

Submissions received after the Close of the Examination

EN010083

Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility

Last updated: 19 February 2021

Date Examination Closed: 19 August 2020

Date of Recommendation Report: 19 November 2020

Date of Decision: 19 February 2021

Submissions made after the Examination closed			
Number	Date submission received by the Planning Inspectorate (PINS)	Name (description of correspondence)	Date submission forwarded to Secretary of State (SoS)
1	17 December 2020	Applicant: Submission regarding the non-acceptance of the following into the Examination:- a Closing Statement on Waste Matters; a further submission relating to waste; a Position Statement on Highways Matters; and a working draft of a Statement of Common Ground with Highways England	N/A – sent directly to SoS
2	17 December 2020	Kent County Council: Request to be consulted on any additional information supplied by the Applicant during the Decision stage	22 December 2020
3	18 February 2021	Highways England: Confirmation that the Applicant's draft Statement of Common Ground does not represent the views of Highways England	N/A – sent directly to SoS

Submission no.: 1

Date submission received by PINS: 17 December 2020

Name: Applicant

Description: Submission regarding the non-acceptance of the following into the Examination:- a Closing Statement on Waste Matters; a further submission relating to waste; a Position Statement on Highways Matters; and a working draft of a Statement of Common Ground with Highways England

From: David Harvey <david.harvey@dhaplanning.co.uk>

Sent: 24 November 2020 10:16

To: Energy Infrastructure Planning <beiseip@beis.gov.uk>

Cc: Francesca.Potter@kent.gov.uk; Kevin.Bown@highwaysengland.co.uk; Chris Ratcliffe <cratclif@wtienergy.co.uk>; Yohanna Weber <yohanna.weber@keystonelaw.co.uk>

Subject: EN010083 - WTI/EFW Holdings Ltd - K3 and WKN DCO Application

Dear Mr Leigh

I am writing on behalf of WTI/EFW Holdings Ltd; the applicant seeking a Development Consent Order for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste-to Energy Facility project.

We have been notified by the Planning Inspectorate that the Examining Authority issued his Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy on the 19th November 2020 (PINS application reference EN010083).

As the ExA will have documented in his Recommendation Report on the last day of the Examination the applicant submitted a Closing Statement on Waste Matters, a further submission relating to waste, a Position Statement on Highways Matters and a working draft of a Statement of Common Ground with Highways England, and requested that those documents be accepted into the Examination. The ExA's Rule 9 letter of the 21st August 2020 confirmed that he had made a Procedural Decision not to accept those documents.

During the ExA's consideration of the application the Applicant wrote to PINS to clarify its reasons behind submitting those documents and to demonstrate that, in the Applicant's view, it was appropriate to accept the Closing Statement on Waste and the Position Statement on Highways matters in particular as those were intended to provide a useful summary of the position at the end of the Examination and given that we do not believe to have accepted those submissions would have prejudiced the interested parties involved in the Examination.

We also noted within that correspondence that we intended to continue to engage with Highways England regarding their Statement of Common Ground. However HE subsequently confirmed that due to their workloads they would not be able to discuss the scheme further unless directed to do so by the ExA or the Secretary of State. We provided an update to PINS, as well as requesting a response to our correspondence relating to the final submissions, and it was suggested in their response that we may wish to send the documents in question to the Secretary of State during their Decision stage.

I have attached our correspondence with PINS for your information. We felt it was appropriate, on that basis, to contact you early on in the SoS's decision stage to confirm whether the submission of the Waste Closing Statement and Highways Position Statement would be acceptable in order to assist the SoS's consideration and determination of the application. Furthermore, we would be grateful for an update as early as possible within the Decision period as to whether the SoS will require the Applicant to advance discussions with Highways England so that we can progress those discussions accordingly if necessary.

