



**Wheelabrator**  
TECHNOLOGIES



## Environmental Statement Volume 1: Main Chapters

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

PINS Ref: EN010083

Planning Act 2008  
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009  
Regulation: 5(2)(a)

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RPS

# Infrastructure Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017

## ENVIRONMENTAL STATEMENT – MAIN REPORT

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Client: Wheelabrator Technologies Inc.  
Project: Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy facility Development Consent Order  
Date: September 2019  
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Planning | Urban Design | Transport | Environment



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# 1 Introduction

## 1.1 Background

- 1.1.1 Wheelabrator Technologies Inc. (“**the Applicant**”) has made an application to the Secretary of State for Business, Energy and Industrial Strategy (**SoS**) for a Development Consent Order (**DCO**) for the construction and operation of the Wheelabrator Kemsley (**K3** Generating Station) and the construction and operation of a waste-to-energy facility on adjacent land called Wheelabrator Kemsley North (**WKN**). **Figure 1.1** shows the location of the two developments and the DCO boundary.
- 1.1.1 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 plant operational by late 2019. K3 as consented will be capable of processing 550,000 tonnes of waste per annum and will have a generating capacity of 49.9 megawatts (MW).
- 1.1.2 The Planning Act 2008 states that the construction or extension of an onshore generating station with a capacity of more than 50MW in England or Wales is considered by Section 14(1)(a) and Section 15 of the Act to be a ‘nationally significant infrastructure project’ (NSIP) and as such requires an application for a DCO to be made to the Planning Inspectorate (PINS) for determination and approval by the SoS.
- 1.1.3 The applicant has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external layout or design, of generating an additional 25.1MW of electricity.
- 1.1.4 However in order for the K3 project to be properly categorised and consented as the construction of a generating station under the Planning Act 2008 the applicant is seeking consent for the construction of K3 at its total generating capacity of up to 75MW (49.9MW consented + 25.1MW upgrade) together with its proposed tonnage throughput of up to 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase) (the **K3 Proposed Development**’).
- 1.1.5 Development Consent is also being sought for a proposed new waste-to-energy facility, capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW (“the **WKN Proposed Development**”). The WKN Proposed Development is not therefore a NSIP as its generating capacity is below 50MW. Instead WTI made a formal application on the 1st June 2018 to the SoS under Section 35 of the Planning Act 2008 for a direction as to whether the WKN Proposed Development together with any matters associated with it can be treated as a development for which Development Consent is required. The SoS issued his direction on the 27th June 2018 confirming that WKN is to be treated as development for which Development Consent is required, for reasons including that it is nationally significant when considered with other projects in the same field, there are clear benefits to the K3 and WKN Proposed Developments being assessed comprehensively through the same DCO process and the removal of the need for separate consents to be sought.

1.1.6 Consent for the K3 and WKN Proposed Developments will therefore be sought under a single application to the SoS via PINS for a single DCO.

1.1.7 Further information regarding the Applicant, the location of the site(s), the K3 and WKN Proposed Developments and relevant planning history including relevant plans are provided in **Chapter 2**.

## 1.2 Environmental Impact Assessment

1.2.1 Both the K3 and WKN Proposed Developments are of a type listed in part 10 Schedule 1 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (hereafter the EIA Regulations) as waste disposal installations with a capacity exceeding 100 tonnes per day:

*10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex 1 to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.*

1.2.2 All development of a type listed in Schedule 1 of the EIA Regulations constitute EIA Development as defined in the EIA Regulations and the application for the K3 and WKN DCO is therefore required to be accompanied by an Environmental Statement (ES), prepared in accordance with the EIA Regulations. An Environmental Impact Assessment (EIA) has been carried out in accordance with the EIA Regulations to identify and assess the potential significant environmental effects of the K3 and WKN Proposed Developments. The results of this assessment are reported in this ES submitted with the application to PINS.

1.2.3 EIA is a process for ensuring that the likely significant effects of a new development on the environment are fully understood and taken into account before development is allowed to proceed. As defined in the DCLG EIA Planning Practice Guidance<sup>1</sup>:

*"The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process."*

<http://planningguidance.planningportal.gov.uk> Paragraph: 002 Reference ID: 4-002-20140306

1.2.4 The purpose of an ES is to report the findings of the EIA. In accordance with good practice guidance, this ES has been produced as a separate objective assessment of the potential environmental effects of the K3 and WKN Proposed Developments, albeit is integral to the planning process.

