



National Infrastructure
Planning
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To Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN010083

Date: 22 May 2020

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 6 May 2020, which provided you with Further Written Questions (ExQ2).

I have considered carefully the responses to the consultation part of the questions, regarding the process to be adopted in this Examination in light of the exceptional circumstances that have arisen due to the outbreak of Covid-19.

The responses demonstrated a clear preference that the written procedure should be used in place of further Hearings. Taking all circumstances into account, I have decided that it would be expedient to follow the written process going forward.

Accordingly I have taken the decision to cancel the Accompanied Site Inspection and Issue Specific Hearings which were scheduled in June 2020, and to include additional deadlines for further Written Questions should they be required. I remain appointed and will be undertaking the Examination through written procedures, subject to my reviewing on a continuous basis whether further changes to the procedure become necessary.

The Examination Timetable

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

I have made provision for additional rounds of Written Questions, if required. The first, ExQ3 to be issued by 3 June 2020; responses would be required by Deadline 5 (19 June 2020) with comments on responses required by Deadline 6 (29 June 2020). The second, ExQ4 would be issued by 15 July 2020, with requirements for responses by 5 August 2020 and comments on responses by 12 August 2020.

A variation of the timetable has been made under Rule 8(3) and is available on the National Infrastructure website.

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

The Examination process

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 including the Statement of Commonality of SoCGs, and any further information that I may request.

Communications

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.

As a result of ongoing Government guidance relating to the Coronavirus (COVID-19), our office based at Temple Quay House is temporarily closed and any submissions sent by post will be subject to delay.

The Planning Inspectorate will endeavour to notify all Parties of key developments in a timely manner. In order to help achieve this, and to minimise any delays, we would encourage you to provide us with a contact e-mail address. Please contact WheelabratorKemsley@planninginspectorate.gov.uk

Additionally, you may wish to sign up to receive project updates by email using this link: <https://infrastructure.planninginspectorate.gov.uk/email-subscription.php?project=EN010083&email=>

Further 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>

If you have any further queries or are not able to access this information online, please contact the Case Team wheelabratorkemsley@planninginspectorate.gov.uk or our Customer Service Helpline on 0303 444 5000 between 9am and 12pm

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

Yours faithfully,

Grahame Kean

Grahame Kean
Examining Inspector

Annex A Amended Examination Timetable (amended on 22 May 2020)

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



Amended Examination Timetable

22 May 2020

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.

Deadlines are at 23:59 on the due date.

Item	Matters	Due Dates
10	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required) 	Wednesday 6 May 2020
11	<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
12	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ3), if required 	Wednesday 3 June 2020
13	<p>Deadline 5 (D5)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ3, 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. 	Friday 19 June 2020
14	<p>Deadline 6 (D6)</p> <p>Deadline for receipt by the ExA of:</p>	Monday 29 June 2020

	<ul style="list-style-type: none"> • comments on responses to ExQ3 (if required); • comments on Applicant's revised/updated dDCO; • comments on 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. 	
15	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ4), if required • Consultation on the ExA's preferred DCO (if required); and • Report on the Implications for European Sites (RIES) (if required). 	Wednesday 15 July 2020
16	<p>Deadline 7 (D7)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ4 (if required) • 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
17	<p>Deadline 8 (D8)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • comments on responses to ExQ4 (if required) • comments on any revised/ updated SoCG; • comments on the Applicant's Final preferred DCO in the Statutory 	Wednesday 12 August 2020

	Instrument (SI) template validation report; <ul style="list-style-type: none"> • comments on any additional information/submissions received by D7; and • responses to any further information requested by the ExA for this deadline. 	
18	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)