I look forward to your response and please do not hesitate to contact me should you need to discuss the above or the attached.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk

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David Harvey

From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
<WheelabratorKemsley@planninginspectorate.gov.uk>
Sent: 12 October 2020 16:23
To: David Harvey
Subject: RE: EN010083 - K3 and WKN
Attachments: Kemsley Reg 9 Fees.docx

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Good morning David,

Thank you for your email and I'm sorry for the delay. The ExA made the decision not to accept the documents into the Examination and further information is not requested during the Recommendation stage. You may wish to send the documents to the Secretary of State during their Decision stage. We would update our website when the Report has been submitted.

Attached is a letter in regards to Fees. Please could you confirm that the invoice was received by the Applicant? It was sent to the London address – 123 Victoria Street, SW1E 6DE. It will need to be paid before the end of the Recommendation Period.

Best wishes,

Dee Allen
Case Manager
National Infrastructure Planning
0303 444 5861 [REDACTED]

From: David Harvey <david.harvey@dhaplanning.co.uk>
Sent: 05 October 2020 10:52
To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
<WheelabratorKemsley@planninginspectorate.gov.uk>
Subject: RE: EN010083 - K3 and WKN

Good morning Dee,

Thank you for your confirmation that our email of the 25th August 2020 was received. I would be grateful for any update you are able to provide in respect of the ExA's position on the Applicant's final submissions given the points made within that email.

In addition, we stated in our final Position Statement on Highways Matters that we would welcome further discussions with Highways England beyond the end of the Examination period in order to clarify the position taken in HE's submissions at Deadline 7 and ideally in order to be able to reach a point of agreement on a Statement of Common Ground, should there be an opportunity to make further submissions during the ExA's consideration of the application. Whilst we have endeavoured to progress those discussions, due to their workload the Officers at HE have confirmed they would not be able to engage in any discussions unless specifically requested to do so by the ExA. I therefore wanted to draw this to your attention when sufficient time remains prior to the deadline for the ExA's Recommendation for us to have further discussions with HE, if any further submissions are to be sought.

I trust the above is helpful and if it would be useful to discuss please let me know.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk>

Sent: 01 September 2020 15:35

To: David Harvey <david.harvey@dhaplanning.co.uk>

Subject: RE: EN010083 - K3 and WKN

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Dear Mr Harvey,

Apologies for the delay, I am writing to let you know your email was received.

Best wishes,
Dee

Dee Allen
Case Manager
National Infrastructure Planning

From: David Harvey <david.harvey@dhaplanning.co.uk>

Sent: 25 August 2020 15:37

To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk>

Subject: EN010083 - K3 and WKN

Dear Wheelabrator Case Team

We have reviewed the Procedural Decision issued by the ExA on the 21st August at the close of the Examination. Firstly we want to reiterate that we welcome the efforts of the examination team throughout the process to bring the examination to a close without delay despite the difficulties created by the current pandemic, given the additional pressures that has placed on the ExA, case team and Interested Parties (as well as the applicant).

We recognise that the examination of a DCO application is predicated on the process being fair for all parties and have sought to engage openly with Interested Parties and their submissions to the examination on that basis. Having reviewed the Procedural Decision we were therefore disappointed to see the examination end on that note and wanted to clarify our approach to our submissions prior to the examination closing.

In respect of waste matters, the submissions by the applicant and IP's throughout the examination have covered a number of detailed matters, with the last of those submissions made at Deadline 8. We felt it appropriate, following that last Deadline, to provide a concise summary of the applicant's position at the close of the examination in order to aid the ExA's consideration of the application. We acknowledge KCC's right as an IP to provide their own Closing Statement prior to the end of the Examination and therefore intentionally sought not to comment on that. However in that respect we believe the Applicant should be afforded a similar opportunity to summarise their case at the close of the Examination, and that it would in no way prejudice the involvement of IP's in the process or be unfair to those IP's for that Statement of Case to be accepted into the examination, particularly when it seeks not to introduce new information but to aid the ExA in his consideration of the application. Accordingly we had made our intention to submit a Statement of Case clear to the Case Team by email on the 17th August, at the start of the week in which the examination closed.

We acknowledge that the 'No Time to Waste' document has not previously been introduced into the Examination and the ExA's discretion to accept submissions outside of the specified Deadlines. For that reason that formed a separate submission to our Closing Statement on Waste and we note the ExA's position on that particular document.

