



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: WheelabratorKemsley@planninginspectorate.gov.uk

Your Ref:

Our Ref: EN010083

Date: 19 February 2021

Dear Sir/ Madam

Planning Act 2008 (as amended) – Sections 116 and 117 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 31

Application by WTI/EFW Holdings Ltd for an Order Granting Development Consent for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility

Notice of the decision by the Secretary of State

I write to notify you of the publication of the Secretary of State's decision and statement of reasons and the Order granting development consent in relation to the above application.

The Secretary of State as the decision maker under s103 and s104 of the Planning Act 2008 (as amended) (PA2008) has decided that development consent should be granted for the Wheelabrator Kemsley Generating Station (K3) only and therefore has made an Order under s114(1)(a) of PA2008.

The Secretary of State as the decision maker under s103 and s105 of the PA2008 has decided that development consent should be refused for the Wheelabrator Kemsley North (WKN) Waste to Energy Facility under s114(1)(b) of PA2008.

Electronic copies of the decision documentation, including the Secretary of State's decision letter, Habitats Regulations Assessment and the text of the made Order can be viewed at:

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

The Recommendation Report submitted to the Secretary of State by the Examining Authority is also available at the same link.

Hard copies of the decision documentation will also be available to inspect at the Planning Inspectorate's offices (by appointment using the contact details above). If you wish to receive a copy of the Secretary of State's decision letter and the text of the Order, please write to or email us using the contact details provided at the top of this letter. No charge will be made if you wish us to send you a copy.

There is no right of appeal under PA2008. The High Court may entertain proceedings to question an Order granting development consent from the day on which the Development Consent Order is published or, if later, the day on which the decision letter is published. The procedure is to make an application for judicial review. This must be done within the statutory period of time set out in s118 of PA2008. Please contact the Administrative Court Office for further information on 0207 947 6655 or follow this link:

<http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court/applying-for-judicial-review>

If you have any queries about the Secretary of State's decision letter, the Habitats Regulations Assessment or the made Order please contact:

Department for Business, Energy and Industrial Strategy
Energy Infrastructure Planning Team
Level 3 Orchard 2
1 Victoria Street
London
SW1H 0ET

beiseip@beis.gov.uk
020 7215 5000

Alternatively, if you would like to find out further details about the project you can visit the Applicant's website at <https://www.wtikemsley.co.uk/projects/> or contact the Applicant on 0203 651 1520.

Yours faithfully

Simone Wilding

Head of Major Casework
For and on behalf of the Secretary of State for Business, Energy & Industrial Strategy

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<https://infrastructure.planninginspectorate.gov.uk>

