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Document 3.1 – ES Volume 2

Appendix 3.3: Response to PINS Scoping Opinion

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

September 2019 -Submission Version

PINS ref: EN010083



Response to the Planning Inspectorate's Scoping Opinion

Introduction

A formal request for a Scoping Opinion with regard to the K3 and WKN Proposed Developments was made to the Planning Inspectorate (PINS) in September 2018. A Scoping Report produced by DHA Environment and RPS setting out the key potentially significant effects was submitted at the same time as this request to help inform PINS formal scoping opinion (Appendix 3.1).

This document provided a summary of the proposals, identified the main environmental effects to be addressed within the EIA and summarised those topics of areas where significant effects were not likely and could be scoped of the EIA. In accordance with the EIA Regulations PINS consulted a number of statutory and non-statutory bodies on the proposed scope of the EIA. PINS' scoping opinion (provided pursuant to Regulation 10 of the EIA Regulations) represents its formal opinion on the information that needs to be presented in the ES.

The following table presents the key issues raised by PINS and consultees and provides responses to each of the relevant comments i.e. where a suggested amendment to the proposed scope of the ES is made. Comments that do not suggest an amendment to the scope of the ES as set out in DHA's Scoping Report have been excluded for ease of reference. The full Scoping Opinion provided by PINS and the comments provided by statutory consultees are provided as Appendix 3.2.

Where applicable, cross-references are made to where the issues have been addressed in the Environmental Statement. Please note, where the scoping comments received from consultees are quite lengthy, only the main points have been extracted and noted in the comment column below.

It should be noted that at the time of scoping the intention was to apply for an extension to K3 as consented to comprise a power upgrade from 49.9MW to 75MW and an increase in annual permissible waste throughput of 107,000tpa.

In order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is seeking consent for the construction of K3 at its total generating capacity of 75MW (49.9MW consented + 25.1MW upgrade) together with its proposed tonnage throughput of 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase) (the 'K3 Proposed Development').

However, the practical effect of the K3 Proposed Development would simply allow K3 as consented to generate an additional 25.1MW and process an additional 107,000 tpa of waste i.e. the same effect of proposed development at the time of scoping.

Construction of K3 began in July 2016 and is expected to be completed with the facility operational by late 2019. The DCO being consent sought would not result in any additional

external physical changes to K3 as consented and the layout and appearance of the facility would remain as per its consented design.

It is therefore considered that the Scoping Report and the subsequent Scoping Opinion issued by PINS remains relevant to the practical effect of the DCO. However, in order to ensure that the effect of the development as whole is assessed appropriately within the ES some amendments to the scope of the ES have been made. These are set out where relevant in the main ES.

Statutory and non-statutory consultee scoping response/comments	Response to issues raised in scoping/cross references to where issues have been addressed
PLANNING INSPECTORATE	
Description of the Proposed Development	
<p>Description of the Proposed Development pages 6-8 of PINS Scoping Opinion</p> <p><u>K3</u></p> <p>The Inspectorate notes that little information is provided about K3 and it is described being purely operational changes to the consented TCPA scheme. The nature of these changes must be fully described in the ES, supported by figures and process diagrams as necessary. The information provided must include sufficient detail about the consented TCPA scheme so that the context of K3 can be understood. Whilst planning documents relating to the consented TCPA scheme have been provided with the Scoping Report, the information that the Applicant considers is pertinent to K3 should be concisely set out in the ES, rather than contained in a series of separate documents.</p> <p>No information has been provided in the Scoping Report regarding the scale of the remaining and when the construction works of the consented TCPA scheme are anticipated to end, prior to operation commencing in August 2019. This should be set out in the ES, so that the position is clear at the time that the DCO application is submitted.</p> <p>Full details on the K3 Proposed Development are provided in Chapter 2 of the ES and supported by figures and a process diagram to aid understanding.</p> <p>It is considered that sufficient detail has been provided in Chapter 2 for the reader to understand the context of K3 relative to the TCPA and to aid the EIA.</p> <p>The construction of K3 will be completed in 2019 with the facility fully commissioned and operational by late 2019. This is before the determination of the proposed DCO application and there will therefore be now overlap in the construction of the two facilities.</p>	