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<sup>1</sup> Whilst it is noted that the DCLG EIA Planning Practice Guidance relates principally to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the principle and purpose of EIA remains the same under the DCO process.



- 1.2.5 To satisfy the requirements of the EIA Regulations, an ES must address the matters as listed in Schedule 4 and Regulation 14 of the EIA Regulations as relevant.
- 1.1.1 The EIA process for the K3 and WKN Proposed Development will take account of the guidance provided by PINS in the form of the non-statutory National Infrastructure Advice Notes. These provide advice and information on a range of issues arising throughout the whole life of the application process as set out below:
- Advice Note Three: EIA consultation and notification (the Planning Inspectorate, 2017);
  - Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (the Planning Inspectorate, 2017);
  - Advice Note Nine: Rochdale Envelope (the Planning Inspectorate, 2018);
  - Advice Note Ten: Habitat Regulations Assessment (the Planning Inspectorate, 2017);
  - Advice Note Twelve: Transboundary Impacts (the Planning Inspectorate, 2018);
  - Advice Note Seventeen: Cumulative effects assessments (the Planning Inspectorate, 2019); and
  - Advice Note Eighteen: The Water Framework Directive (the Planning Inspectorate 2017)
- 1.2.6 This ES been prepared by DHA Environment and RPS using information gathered during a formal EIA of the K3 and WKN Proposed Developments in winter 2018 to summer 2019. The EIA has considered the likely significant effects of the K3 and WKN Proposed Developments individually as well as cumulatively with each other and with other relevant consented and planned projects.
- 1.2.7 The scope of the EIA has been determined by DHA in consultation with PINS and Consultees following the precautionary principle. The scoping process is discussed further in **Chapter 3**.
- 1.2.8 In order to keep the size of this ES to a minimum, and because of the nature of the report, it inevitably contains some technical terminology and abbreviations. A glossary of technical terms and abbreviations is included at **Chapter 15**.
- 1.2.9 A **Non-Technical Summary ("NTS")** (Document 3.2) has also been provided in accordance with Paragraph 9 of Schedule 4 to the EIA Regulations. This is a standalone document which provides a simplified summary of the content and scope of the ES, the technical issues considered within it and the assessment of the environmental impacts undertaken.

### 1.3 ES Content

1.3.1 The ES is presented in 3 volumes.

1.3.2 **Volume 1** comprises introductory chapters which set out the need for EIA; introduce the project team; set out the methodology used; describe the Site and the context for the K3 and WKN Proposed Developments; describe the K3 and WKN Proposed Developments; and set out the alternatives which were considered. It also includes the Technical Chapters, which are topic-specific assessments of the effects of the K3 and WKN Proposed Developments.

1.3.3 **Volume 2** includes appendices to the main text of the ES, predominantly detailed topic-specific reports which support the assessments made in the ES.

1.3.4 **Volume 3** is the NTS. In accordance with best practice guidance, the NTS has been prepared as a standalone report which is available free of charge. The NTS provides an illustrated summary of the key aspects of this ES report, designed to inform people of the environmental effects of the proposal and written in non-technical language.

### 1.4 Other Documentation

#### *DCO Application Documents*

1.4.1 A number of other documents have been submitted to PINS as part of the DCO application. These are listed in the Application Guide (Document 1.2) submitted with the DCO application.

### 1.5 Wheelabrator Technologies Inc.

1.5.1 Wheelabrator Technologies Inc. (“**the Applicant**”) is the second largest US waste-to-energy business and is an industry leader in the conversion of everyday residential and business waste into clean energy. Wheelabrator currently has a platform of 25 strategically located assets across the US and UK –19 waste-to-energy facilities (three under construction), two waste fuel facilities as well as four ash monofills. We also recover metals for recycling at two advanced metals recovery systems and one central upgrade facility. Wheelabrator currently has an annual waste processing capacity of over 7.2 million tonnes (8 million tons), and a total combined electric generating capacity of 732 megawatts—enough energy to power more than 671,100 US homes. Wheelabrator also recovers metals for recycling into commercial products. The company’s vision to develop, deliver and realize the potential of clean energy speaks to Wheelabrator’s ongoing commitment to the development of clean energy solutions for its customers and local communities. Wheelabrator is owned by Macquarie Infrastructure and Real Assets, a business within the Macquarie Asset Management division of Macquarie Group and a global alternative asset manager focused on real estate, infrastructure, and agriculture and energy assets.

