



Mr E Williams
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: Document 1.1 – Covering Letter
Your Reference: EN010083

11th September 2019

Dear Mr Williams,

THE PLANNING ACT 2008

WTI/EFW HOLDINGS Ltd. - EN010083: APPLICATION FOR THE WHEELABRATOR KEMSLEY (K3 GENERATING STATION) AND (WKN WASTE-TO-ENERGY FACILITY) ORDER

THE WHEELABRATOR K3 AND WKN FACILITIES, BARGE WAY, KEMSLEY, SITTINGBOURNE, KENT, ME10 2TD

I am pleased to enclose an application made by WTI/EFW Holdings Inc. which seeks a Development Consent Order for the Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste-to-energy facility on land to the north-east of Kemsley, Sittingbourne, in Kent.

WTI/EFW Holdings Ltd is a subsidiary of Wheelabrator Technologies Inc. (“WTI”); the second largest US waste-to-energy business who operate sixteen waste-to-energy facilities within the US and the UK with a further three currently being constructed, in addition to two waste fuel and four ash monofill facilities. WTI currently has an annual waste processing capacity of over 7.2 million tonnes and a total combined electric generating capacity of 732 megawatts. WTI is owned by Macquarie Infrastructure and Real Assets.

WTI are currently constructing the ‘K3’ generating station at Kemsley, to the north of Sittingbourne. Planning permission was granted for the K3 facility by Kent County Council under the Town and Country Planning Act 1990 in 2012; K3 will use waste and waste derived fuels to produce electricity for export to the grid and steam for export to the adjacent DS Smith Paper Ltd operated Kemsley Paper Mill. The facility is now substantially constructed and it is expected that K3 will become operational in late 2019, to its consented generating capacity of up to 49.9MW and with a permitted annual throughput of up to 550,000 tonnes.

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The proposed development

WTI are seeking a Development Consent Order which, in practical terms, would allow the K3 facility to have an increased generating capacity of up to 75MW, as well as allowing K3 to have an increased waste throughput of up to 657,000 tonnes each year.

WTI are then proposing to construct a new, separate energy-from-waste facility; Wheelabrator Kemsley North ("WKN"), immediately to the north of the K3 facility on land currently being used as a laydown area for the purposes of constructing K3.

WKN would be a single line waste-to-energy facility capable of processing up to 390,000 tonnes of waste each year, with a generating capacity of up to 42MW. WKN would be capable of providing steam to the DS Smith Paper Mill at times when K3 was not operational, for example due to maintenance works, and would then be CHP ready, allowing it to supply steam to other customers where a need is identified.

The Planning Act 2008

No external layout or design changes are required to the K3 facility as currently consented and being constructed in order to facilitate either the proposed increased generating capacity or the proposed increased annual tonnage throughput. The increased generating capacity would be facilitated through internal upgrades to the K3 facility. The proposed increase in annual tonnage throughput reflects WTI's recent experience of similar modern waste-to-energy facilities and their operating efficiencies and operational time between planned maintenance.

WTI have engaged in pre-application discussions with both the Inspectorate and the Department for Business, Energy and Industrial Strategy regarding the approach to the K3 proposed development. In order to properly categorise and consent the K3 project under the Planning Act 2008 consent is being sought for the construction and operation of K3, to a proposed generating capacity of up to 75MW and with a proposed annual waste throughput of up to 657,000 tonnes. The K3 project, as proposed, is therefore the construction of an onshore generating station in England with a capacity of more than 50 Megawatts and is a Nationally Significant Infrastructure Project by virtue of Section 14(1)(a) and 15(2) of the Planning Act 2008.

The generating capacity of the WKN facility is below 50MW; it is not therefore a Nationally Significant Infrastructure Project as it does not fall within the thresholds set out in Section 15(2) of the Act. However on 1st June 2018 WTI made a qualifying request to the Secretary of State for Business, Energy and Industrial Strategy ("the SoS"), under Section 35ZA(1) of the Act, and on the 27th June 2018 the SoS issued a Direction under Section 35 of the Planning Act 2008 that WKN is to be treated as a project for which development consent is required.



The S35 direction states that an application for consent or authorisation for development similar to that described in the Request is to be treated as a proposed application for which development consent is required. The Request in this case described a single line energy-from-waste plant of up to 42MW total generating capacity, capable of accepting circa 350,000 tonnes per annum of commercial and industrial residual waste fuel in order to generate electricity for export to the local distribution network, on land adjacent to the Kemsley Paper Mill in Sittingbourne, Kent. The proposed generating capacity of the WKN facility is the same as that stated in the Request and whilst an increased tonnage throughput of 390,000 tonnes is now proposed the WKN facility as described in this application remains similar to that described in the Request and accordingly development consent is sought for the WKN facility through this application.

The application

The application is accompanied by the statutory **Application Form** and a document containing copies of all **Newspaper Notices**. In addition to this Covering Letter, an **Application Guide** has been submitted which provides an overview to the K3 and WKN projects and the application itself. The Application Guide will be updated to reflect any new or revised documents, plans and drawings submitted during the examination of the application.

Due to the proximity of the projects to each other, and their similar technologies and operations, they will each separately consented and operated but under a single Development Consent Order. A **Draft Development Consent Order** and accompanying **Explanatory Memorandum** are included in the application, together with the accompanying **DCO Validation Report**. The Order is intended to become the operational consent for the K3 facility, replacing the original planning permission, and therefore contains a schedule of operational Requirements relating to K3. A separate schedule of Requirements is included for the WKN project, together with a schedule of joint Requirements which are applicable to both projects.

