WKN project page will continue to be the main point of reference for notifications about the Examination and if necessary, publication of requests for further information under Rule 17 of the Examination Procedure Rules.

At this stage, there is clearly uncertainty regarding the ability to hold future events including those scheduled in the Examination Timetable for the w/c 15 June 2020 which I will keep under review. A variation of the timetable has been made now under Rule 8(3) and this is contained in **Annex A** of this letter at items, 6 to 19.

Further general advice regarding the implications for Nationally Significant Infrastructure Project Examinations and events is available here:
<https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>

For those of you who have received this update by post please be aware that the Inspectorate may not be able to maintain that form of communication given the measures put in place by Government during these unprecedented circumstances.

In order to facilitate this Examination, we therefore urge you (if possible) to **provide us by return** with an email address which we can then use in future to maintain contact with you on any decisions or notifications that the Examining Authority is minded to issue.

Please check the website and the Wheelabrator K3/WKN project page regularly for any updates and sign up to project Email Updates (if you have not already done so), using the link below:

<https://infrastructure.planninginspectorate.gov.uk/email-subscription.php?project=EN010083&email=>

If you have any further queries, please do not hesitate to contact the Case Team via the project mailbox wheelabratorkemsley@planninginspectorate.gov.uk

In the meantime, please accept my apologies for any disruption consequent on the decisions set out above. However, I trust that you will appreciate that the ExA's approach is necessary given the exceptional circumstances in which we all find ourselves at this time.

Yours faithfully

Grahame Kean

Grahame Kean
Examining Inspector

Annexes

A Amended Examination Timetable (updated on 26 March 2020)

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Amended 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
6	Publication of ExQ1A (if required)	Thursday 9 April 2020
7	Issue Specific Hearing 2 (ISH2) ISH2 into Environmental Issues, including traffic and transport - Postponed	Thursday 16 April 2020
8	Issue Specific Hearing 3 (ISH3) ISH3 on the dDCO. - Postponed	Friday 17 April 2020
9	Deadline 3 (D3) Deadline for receipt by the ExA of: <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
10	Issue by ExA of: <ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required) 	Wednesday 6 May 2020
11	Deadline 4 (D4) Deadline for receipt by the ExA of: <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
12	Accompanied Site Inspection 2 (ASI2) Date reserved for an ASI2 (if required)	Tuesday 16 June 2020
13	Issue Specific Hearing 4 (ISH4) (if required)	Wednesday 17 June 2020

	Date reserved to hold ISH4 on any Outstanding Issues	
14	Issue Specific Hearing 5 (ISH5) (if required) Date reserved to hold ISH5 on the dDCO.	Thursday 18 June 2020
15	Deadline 5 (D5) Deadline for receipt by the ExA of: <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
16	Publication by ExA of: <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
17	Deadline 6 (D6) Deadline for receipt by the ExA of: <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. 	Wednesday 5 August 2020
18	Deadline 7 (D7) Deadline for receipt by the ExA of:	Wednesday 12 August 2020

	<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. 	
19	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.	Wednesday 19 August 2020

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