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Planning
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To Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010083

Date: 6 May 2020

Dear Sir/ Madam

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

Examining Authorities notification of Procedural Decision

Further to my procedural decisions and amended timetable enclosed with my [Rule 8\(3\) letter](#) of 26 March 2020, confirming my decision to postpone hearings scheduled for the week commencing 13 April 2020, I am writing to all Interested Parties (IPs) to request representations on how best to proceed with the examination of this proposal.

The Examination is primarily a written process and as the appointed Examining Authority (ExA) my intention is still to predominately continue in this manner. However, I have not yet decided whether there will be any further Hearings and, if any are held, what the arrangements and preparations for those should be.

The Planning Inspectorate is considering the possible use of teleconferencing and/or video conferencing facilities for Hearings that may be required during the remainder of National Significant Infrastructure Projects, presently in Examination. Whether it is possible and indeed practicable to hold such hearings before the scheduled close of the Examination will depend, among other things, on such events being in line with latest government advice and maintaining standards of fairness, public access and inclusion. Therefore, I am considering these facilities for an Issue Specific Hearing(s) if IPs consider them necessary to be held during the remainder of the Examination.

I received no written request to hold an Open Floor Hearing from any IPs by Deadline 1 and there is no compulsory acquisition of land associated to this proposal, therefore no Open Floor and/or Compulsory Acquisition Hearing will take place in this Examination.

My initial consideration now, is on how best to examine the remaining issues and how to ensure fairness, given the practical constraints of the coronavirus (COVID-19). As a result I am requesting that IPs make representations by **20 May 2020 (Deadline 4)** regarding Issue Specific Hearing(s) and other Examination matters.

These are to be provided by way of responses to my further written questions (ExQ2) published to the project page on the National Infrastructure Planning website:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010083-000713>

Following the closure of our office building, all IPs are encouraged to make submissions via the Wheelabrator Kemsley K3 and WKN project webpage, using the 'Make Submission' tab, which will automatically indicate the active Deadline to which IPs must respond. This tab is available to make electronic 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>

Due to the public health situation surrounding COVID-19 the Planning Inspectorate is currently unable to receive written submissions by post, however parties may email the case team via WheelabratorKemsley@planninginspectorate.gov.uk

Following submissions received for **Deadline 4**, I will make a procedural decision on how I will proceed with the remainder of the Examination and issue a revised Examination timetable to reflect as far as possible the responses made by IPs.

The Infrastructure Planning (Examination Procedure) Rules 2010, the Examination Timetable and the ExA's Procedural Decisions together set out the criteria for submissions to be accepted into the Examination. These do not require the ExA to accept submissions that are not made in accordance with the Examination Timetable, or to accept submissions from parties other than Interested Parties, Statutory Parties or the Applicant.

To date, during the Examination I have used my discretion to accept submissions from other parties. My intention is to continue to do that where I consider it likely that this would assist in my examination.

If you have any further queries, please do not hesitate to contact the case team.

Yours faithfully

Grahame Kean

Grahame Kean
Examining Inspector

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