A **Book of Reference** has been submitted and documents the land interests within the DCO boundary. No compulsory purchase rights are sought through the DCO but for completeness a **Statement of Reasons** and **Funding Statement** have been submitted to document why that is the case.

The K3 and WKN projects are individually Schedule 1 developments under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as they are waste disposal installations with a capacity exceeding 100 tonnes per day. The application is accompanied by two **Environmental Statements**, which together form the Environmental Impact Assessment for the K3 and WKN projects, each with its own **Non Technical Summary**.

The original **2010 Environmental Statement**, together with any later ES Addenda, forms part of the application and provides the assessment of any likely significant environmental



effects arising from the construction of the K3 facility. Any mitigation arising from those likely significant effects was secured through conditions attached to the original 2012 planning permission for K3, with any pre-commencement or construction conditions now having been discharged in order for K3 to be constructed under its 2012 planning permission. Any relevant remaining conditions from the 2012 planning permission which relate to the operation of K3 have been transposed into the DCO.

A **2019 Environmental Statement** has then been produced to accompany the application. That ES assesses the likely significant environmental effects arising from the operation of K3 to its proposed generating capacity of 75MW and its annual throughput of 657,000 tonnes, together with the construction and operation of the WKN facility to its proposed generating capacity of 42MW and its annual throughput of 390,000 tonnes. Given K3 will, by the end of 2019, be operating to its consented 49.9MW generating capacity and with an annual throughput of 550,000 tonnes, the 2019 ES also assesses the 'practical effect' in environmental terms of the application on K3 should Development Consent be granted, which is K3 operating with an additional generating capacity of 25.1MW and with an additional annual throughput of 107,000 tonnes.

WTI have carried out three stages of formal statutory consultation prior to the submission of the application, as set out within the **Consultation Report** which forms part of the application. In 2017 WTI consulted statutory bodies, the local community and other interested parties regarding a proposed upgrading of the K3 facility from its consented 49.9MW to a generating capacity of up to 75MW. Following that consultation WTI identified that the K3 facility would have ability to process additional waste each year, together with the potential to construct the WKN facility on the land adjacent to K3. In late 2018 WTI therefore undertook further statutory consultation and publicity under Sections 42, 47 and 48 of the Act regarding proposals to upgrade the consented K3 (with construction of K3 already significantly advanced by that point) to a generating capacity of 75MW, to increase the tonnage throughput of K3 by 107,000 tonnes and to construct and operate WKN to a generating capacity as now proposed, of up to 42MW, and with an annual tonnage throughput of 390,000 tonnes.

A further round of consultation has then been undertaken in mid 2019, prior to submission, to reflect the fact that the application as now submitted seeks consent for the construction and operation of K3 to its full proposed generating capacity of up to 75MW and with an annual throughput of up to 657,000 tonnes.

The application is accompanied by a range of specific reports and documents including a **Planning Statement, Design and Access Statement** and a **Statement of Statutory Nuisance**. In accordance with Regulation 6(1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 a **Grid Connection Statement** is provided to detail who will be responsible for designing and building the connection to the electricity grid and the gas pipeline connection.



The application includes a **Fuel Availability and Waste Hierarchy Statement**, together with a **CHP Assessment**. Separate **K3 and WKN Rail and Barge Strategies** have been produced, to assess the potential for waste to be transported to the facilities via alternative methods.

The Works Plan for K3 details the location of the facility together with its grid and steam connection and associated development comprising a private access road, laydown area and surface water outfall. The Works Plans for K3 are the approved 'as built' plan set for the K3 facility which therefore reflect the design of the facility as constructed. No external physical works are required to K3 and no limits of deviation are required or proposed.

The Works Plan for WKN includes works for the construction of the facility together with the installation of its grid connection, the use of the same private access road for the purposes of construction, operation and maintenance, the temporary use of a second construction access and the formation of a laydown area together with a new surface water outfall for WKN. The WKN Parameters Plan identifies the location of key elements of the facility and together with the DCO provides limits of deviation in terms of both the scale and location of those key elements within the WKN site. An indicative layout, elevations and CGI is provided to illustrate how WKN could appear.

Statements of Common Ground

The applicant is intending to prepare Statements of Common Ground with Kent County Council, the Environment Agency and Natural England, with a view to being able to submit signed SoCGs as early as possible within the application process. The applicant will then advance any further of SoCGs considered by the Examining Inspector to be necessary based on their assessment of the application documents.

Submission

Six copies of the application have been provided on USB. The applicant confirms that they are happy to provide hard copies of the application or selected documents from it at the appropriate time at the request of the Inspectorate.

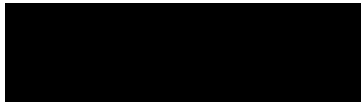
The application is accompanied by the required electronic index of documents. To aid the acceptance process the applicant has provided a completed copy of the Section 55 checklist, in order to signpost where the requirements of the various Regulations have been addressed within the application documents.

The acceptance fee of £7,106 has been paid via BACS, under reference number K3/WKN EN010083.



I trust the application is complete in all respects and look forward to confirmation of its receipt and in due course its acceptance. Please do not hesitate to contact me should you have any queries.

Yours sincerely,



David Harvey
Director

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Enc.