The Inspectorate notes that the application currently before KCC for an amendment to the consented TCPA scheme would allow an increase of 90 HGV movements/day, while it is anticipated in the Scoping Report that K3 would generate an additional 68 (or 136) HGV movements/day. The upgraded power generation of K3 would represent a substantial increase from that of the consented TCPA scheme, and the relationship between the increase in power generation and the additional vehicle movements anticipated to be required should be clearly explained in the ES.

WKN

The description of WKN provided in the Scoping Report is limited in detail and no plans or diagrams are included. The Inspectorate notes that the design of the facility is not yet finalised and the dimensions of the structures, including the stack, are not yet confirmed. The Inspectorate expects that at the point when an application is made, the description of the proposed structures will be sufficiently developed to include the design, size and locations of the different elements of the Proposed Development. This should include the footprint and maximum heights of all proposed structures (relevant to existing ground levels) as well as land use requirements for all phases and elements of the development.

In particular, and to ensure a robust assessment of likely significant effects the ES should confirm the diameter and height of the stack and it should be clear what assumptions have been made regarding the placement of the stack, particularly with regards to air quality modelling and the landscape and visual assessment. The description should be supported (as necessary) with figures, cross-sections and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply, and how these have been used to inform an adequate assessment in the ES.

The relationship between the increase in power generation and the additional vehicle movements anticipated is set out in Chapter 2 of the ES. The application identified to increase the number of HGVs of the TCPA scheme has subsequently been permitted by the County Waste Authority and is reflected as such in the ES.

See Chapter 2 of the ES.

See Chapter 2 of the ES.

Limited information has been provided regarding the construction of WKN. The ES should provide specific details, including the programme, the nature of the works at each stage, the number of construction staff, working hours, etc, and how the work will be phased across the application site.	See Chapter 2 of the ES.
The Inspectorate notes from paragraph 7.6.13 of the ES that reference is made to a Construction Environmental Management Plan (CEMP) although it is not clear if there is an intention to provide one with the DCO application. A draft/outline CEMP should be provided with the application and the content agreed with the relevant consultation bodies where possible.	A draft Construction Environmental Management Plan is provided as Appendix 2.1 of the ES.
Paragraph 2.2.15 of the Scoping Report notes that a connection to the foul sewer will be needed for sanitary connection from the offices. These works should be described fully within the ES.	See Chapter 2 of the ES.
Paragraph 2.2.16 describes two drainage systems that will be constructed for WKN. Both drainage systems and any other measures required to attenuate surface water should be described fully in the ES. In particular, the ES should describe what the maximum acceptable capacity of the lagoon would be, and include information on any works or permit application that may be required in relation to the discharge of the excess water into the Swale Estuary. It should be confirmed in the ES whether WKN would utilise the K3 outfall pipe.	See Chapter 2 of the ES and Chapter 10 Water Environment and its respective appendices.
<u>Alternatives</u>	
The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. The Inspectorate would expect to see a section	See Chapter 2 of the ES.

in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

Flexibility

The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

See Chapter 2 of the ES.

General Scope of the ES

Scope of the assessment pages 10-13 of PINS Scoping Opinion

General

"The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:

- to demonstrate how the assessment has taken account of this Opinion;
- to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
- to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
- to describe any remedial measures that are identified as being necessary following monitoring; and
- to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

It is not clear whether it is intended to assess potential decommissioning impacts of K3 and WKN. Some of the technical chapters make no reference or refer to 'demolition'; it is not clear if this is intended to mean decommissioning. Paragraph 4.2.3 of the overarching NPS for Energy states that the ES should cover the environmental effects arising from decommissioning of a project. The Inspectorate advises that each of the ES technical assessments must include consideration of the decommissioning phase, which should describe the process and methods of decommissioning and identify any significant effects that are likely to occur.