In respect of highways matters, the Applicant has been endeavouring to advance the SOCG throughout the examination. In the Applicant's view it is clear that the lack of hearings and the increased pressures on statutory bodies such as HE, arising from the pandemic, have been a significant factor in that SoCG not being in a form to submit earlier in the examination process, nor by the end of the examination. However that notwithstanding HE have altered their position on a matter which is fundamental to the current operation of K3 between Deadline 7 and 8 of the examination, with the SoCG having to be amended to reflect that.

The Applicant is seeking to continue discussions with HE following the conclusion of the examination, should the ExA request a SoCG or any clarification on the position of the respective parties. To that end, the Applicant felt it was appropriate to document its position at the end of the Examination through its Position Statement and, conscious of the ExA's requests for a SoCG with HE, to provide an informal illustration of the position reached by the parties in a similar manner to the draft SoCG submitted by HE at Deadline 7.

The Applicant will continue to engage with the ExA and IP's as required and appropriate should that be necessary to clarify matters on any of the topics raised during the Examination. In the meantime we trust this email helps clarify the approach taken to our submissions at the close of the Examination and the Applicant remains ready and willing to assist the ExA with whatever next steps are required to bring matters to a satisfactory conclusion.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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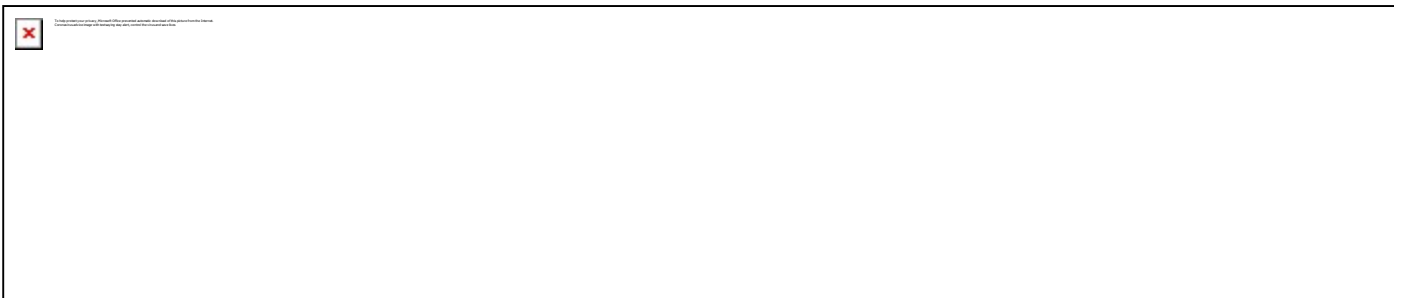
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DPC:76616c646f72



Submission no.: 2

Date submission received by PINS: 17 December 2020

Name: Kent County Council

Description: Request to be consulted on any additional information supplied by the Applicant during the Decision stage

From: Francesca.Potter@kent.gov.uk
To: [Wheelabrator KemsleyK3](#) [Wheelabrator Kemsley NorthWKN](#)
Cc: sharon.thompson@kent.gov.uk
Subject: FW: EN010083 - WTI/EFW Holdings Ltd - K3 and WKN DCO Application
Date: 17 December 2020 16:13:42
Attachments: [image001.jpg](#)
[EN010083 - Email correspondence between Applicant and PINS.pdf](#)
Importance: High

Good afternoon,

I am emailing in regards to the correspondence below.

The County Council understands that in respect of the documents that Mr Harvey is referring to, the Inspector had made a Procedural Decision not to accept these documents. The reasoning was set out within the [correspondence dated 21 August 2020](#).

If these documents, or any new evidence, is to be taken into consideration in determining this Development Consent Order, in the interests of fairness and transparency, the County Council would expect to be formally consulted on these additional submissions made by the applicant. In such circumstances, the County Council would seek to provide a response within a reasonable timescale.

I would be grateful if you could keep me informed in relation to the above matter and confirm receipt of this email.