1.5.2 For more information on Wheelabrator, please visit [www.wtienergy.co.uk](http://www.wtienergy.co.uk)

## 1.6 The Consultant Team

1.6.1 The Applicant has appointed a number of specialist consultants (competent experts), the results of whose work are presented in this ES. Table 1.1 lists the consultants involved in identifying the development constraints and undertaking various aspects of the EIA.

Name & Organisation	Discipline / Area of Expertise
Tim Spicer, DHA Planning	EIA Scoping, co-ordination and compilation and NTS
David Archibald, RPS	Traffic and Transport
Fiona Prissall, RPS	Air Quality
Tom Dearing, RPS	Climate Change
Phil Evans, RPS	Noise and Vibration
Tara Barratt, RPS	Human Health
Graham Moore, RPS	Ground Conditions
Jonathan Morley, RPS	Water Environment
Nick Betson RPS	Biodiversity
Paul Ellis, RPS	Land and Visual Impact
Nick Cooke, RPS	Cultural Heritage

1.6.2 In accordance with Regulation 14(4)(b) of the EIA Regulations a summary of the expertise and qualifications of the competent experts involved in the production of this ES are provided in **Appendix 1.1**.

## 1.7 ES Availability

1.7.1 Electronic copies of the ES, NTS and other application documents can be viewed and downloaded free of charge from the Applicant's website:

[www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)

1.7.2 Copies of the ES and NTS can also be inspected at the following locations until the conclusion of the examination period (anticipated June 2020), with typical opening hours shown:

Sittingbourne Library, Central Avenue, Sittingbourne, ME10 4AH	9:00am to 6:00pm Monday to Friday, 9:00am to 5:00pm Saturdays
Swale Borough Council Offices, East Street, Sittingbourne, ME10 3HT	8:45am to 5:00pm Monday to Thursday, 8:45am to 4:30pm Friday
Kent County Council Offices, County Hall Reception, County Hall, Maidstone, Kent, ME14 1XQ9:	9:00am to 4:00pm Monday to Friday

1.7.3 Additional copies of the ES (paper, USB or CD) may be obtained at a reasonable charge to reflect printing and distribution costs by contacting:



Email: [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)