These comments are addressed in turn below:

- This Table demonstrated how the ES has taken account of PINS Scoping Opinion.
- This is provided at the end of each technical chapter 4-13.
- This is provided in Chapter 14 of the ES.
- This is set out in Chapter 14 as necessary.
- This has been embedded into the HRA provided as Appendix 11.2 and the corresponding with Chapter 11.

The respective ES chapters assess potential decommissioning impacts where relevant. For the purposed of the ES reference to decommissioning includes demolition. A summary is provided in Chapter 2.

The Inspectorate welcomes the reference to the Planning Inspectorate's Advice Notes and also draws the Applicant's attention to the advice contained in AN17: Cumulative Effects Assessment.

Baseline Scenarios

The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

The Inspectorate notes that the baseline to be used for the assessment will assume that the consented TCPA scheme has been constructed and is operating in accordance with its extant PP. It is not specified in the Scoping Report when construction of the consented TCPA scheme will complete, other than that it will be by August 2019. On that basis and as construction will potentially still be ongoing at the time that the assessments are undertaken, the ES will need to clearly set out the stage that construction has reached and the nature of the ongoing activities at that time, and clearly explain and justify the assumptions that have been made in interpreting survey results.

In light of the number of ongoing developments within the vicinity of the Proposed Development application site, the Applicant should clearly state which developments will be assumed to be under construction or operational as part of the future baseline.

This is embedded in each of the technical chapters 4-13.

There will be no overlap between the construction of K3 and the WKN Proposed Development. The assessments do not therefore address the implications of this on survey results in the respective chapters if relevant.

This has been addressed where relevant in each of the technical chapters 4-13.

Forecasting Methods or Evidence

The detail within the Scoping Report regarding specific study areas is limited and is not provided at all for some aspects. The Inspectorate recommends that the study areas should be identified for each environmental aspect addressed in the ES. The extent of the study areas should be on the basis of recognised professional guidance (whenever such guidance is available) and address the extent of the likely impacts. Where relevant the assessment should include reference to relevant models or approaches such as traffic modelling or Zones of Theoretical Visibility (ZTV). The study areas should also be agreed with the relevant consultation bodies and where this is not possible, this should be stated clearly in the ES and reasoned justification given.

The ES should contain the timescales upon which the surveys that underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.

Section 3.4 of the Scoping Report explains in very general terms the approach to determining significance of effect but does not state what would be considered to constitute a significant effect. There are also inconsistencies in a number of the aspect chapters regarding the criteria to be used to determine sensitivity and magnitude. The Inspectorate requires the ES to include an overarching methodology that is applied to the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects and describes the criteria that will be applied. Any departure from that methodology should be described in individual aspect assessment chapters.

As in standard practice this has been addressed in each technical chapter where relevant.

This has been addressed where relevant in each of the technical chapters 4-13.

See Chapter 3 Methodology. Where a different approach is adopted this is set out in the respective technical chapter.

The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

Limitations to the assessment are set out in each technical chapter under the heading 'Limitations'.

Residues and Emissions

The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the topic-based assessments.

See Chapter 2 and technical Chapters 4-13 of the ES.

Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.

See technical Chapters 4-13 and Chapter 14 of the ES.

If any construction mitigation measures are contained in a CEMP submitted with the DCO application, clear cross-reference should be made from the relevant technical chapters.

Risks of Major Accidents and/or Disasters

The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (eg, that referenced in the Health and Safety Executive's (HSE's)

See Chapter 2.

Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards.

The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.

Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

Climate and Climate Change

The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of

See response to Risk of Accidents and Disasters below.

See Chapter 5 Climate Change with regard to greenhouse gas emissions.

The flood risk to the site in light of climate change is addressed in Chapter 10 Water Environment and its respective appendices.

materials or construction and design techniques that will be more resilient to risks from climate change.