Kind regards

Francesca

Francesca Potter MRICS | Senior Strategic Planning and Infrastructure Officer |

Environment, Planning and Enforcement | Growth, Environment and Transport | Invicta House,
Maidstone, Kent, ME14 1XX | Internal: 415673 | External: 03000 415673

www.kent.gov.uk



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From: David Harvey <david.harvey@dhaplanning.co.uk>

Sent: 24 November 2020 10:16

To: beiseip@beis.gov.uk

Cc: Francesca Potter - GT EPE <Francesca.Potter@kent.gov.uk>;

Kevin.Bown@highwaysengland.co.uk; Chris Ratcliffe <cratclif@wtienergy.co.uk>; Yohanna Weber
<yohanna.weber@keystonelaw.co.uk>

Subject: EN010083 - WTI/EFW Holdings Ltd - K3 and WKN DCO Application

Dear Mr Leigh

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I look forward to your response and please do not hesitate to contact me should you need to discuss the above or the attached.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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David Harvey

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Sent: 12 October 2020 16:23
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Best wishes,

Dee Allen
Case Manager
National Infrastructure Planning
0303 444 5861 [REDACTED]

From: David Harvey <david.harvey@dhaplanning.co.uk>
Sent: 05 October 2020 10:52
To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
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Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk**>**

Sent: 01 September 2020 15:35

To: David Harvey <david.harvey@dhaplanning.co.uk>

Subject: RE: EN010083 - K3 and WKN

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Dee

Dee Allen
Case Manager
National Infrastructure Planning

From: David Harvey <david.harvey@dhaplanning.co.uk>

Sent: 25 August 2020 15:37

To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk**>**

Subject: EN010083 - K3 and WKN

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The Applicant is seeking to continue discussions with HE following the conclusion of the examination, should the ExA request a SoCG or any clarification on the position of the respective parties. To that end, the Applicant felt it was appropriate to document its position at the end of the Examination through its Position Statement and, conscious of the ExA's requests for a SoCG with HE, to provide an informal illustration of the position reached by the parties in a similar manner to the draft SoCG submitted by HE at Deadline 7.

The Applicant will continue to engage with the ExA and IP's as required and appropriate should that be necessary to clarify matters on any of the topics raised during the Examination. In the meantime we trust this email helps clarify the approach taken to our submissions at the close of the Examination and the Applicant remains ready and willing to assist the ExA with whatever next steps are required to bring matters to a satisfactory conclusion.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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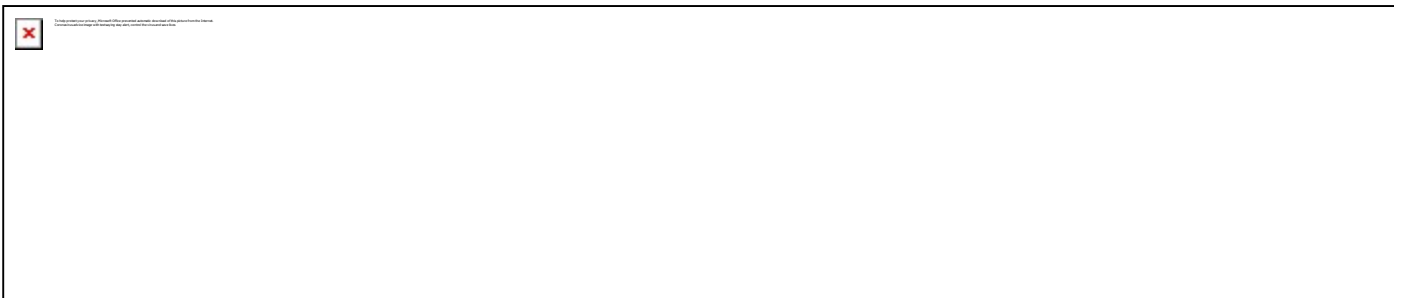
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DPC:76616c646f72



Submission no.: 3

Date submission received by PINS: 18 February 2021

Name: Highways England

Description: Confirmation that the Applicant's draft Statement of Common Ground does not represent the views of Highways England