Writing to: FREEPOST WHEELABRATOR KEMSLEY

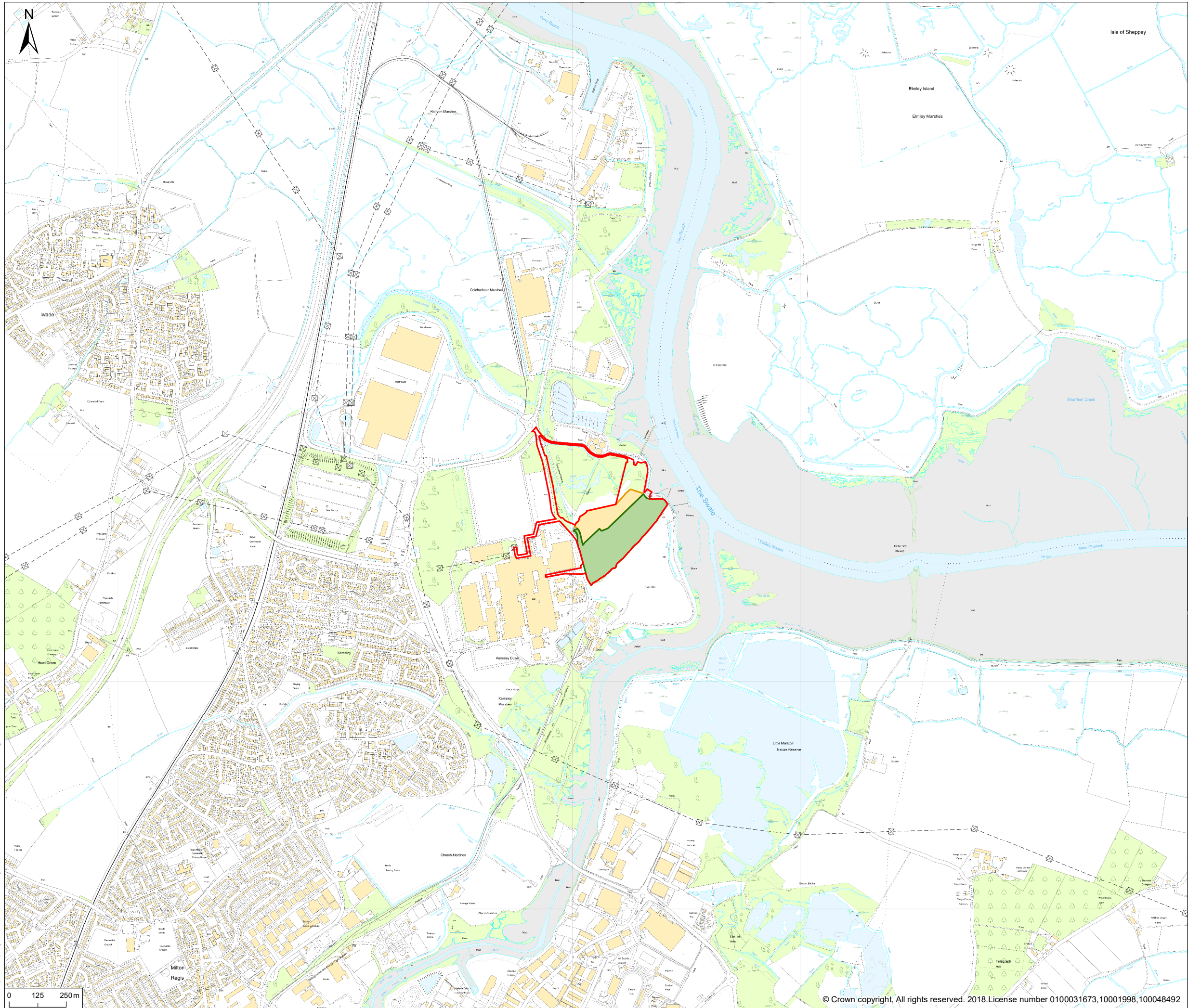
Calling (freephone): 0800 062 2982

- 1.7.4 The following charges apply, to cover printing and administration costs.
- (1) Full printed ES, including appendices - £500
  - (2) Printed ES, not including appendices - £50
  - (3) Printed Non-Technical Summary, singularly or in addition to the above - free
  - (4) Electronic CD copy of full ES, appendices and NTS - £25

## **1.8 Making representations on the application**

- 1.8.1 Following submission, the Planning Inspectorate has up to a month to assess whether the DCO application is valid. The Applicant is required to publicise the acceptance of a DCO application, at which point details will be provided as to how to register with PINS to be an Interested Party during the DCO examination. At that stage there is the opportunity to make an initial representation regarding the content of the DCO application. All such Relevant Representations made will be published by PINS on their website.
- 1.8.2 Anyone registered as an Interested Party will then be updated by PINS as the examination of the application progresses. They will have the opportunity to attend and speak at the Preliminary Meeting, which considers how the examination will proceed, and then at any Hearings which take place during the examination period itself. In addition, Interested Parties can submit a detailed Written Representation and make submissions in response to the formal questions raised by the Inspector(s) and the submissions of the Applicant and other Interested Parties. Further information is available on PINS website:

<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>



**Legend**

- DCO Boundary
- K3 Site (Works Area 1)
- WKN Site (Works Area 2)

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**Notes**

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Client **Wheelabrator Technologies Inc**

Project **K3 and WKN DCO**

Title **Site Location Plan**

Status **SUBMISSION** Drawn By: **CR** PM/Checked By: **TS**

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Figure Number

**1.1**