Transboundary effects

The Scoping Report concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State, however it also notes within some aspect chapters that the matter will be reviewed following the results of the modelling exercises, which is welcomed. The final position should be clearly stated in the ES.

The K3 and WKN Proposed Development does not have the potential to result in transboundary effects.

A Reference List

A reference list detailing the sources used for the descriptions and assessments must be included in the ES.”

This is provided at the end of each ES chapter as relevant.

Traffic and transport

Section 4.1 of PINS Scoping Opinion

Traffic and Transport - pages 14 -16

Applicant's proposed matters to scope out

"Decommissioning of K3

The Applicant's Scoping Report suggests that decommissioning works for K3 are authorised through the consented TCPA application. The Inspectorate is content that if powers to decommission K3 are not sought through the DCO then this matter can be scoped out of the ES as a standalone assessment. However, the assessment of cumulative effects between decommissioning activities for WKN and other developments including K3 should be assessed where significant effects are likely to occur.

The effects of decommissioning of K3 has been considered in Chapter 4 Traffic and Transport of the ES.

Construction and decommissioning of WKN

The Inspectorate does not agree that these may be scoped out according to the justification that the vehicle movements will be higher during the operational phase. The ES should include an assessment of the impacts during all phases so that the effects of the Proposed Development throughout its life can be fully understood.

The construction and decommissioning effects of the WKN Proposed Development has been considered in Chapter 4 Traffic and Transport of the ES.

The potential for significant effects on driver delay, severance of routes, pedestrian delay and amenity, accidents and road safety and hazardous, dangerous and Abnormal Inadmissible Loads should be assessed for the construction and decommissioning phases of the Proposed Development in addition to the operational phase.

The baseline year against which the assessment is made should be when construction rather than operation commences, and the future baseline should be when the Proposed Development becomes operational.

Appropriate baseline years have been chosen to reflect construction and operation of the WKN Proposed Development. See Chapter 4 of the ES.

Other Points

K3 baseline assessment

The Applicant should ensure that the baseline assessments used to inform the ES appropriately take into consideration the likely timescales associated with the construction and operation of the consented TCPA scheme.

This is set out clearly in Chapter 4 of the ES. It has been assumed that the IBA facility on the WKN Site will not come forward even in the event that the WKN Proposed Development does not secure DCO consent.

It is noted that the 84 daily vehicle movements associated with the permitted IBA facility will be removed from the baseline in the event that the surrendering of the Integrated Pollution Prevention and Control (IPPC) permit is confirmed during the preparation of the DCO application. The Applicant should ensure that this is consistently reflected throughout the ES and in any other aspect chapters which are informed by the traffic and transport assessment.

K3 Scope of assessment

Although it is noted in para 6.1.2 that the removal by HGVs of additional IBA generated by the Proposed Development may give rise to changes those impacts are not reflected here; it is indicated that only the potential impacts resulting from the traffic generated by the additional delivery of waste will be considered in the assessment.

The assessment set out in Chapter 4 includes all vehicle movements to and from the K3 and WKN Proposed Developments.

The Inspectorate considers that the HGV movements generated by the IBA removal should also be assessed. In addition, any increased traffic movements from the Proposed Development site that result from the consented IBA facility not being constructed should be factored in to the assessment.

K3 & WKN Receptors

The receptors to be considered in the assessment should include species on which there could be potential significant effects in addition to ecological/nature conservation sites.

Although a list of potential receptors is provided in para 6.1.23 (and notwithstanding the information in the table below), it is suggested that the only receptors sensitive to transport impacts would be people, and that the focus of the assessment will be on vulnerable groups. The Inspectorate does not agree with this approach and considers that the assessment should consider all receptor types which could potentially be significantly affected by the Proposed Development.

K3 & WKN Cumulative effects

No information is provided on the scope of the cumulative effects assessment (CEA) for K3 and WKN. The justification for and extent of the CEA study area should be clearly explained and the list of developments to be included in the CEA should be set out in the ES, as set out in the Planning Inspectorate's AN17.