From: [Energy Infrastructure Planning](#)
To: [Leigh, Gareth \(Energy Development & Resilience\)](#); [Welford, Keith \(Energy Development & Resilience\)](#); [Crowhurst, Kerry \(BEIS\)](#)
Subject: FW: Highways England response: RE: EN010083 - "Wheelabrator" WTI/EFW Holdings Ltd - K3 and WKN DCO Application - representations made to Secretary of State for BEIS
Date: 24 November 2020 16:07:59
Attachments: [image004.jpg](#)
[image001.png](#)
[HE COMMENTS FW Wheelabrator Kemsley Generating Station \(K3\) and Wheelabrator Kemsley North \(WKN\) Waste to Energy Facility - EN010083.msg](#)
[EN010083 - Email correspondence between Applicant and PINS.PDF](#)

Hi all,

An email from Highways England following up on the one that I sent through earlier.

Thanks,
James

From: Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>
Sent: 24 November 2020 16:01
To: David Harvey <david.harvey@dhaplanning.co.uk>; Energy Infrastructure Planning <beiseip@beis.gov.uk>
Cc: Francesca.Potter@kent.gov.uk; Chris Ratcliffe <cratclif@wtienergy.co.uk>; Yohanna Weber <yohanna.weber@keystonelaw.co.uk>; Planning SE <planningse@highwaysengland.co.uk>; colin.finch@kent.gov.uk
Subject: Highways England response: RE: EN010083 - "Wheelabrator" WTI/EFW Holdings Ltd - K3 and WKN DCO Application - representations made to Secretary of State for BEIS

Dear Mr Leigh

I have been copied in to the email below whereby dha, on behalf of the K3 and WKN DCO applicant WTI/EFW Holdings Ltd, is seeking to bring various matters (Email EN010083 attached) to the attention of the Secretary of State ahead of any decision on the DCO.

Highways England's position is that the Statement of Common Ground (SoCG) was never agreed and the parties remained a distance apart in terms of the potential to agree it.

Consequently, we wrote to dha on 25 August 2020 (copy attached) stating that on the basis the ExA had not accepted the draft, track-changed SoCG and did not intend to, we saw no benefit from seeking to continue with the SoCG process.

We also stated that we were content that, via our submission to the ExA using their question/answer templates, the basic Highways England position was clear. This remains the case.

Therefore, while it is for the Secretary of State to consider whether to accept the applicant's latest submissions and if so to determine the weight to be attached, we can confirm that the draft SoCG does not represent Highways England's views.

Should you have any queries regarding this email, please contact me (and copy to

planningse@highwaysengland.co.uk).

Regards

**Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)

Web: <http://www.highways.co.uk>

Highways England is reviewing the way our Spatial Planning Teams engage with stakeholders across the development sector. We would value your honest feedback and suggestions to identify our strengths and areas where we could improve. The survey will take approx. 15 minutes to complete and we would be grateful if you could complete it by **Friday 11 December 2020**.

https://www.surveymonkey.co.uk/r/SpatialPlanningReview_HighwaysEngland



Please contact Vanessa.RoaPinos@PAConsulting.com if you have any queries regarding this survey.

Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or TEAMS. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, please copy all emails to PlanningSE@highwaysengland.co.uk . Thank you.

We are mindful that:

- **People's physical, mental and emotional health are of utmost importance**
- **People are not 'working from home', they are 'at their home during a pandemic trying to work'**
- **People might be working different hours, but they should not be working excessive hours**
- **People should be gentle on themselves and others, not judging based on how they/ others are coping**
- **Individual and team success is not to be based on 'normal times' expectations**

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From: David Harvey [<mailto:david.harvey@dhaplanning.co.uk>]

Sent: 24 November 2020 10:16

To: beiseip@beis.gov.uk

Cc: Francesca.Potter@kent.gov.uk; Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Chris Ratcliffe <cratclif@wtienergy.co.uk>; Yohanna Weber <yohanna.weber@keystonelaw.co.uk>

Subject: EN010083 - WTI/EFW Holdings Ltd - K3 and WKN DCO Application

Dear Mr Leigh

I am writing on behalf of WTI/EFW Holdings Ltd; the applicant seeking a Development Consent Order for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste-to Energy Facility project.

