



## Deadline 1: Applicant's Response to Relevant Representations

### Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy facility Development Consent Order

PINS Ref: EN010083

Document 9.2  
March 2020 - Deadline 1



## Deadline 1 – Response to Relevant Representations

---

Applicant: **EFW/WTI Holdings Ltd  
(Wheelabrator Technologies Inc)**

Project: **Wheelabrator Kemsley Generating  
Station (K3) and Wheelabrator  
Kemsley North (WKN) Waste to  
Energy Facility DCO**

Date: **March 2020**

Reference: **EN010083 – Document 9.2**

Author: **David Harvey, DHA Planning Ltd**

---

DHA  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

Tel: 01622 776226  
Email: [info@dhaenvironment.co.uk](mailto:info@dhaenvironment.co.uk)  
Web: [www.dhaenvironment.co.uk](http://www.dhaenvironment.co.uk)  
Twitter: [www.twitter.com/dhagroup](https://www.twitter.com/dhagroup)

Part of the DHA Group  
Planning | Urban Design | Transport | Environment

## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>2</b>
1.1	Purpose of this document .....	2
<b>2</b>	<b>THE PROPOSED K3 AND WKN FACILITIES .....</b>	<b>3</b>
2.2	The Site(s) .....	3
<b>3</b>	<b>COMMENTS ON RELEVANT REPRESENTATIONS .....</b>	<b>5</b>
3.1	The Relevant Representations received .....	5
3.2	Mr Michael Vick – 28 <sup>th</sup> October 2019 .....	5
3.3	Ms Donna Clarke – 15 <sup>th</sup> November 2019 .....	5
3.4	The Environment Agency – 19 <sup>th</sup> November 2019 .....	6
3.5	The Health and Safety Executive – 28 <sup>th</sup> November 2019 .....	6
3.6	Public Health England – 28 <sup>th</sup> November 2019 .....	6
3.7	Historic England – 3 <sup>rd</sup> December 2019 .....	6
3.8	Surrey County Council – 3 <sup>rd</sup> December 2019 .....	7
3.9	Highways England – 4 <sup>th</sup> December 2019 .....	7
3.10	Natural England – 4 <sup>th</sup> December 2019 .....	7
3.11	Kent County Council – 4 <sup>th</sup> December 2019 .....	7

# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement has been prepared at Deadline 1 of the Examination by the Planning Inspectorate into an application by WTI/EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc – “WTI”) under the Planning Act 2008 for a Development Consent Order (a “DCO”) for the construction and operation of the Wheelabrator Kemsley (“K3”) and Wheelabrator Kemsley North (“WKN”) waste-to-energy generating stations on land at Kemsley, Sittingbourne in Kent.
- 1.1.2 This Statement provides the response by the applicant to the Relevant Representations received on the application by the Planning Inspectorate.
- 1.1.3 For ease and completeness this document briefly summarises the proposed development and identifies the application site before providing the applicant’s comments on the Relevant Representations. The Relevant Representations are not replicated within this document but can be viewed on the project page of the Planning Inspectorate’s website:

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

---

## 2 The Proposed K3 and WKN Facilities

- 2.1.1 WTI has made an application to the SoS for a DCO for the construction and operation of the Wheelabrator Kemsley Generating Station ('K3') and for the construction and operation of a new waste-to-energy facility on adjacent land called Wheelabrator Kemsley North ('WKN').
- 2.1.2 Planning permission was granted under the Town and Country Planning Act 1990 by Kent County Council in 2012 for a sustainable waste-to-energy facility (K3). Construction of the plant began in July 2016 and is expected to be completed with the K3 plant operational during Q2 2020. As consented K3 will have two 102 megawatt thermal (MWth) lines, be capable of processing 550,000 tonnes of waste per annum and have a generating output of up to 49.9 megawatts (MW).
- 2.1.3 This application seeks a DCO which, in practical terms, would permit K3 as constructed to generate an additional 25.1MW and to process an additional 107,000 tonnes of waste per annum ("the K3 Proposed Development"). In order to properly categorise and consent those increases under the Planning Act 2008 consent is being sought for the construction and operation of K3 with a generating capacity of up to 75MW and an annual tonnage throughput of 657,000 tonnes.
- 2.1.4 Development Consent is also being sought for the proposed new WKN waste-to-energy facility, which would be a single 125MWth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW ("the WKN Proposed Development").
- 2.1.5 Consent for the K3 and WKN Proposed Developments is being sought via a single DCO through a single application to the SoS via PINS.