The Inspectorate does not agree that decommissioning of K3 may be scoped out of the assessment. There is potential for significant cumulative effects during decommissioning and this must be assessed.

Chapter 4 Traffic and Transport assess the likely effects on human receptors only. The implications on other receptors such as ecological/nature conservation sites for example Noise and air quality is dealt with in Chapter 11 Ecology.

As in standard practice traffic data has been used to inform the noise and air quality assessments and in turn the ecological assessment in chapters 7,5 and 11 respectively. The interactions between topics is summarised in Table 3.3 of Chapter 3 for reference.

A full list of cumulative developments assessed in the ES is provided in Chapter 3.

The Inspectorate does not agree that construction and decommissioning of WKN may be scoped out of the ES. There is potential for significant cumulative effects during these phases of the Proposed Development.

The approach taken to the assessment of cumulative effects with regard to traffic and transport is set out in Chapter 4 of the ES and includes the consideration of construction and decommissioning effects.

K3 & WKN Mitigation and residual effects

No information is provided about mitigation measures that would be proposed in the event that potential significant effects are identified, and no reference is made to the potential for residual effects. The ES should include a summary table that identifies any significant effects, the proposed mitigation and where it is secured in the application documents, and any residual effects.

See Chapter 4.

WKN Construction programme

The ES should include details of the construction programme, including when construction is anticipated to start and finish in the event that development consent is granted.”

See ES Chapter 2 and 4.

Air Quality

Section 4.2 of PINS Scoping Opinion

Air Quality - pages 17 - 18

Applicant’s proposed matters to scope out

“K3 - Dust effects during demolition

The Inspectorate agrees that dust effects during demolition can be scoped out, except in respect of cumulative effects of decommissioning together with WKN and other developments, of which any potentially significant effects must be reported in the ES.

A requirement of the DCO will require the production of a Decommissioning Environmental Management Plan submitted for written approval of the Local Authority prior to the decommissioning of the facility. In a similar fashion to the CEMP this will ensure there are no significant dust related effects alone or cumulatively with other developments.

K3 - Dust effects during maintenance

The Inspectorate agrees that this matter may be scoped out.

WKN - Bio-aerosol emissions

The Inspectorate does not consider that the Scoping Report provides adequate information relating to feedstock to support the justification to scope this matter out. Accordingly, the ES should include an assessment of this matter where a likely significant effect may occur.

Bioaerosol emissions are discussed in detail in Chapter 5 Air Quality of the ES.

Other points

K3 & WKN Baseline

Very little information is provided in the Scoping Report on the existing baseline, other than a reference to local AQMAs, and how it will be determined. The inspectorate expects the baseline to be clearly described in the ES. Features such as AQMAs should be identified by name on an accompanying plan.

The baseline is described in detail in Chapter 5 and Appendix 5.3.

AQMAs within the study area are shown in Figure 5.2 in Chapter 5.

The methodology relied upon and evidence to support the statement that air quality at the Proposed Development site is likely to be good on the basis that it is not within an AQMA must be set out in the ES.

K3 Assessment

Impacts from increased vehicular emissions resulting from the decommissioning phase of the Proposed Development should be assessed during both the operational and maintenance phases.

It is assumed that the Inspectorate is referring to vehicular emissions resulting from the decommissioning phase after operation of WKN has ceased. Vehicular emissions during the decommissioning phase will be the same or lower than those assessed for the construction phase and the impacts have been scoped out and are not considered further in this assessment.

K3 modelling

Details of the model used to forecast the effects of emissions and the inputs used to inform it, such as the Industrial Emissions Directive limits and meteorological data, should be provided in the ES.