We have been notified by the Planning Inspectorate that the Examining Authority issued his Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy on the 19th November 2020 (PINS application reference EN010083).

As the ExA will have documented in his Recommendation Report on the last day of the Examination the applicant submitted a Closing Statement on Waste Matters, a further submission relating to waste, a Position Statement on Highways Matters and a working draft of a Statement of Common Ground with Highways England, and requested that those documents be accepted into the Examination. The ExA's Rule 9 letter of the 21st August 2020 confirmed that he had made a Procedural Decision not to accept those documents.

During the ExA's consideration of the application the Applicant wrote to PINS to clarify its reasons behind submitting those documents and to demonstrate that, in the Applicant's view, it was appropriate to accept the Closing Statement on Waste and the Position Statement on Highways matters in particular as those were intended to provide a useful summary of the position at the end of the Examination and given that we do not believe to have accepted those submissions would have prejudiced the interested parties involved in the Examination.

We also noted within that correspondence that we intended to continue to engage with Highways England regarding their Statement of Common Ground. However HE subsequently confirmed that due to their workloads they would not be able to discuss the scheme further unless directed to do so by the ExA or the Secretary of State. We provided an update to PINS, as well as requesting a response to our correspondence relating to the final submissions, and it was suggested in their response that we may wish to send the documents in question to the Secretary of State during their Decision stage.

I have attached our correspondence with PINS for your information. We felt it was appropriate, on that basis, to contact you early on in the SoS's decision stage to confirm whether the submission of the Waste Closing Statement and Highways Position Statement would be acceptable in order to assist the SoS's consideration and determination of the application. Furthermore, we would be grateful for an update as early as possible within the Decision period as to whether the SoS will require the Applicant to advance discussions with Highways England so that we can progress those discussions accordingly if necessary.

I look forward to your response and please do not hesitate to contact me should you need to discuss the above or the attached.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk





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From: [Bown, Kevin](#)
To: [David Harvey](#); [David Archibald](#); [Chris Ratcliffe](#)
Cc: [Planning SE](#); [Bradley, Alistair](#); [Bowie, David](#); [Finch, Colin - GT HTW](#)
Subject: HE COMMENTS FW: Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility - EN010083

Dear Messrs Harvey, Archibald and Ratcliffe

I note that the ExA has declined to accept your submissions made on the last day of the Examination, that included a draft of the applicant/HE SoCG.

I note the ExA reasons included the fact that with so many track changes it was difficult to discern what it was saying, the fact it was unsigned and hence the fact that it was unclear whether either side were content with it.

I also note the clear inference that the ExA will not be accepting any further submissions from anyone.

Consequently, there seems little point in seeking to progress the SoCG any further unless or until instructed to do so by the ExA. I will therefore park it.

I am content that, via our submission to the ExA using their question/answer templates, the basic HE position was clear.

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)
Web: <http://www.highways.co.uk>

Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or similar. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, as a precaution, please copy all emails to PlanningSE@highwaysengland.co.uk . Thank you.

We are mindful that everyone is different and everyone's circumstances may be different. We are sharing the following NHS principles

- **People are not 'working from home', they are 'at their home during a crisis trying to work'**
- **People's physical, mental and emotional health are far more important than anything else at present**
- **If people are currently less productive they should not try to compensate by working longer hours**
- **People should be gentle on themselves and others, not judging based on how they/ others are coping**
- **Individual and team success is not to be based on 'normal times' expectations**

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From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
[mailto:WheelabratorKemsley@planninginspectorate.gov.uk]
Sent: 21 August 2020 13:00
To: Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>
Subject: Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN)
Waste to Energy Facility - EN010083

Dear Sir or Madam,

**Notification of completion of the Examining Authority's Examination
The Planning Act 2008 – Section 99, 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

Unique Reference: 20023079

21 August 2020

As required by Section 99 of the Planning Act 2008, this is a notification that the Examination
of the above application was completed on 19 August 2020. Please see the notification which
is published on our website.