### 2.2 The Site(s)

#### Wheelabrator Kemsley (K3) Site

- 2.2.1 The site is located on land immediately to the east of the Kemsley Paper Mill, located 0.8km east of Kemsley, a residential suburb in the north of Sittingbourne in Kent (hereafter the 'K3 Site'). It lies adjacent to the Swale Estuary to its east, with the Isle of Sheppey beyond and within the administrative areas of Kent County Council (KCC) and Swale Borough Council (SBC). To the south of the K3 Site lies a capped former landfill site which lies adjacent to the confluence between Milton Creek and the Swale Estuary. To the north lies an area of reedbed known as Kemsley Marshes. Access to the K3 Site is obtained from Barge Way to the north via an existing access road forming the eastern boundary of the Kemsley Paper Mill and shared with the mill operator DS Smith Ltd. The K3 Site lies in proximity to the A249 which links to both the M2 and M20 motorways to the south and with the Isle of Sheppey to the north.

#### Wheelabrator Kemsley North (WKN) Site

- 2.2.2 The site is located on land immediately north of the permitted K3 facility (hereafter the "WKN Site"). The WKN Site is currently being used by the Applicant



as a laydown and parking area for the construction of the adjacent K3 facility. It has been cleared of vegetation and laid to concrete or hardcore with a perimeter fence.

- 2.2.3 To the east of the WKN Site lies the Swale Estuary with the Isle of Sheppey beyond. Immediately to the north lie the Kemsley Marshes beyond which lies the Kemsley Paper Mill anaerobic digester treatment works (under construction) and to the north east a jetty operated by Knauf for the import of gypsum by barge.
- 2.2.4 The location of the K3 and WKN sites is shown in Figure 1.



Figure 1: Location of the K3 (green) and WKN (yellow) sites

### **3 Comments on Relevant Representations**

#### **3.1 The Relevant Representations received**

3.1.1 The following Relevant Representations are recorded as having been received by the Planning Inspectorate regarding the application.

3.1.2 The Examining Authority exercised their discretion on the 15<sup>th</sup> January 2020 to accept a letter dated 4<sup>th</sup> December 2019 from Kent County Council as an additional submission. However the applicant understands from Kent County Council that the letter in question was intended to be their Relevant Representation and have therefore treated that letter as a Relevant Representation and have responded to that letter within this Statement.

- (1) Mr Michael Vick – 28<sup>th</sup> October 2019
- (2) Ms Donna Clarke – 15<sup>th</sup> November 2019
- (3) The Environment Agency – 19<sup>th</sup> November 2019
- (4) The Health and Safety Executive – 28<sup>th</sup> November 2019
- (5) Public Health England – 28<sup>th</sup> November 2019
- (6) Historic England – 3<sup>rd</sup> December 2019
- (7) Surrey County Council – 3<sup>rd</sup> December 2019
- (8) Highways England – 4<sup>th</sup> December 2019
- (9) Natural England – 4<sup>th</sup> December 2019
- (10) Kent County Council – 4<sup>th</sup> December 2019

#### **3.2 Mr Michael Vick – 28<sup>th</sup> October 2019**

3.2.1 The Applicant welcomes the fact, as noted in the RR, that Mr Vick took the opportunity to visit the K3 facility as it was being constructed during the pre-application consultation period. It is considered overall that the concerns raised are addressed within the relevant parts of the application, specifically the Consultation Report (4.1), Waste Hierarchy and Fuel Availability Assessment (4.6), Rail and Water Transportation Strategies (4.8 and 4.9) and the relevant Technical Chapters of the Environmental Statement (3.1).

#### **3.3 Ms Donna Clarke – 15<sup>th</sup> November 2019**

3.3.1 The Applicant considers the Grid Connection Statement to provide an appropriate level of detail regarding the grid connection to be established for the K3 and WKN

---

connections. It is confirmed that any upgrade works required for the substation within the Kemsley Paper mill site would be carried out by UK Power Networks, as the substation is their infrastructure. There are not considered to be any impediments to the ability to export to the grid the electricity proposed to be produced by either the proposed K3 or WKN facilities.