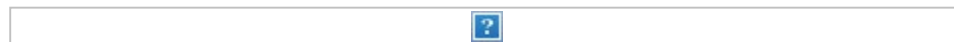
<http://infrastructure.planninginspectorate.gov.uk/document/EN010083-000939>

The Examining Authority has made a procedural decision, please use this link to read it in
full. <http://infrastructure.planninginspectorate.gov.uk/document/EN010083-000941>

Please do not hesitate to contact us if you require any further information. Please note that
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.

Yours faithfully,
Wheelabrator Kemsley K3 Project Team

WheelabratorKemsley@planninginspectorate.gov.uk
0303 444 5000
<https://infrastructure.planninginspectorate.gov.uk>



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David Harvey

From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
<WheelabratorKemsley@planninginspectorate.gov.uk>
Sent: 12 October 2020 16:23
To: David Harvey
Subject: RE: EN010083 - K3 and WKN
Attachments: Kemsley Reg 9 Fees.docx

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Good morning David,

Thank you for your email and I'm sorry for the delay. The ExA made the decision not to accept the documents into the Examination and further information is not requested during the Recommendation stage. You may wish to send the documents to the Secretary of State during their Decision stage. We would update our website when the Report has been submitted.

Attached is a letter in regards to Fees. Please could you confirm that the invoice was received by the Applicant? It was sent to the London address – 123 Victoria Street, SW1E 6DE. It will need to be paid before the end of the Recommendation Period.

Best wishes,

Dee Allen
Case Manager
National Infrastructure Planning
0303 444 5861 [REDACTED]

From: David Harvey <david.harvey@dhaplanning.co.uk>
Sent: 05 October 2020 10:52
To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN
<WheelabratorKemsley@planninginspectorate.gov.uk>
Subject: RE: EN010083 - K3 and WKN

Good morning Dee,

Thank you for your confirmation that our email of the 25th August 2020 was received. I would be grateful for any update you are able to provide in respect of the ExA's position on the Applicant's final submissions given the points made within that email.

In addition, we stated in our final Position Statement on Highways Matters that we would welcome further discussions with Highways England beyond the end of the Examination period in order to clarify the position taken in HE's submissions at Deadline 7 and ideally in order to be able to reach a point of agreement on a Statement of Common Ground, should there be an opportunity to make further submissions during the ExA's consideration of the application. Whilst we have endeavoured to progress those discussions, due to their workload the Officers at HE have confirmed they would not be able to engage in any discussions unless specifically requested to do so by the ExA. I therefore wanted to draw this to your attention when sufficient time remains prior to the deadline for the ExA's Recommendation for us to have further discussions with HE, if any further submissions are to be sought.

I trust the above is helpful and if it would be useful to discuss please let me know.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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From: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk**>**

Sent: 01 September 2020 15:35

To: David Harvey <david.harvey@dhaplanning.co.uk>

Subject: RE: EN010083 - K3 and WKN

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Dear Mr Harvey,

Apologies for the delay, I am writing to let you know your email was received.

Best wishes,
Dee

Dee Allen
Case Manager
National Infrastructure Planning

From: David Harvey <david.harvey@dhaplanning.co.uk>

Sent: 25 August 2020 15:37

To: Wheelabrator KemsleyK3 Wheelabrator Kemsley NorthWKN

<WheelabratorKemsley@planninginspectorate.gov.uk**>**

Subject: EN010083 - K3 and WKN

Dear Wheelabrator Case Team

We have reviewed the Procedural Decision issued by the ExA on the 21st August at the close of the Examination. Firstly we want to reiterate that we welcome the efforts of the examination team throughout the process to bring the examination to a close without delay despite the difficulties created by the current pandemic, given the additional pressures that has placed on the ExA, case team and Interested Parties (as well as the applicant).

We recognise that the examination of a DCO application is predicated on the process being fair for all parties and have sought to engage openly with Interested Parties and their submissions to the examination on that basis. Having reviewed the Procedural Decision we were therefore disappointed to see the examination end on that note and wanted to clarify our approach to our submissions prior to the examination closing.

In respect of waste matters, the submissions by the applicant and IP's throughout the examination have covered a number of detailed matters, with the last of those submissions made at Deadline 8. We felt it appropriate, following that last Deadline, to provide a concise summary of the applicant's position at the close of the examination in order to aid the ExA's consideration of the application. We acknowledge KCC's right as an IP to provide their own Closing Statement prior to the end of the Examination and therefore intentionally sought not to comment on that. However in that respect we believe the Applicant should be afforded a similar opportunity to summarise their case at the close of the Examination, and that it would in no way prejudice the involvement of IP's in the process or be unfair to those IP's for that Statement of Case to be accepted into the examination, particularly when it seeks not to introduce new information but to aid the ExA in his consideration of the application. Accordingly we had made our intention to submit a Statement of Case clear to the Case Team by email on the 17th August, at the start of the week in which the examination closed.

We acknowledge that the 'No Time to Waste' document has not previously been introduced into the Examination and the ExA's discretion to accept submissions outside of the specified Deadlines. For that reason that formed a separate submission to our Closing Statement on Waste and we note the ExA's position on that particular document.

In respect of highways matters, the Applicant has been endeavouring to advance the SOCG throughout the examination. In the Applicant's view it is clear that the lack of hearings and the increased pressures on statutory bodies such as HE, arising from the pandemic, have been a significant factor in that SoCG not being in a form to submit earlier in the examination process, nor by the end of the examination. However that notwithstanding HE have altered their position on a matter which is fundamental to the current operation of K3 between Deadline 7 and 8 of the examination, with the SoCG having to be amended to reflect that.

The Applicant is seeking to continue discussions with HE following the conclusion of the examination, should the ExA request a SoCG or any clarification on the position of the respective parties. To that end, the Applicant felt it was appropriate to document its position at the end of the Examination through its Position Statement and, conscious of the ExA's requests for a SoCG with HE, to provide an informal illustration of the position reached by the parties in a similar manner to the draft SoCG submitted by HE at Deadline 7.

The Applicant will continue to engage with the ExA and IP's as required and appropriate should that be necessary to clarify matters on any of the topics raised during the Examination. In the meantime we trust this email helps clarify the approach taken to our submissions at the close of the Examination and the Applicant remains ready and willing to assist the ExA with whatever next steps are required to bring matters to a satisfactory conclusion.

Regards

David

David Harvey
Director

Email: david.harvey@dhaplanning.co.uk



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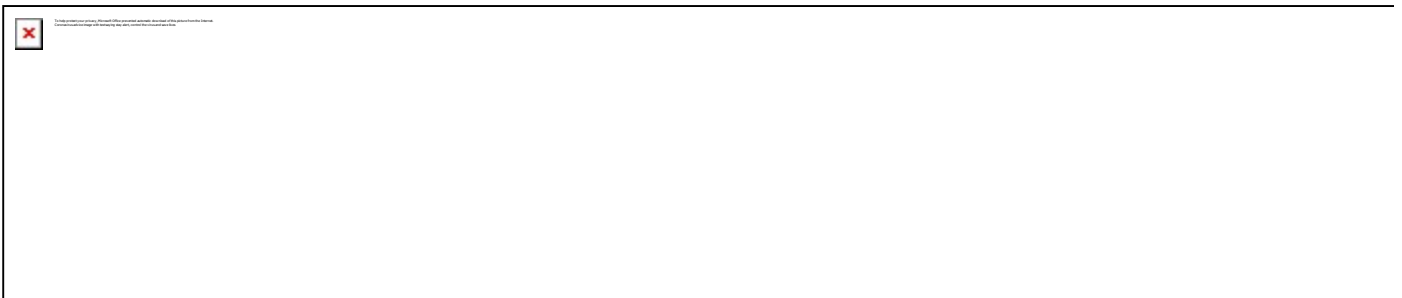
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