### **3.4 The Environment Agency – 19<sup>th</sup> November 2019**

- 3.4.1 The Applicant is in discussions with the Environment Agency regarding the agreement of a Statement of Common Ground which will be submitted as early as possible within the examination.
- 3.4.2 The Applicant intends to reflect the change proposed by the Environment Agency to the Environmental Permitting Regulations within the draft DCO when that is submitted at Deadline 2, together with the reference to 'Land contamination and groundwater'.
- 3.4.3 It is noted that the EA do not raise any objections to the Flood Risk Assessment which forms part of the DCO application, and that the EA notes that baseline ground conditions in respect of groundwater and contaminated land have been assessed previously under earlier permissions from Kent County Council. Those matters will be recorded within the SoCG between the Applicant and the EA.
- 3.4.4 The Applicant will provide a full update as to the status of the amended environmental permit for K3 and progress with the environmental permit with WKN at Deadline 2 as part of the response to ExQ1.2.5. and the status of the environmental permit applications will also be addressed within the SoCG.

### **3.5 The Health and Safety Executive – 28<sup>th</sup> November 2019**

- 3.5.1 The Applicant notes the comments made by the Health and Safety Executive and the acknowledgement that the proposed development does not fall within its consultation zones or within the scope of COMAH legislation. The reference to the Health and Safety at Work, etc Act 1974 is noted; Section 2.12 of the Environmental Statement records that the Act in question is relevant and would be actively addressed during the operation of the K3 and WKN facilities, alongside the other legislation identified within that Section of the ES.

### **3.6 Public Health England – 28<sup>th</sup> November 2019**

- 3.6.1 The applicant notes that Public Health England have no additional comments to make and have not registered as an interested party. That Relevant Representation follows a response by PHE on the 27<sup>th</sup> August 2019 to S42 consultation by the applicant which also did not raise any specific concerns, and on that basis no specific response is considered necessary at this stage.

### **3.7 Historic England – 3<sup>rd</sup> December 2019**

- 3.7.1 The Applicant welcomes the fact that Historic England note in their RR that Chapters 12 and 13 of the Environmental Statement now provide an appropriate



---

assessment of designated heritage assets within the study areas, following the earlier comments during the consultation period by HE.

- 3.7.2 The conclusion drawn in Chapter 13 of the Environmental Statement (3.1) on Archaeology and Cultural Heritage is that no significant effects were identified on designated assets, which therefore appears consistent with the stance of Historic England that the impacts they have identified are of a low level.

### **3.8 Surrey County Council – 3<sup>rd</sup> December 2019**

- 3.8.1 The Applicant notes the comment by Surrey County Council and that it forms the subject of ExQ1.1.6. A full response on the issue of waste net-self sufficiency will therefore be provided as part of the Applicant's submissions in response to the ExQ1 at Deadline 2.

### **3.9 Highways England – 4<sup>th</sup> December 2019**

- 3.9.1 The Applicant notes the RR by Highways England. The Applicant provided a Technical Note to Highways England on the 17<sup>th</sup> January 2020 which responded to the points raised within their S42 Consultation Response of the 10<sup>th</sup> January 2020 and then met with representatives of Highways England on the 28<sup>th</sup> January 2020 to discuss those points. During that meeting it was agreed that there would be merit in the Applicant and Highways England entering into a SoCG, as now recorded within the Rule 8 letter of the 26<sup>th</sup> February 2020, and discussions between the two parties to that end are ongoing. A draft and final SoCG between the Applicant and Highways England will be submitted as soon as possible during the examination.

### **3.10 Natural England – 4<sup>th</sup> December 2019**

- 3.10.1 The Applicant agrees with the statement within Natural England's RR that the two parties have been liaising closely regarding the proposals since March 2017. The Applicant is submitting a draft of a SoCG with Natural England at Deadline 1 and notes that a number of the specific points raised within their RR have been set out within the ExQ1, to which a full response will be provided at Deadline 2.

### **3.11 Kent County Council – 4<sup>th</sup> December 2019**

- 3.11.1 The Applicant notes the points made by KCC in their Relevant Representation. KCC and the Applicant have been in continued correspondence during the preparation and consultation of the application and had a further meeting on the 10<sup>th</sup> February 2020 to briefly discuss the points made within the Relevant Representation (with a focus on highways matters) and the preparation of a SoCG. It is confirmed that a SoCG between the two parties is being prepared and will address the different matters included within KCC's Relevant Representation. The issues of highways and waste are then also addressed within the ExQ1, which the Applicant will be responding to at Deadline 2.