The Industrial Emissions Directive limits are provided in Section 5.2 of Chapter 5. Details of the model, meteorological data and other model inputs are provided in Section **Error! Reference source not found.**

K3 Methodology

The Inspectorate does not consider that the approach to determining whether particular Process Contributions (PCs) of the Proposed Development are likely to be significant based on a comparison with the PCs presented in the ES for the consented TCPA scheme is sufficiently robust and has been adequately justified. The assessment of significance should be made against clearly identifiable and recognised criteria. In addition, the Inspectorate considers that impacts from increased PCs should be considered together with the PCs generated by other projects.

The impacts from increased PCs of K3 and WKN have been considered together in Chapter 5.

The cumulative PECs have also been considered in this Table.

The criteria for establishing the significance of effect are set out in Chapter 5.

Reference is made only to the assessment of PCs from the Proposed Development and not additionally to Predicted Environmental Contributions

(PECs). The Inspectorate considers that PECs should also be modelled and considered in the assessment.

K3 & WKN Cumulative effects

No information has been provided in respect of the cumulative assessment. The Applicant is referred to the advice contained in the Inspectorate's AN17.

Details of the cumulative assessment are provided in Chapter 5.

WKN Assessment

It is not clear whether it is intended to assess emissions resulting from vehicular movements during the construction and decommissioning phases. For the avoidance of doubt, the Inspectorate considers that this matter should be assessed where significant effects are likely to occur.

Emissions from vehicular movements during the construction and decommissioning phases have been considered in Chapter 5.

WKN Methodology

The Applicant should explain in the ES why it is considered that the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction' is the most appropriate source of advice for the assessment of dust impacts during the operational phase."

There is no specific guidance that is directly relevant to the assessment of operational dust emissions for the proposed development. The IAQM guidance uses the well-established source-pathway-receptor approach. In the absence of any specific guidance, an assessment has been undertaken using the most applicable guidance available.

Climate Change

Section 4.3 of PINS Scoping Opinion

Climate Change - pages 19 – 20

Applicant's proposed matters to scope out

"K3 - greenhouse gas emissions (GHG) during construction, operation and decommissioning

The Inspectorate agrees that this matter can be scoped out during construction, but not during operation. Additionally, impacts from decommissioning activities at WKN should be assessed cumulatively with other developments including K3 where significant effects are likely to occur.

K3 - Assessment of climate risks, and adaption/resilience measures during construction, operation and decommissioning

The Inspectorate agrees that this matter can be scoped out during construction, but not during operation. Additionally, impacts from decommissioning activities at WKN should be assessed cumulatively with other developments including K3 where significant effects are likely to occur.

The effects of the K3 Proposed Development during operation and decommissioning have been considered in Chapter 6 Climate Change.

This response is difficult to interpret, as it is the opposite position to that taken for the neighbouring WKN Proposed Development. It is unclear why the K3 Proposed Development would have any greater likelihood of significant climate risks than the WKN Proposed Development, particularly given that the design of the K3 Proposed Development is already consented and no physical changes to the K3 Proposed Development are proposed as part of this development consent application.

Given this, response ID 4.3.5 has been taken as applying to both the WKN and K3 Proposed Developments and assessment of vulnerability to climate change is scoped out of the assessment.

WKN – Direct GHG emissions from activities during construction

The Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scoping out these matters from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

The effects of the WKN Proposed Development during construction have been considered in Chapter 6 Climate Change.

WKN – GHG emissions during decommissioning

The Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scoping out these matters from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

The effects of the WKN Proposed Development during construction have been considered in Chapter 6 Climate Change.

WKN – Vulnerability to Climate Change

The Scoping Report notes that the operational lifetime is expected to be in the order of 25-35 years. As the operational lifetime of the Proposed Development would be limited in terms of the anticipated effects from predicted climate change, the Inspectorate is content that vulnerability to climate change can be scoped out (save for flood risk which will be assessed within the water environment chapter, and nitrogen deposition to be considered in the biodiversity chapter)."

Noise & Vibration

Section 4.4 of PINS Scoping Opinion

Noise & vibration - pages 21 – 22

Applicant's proposed matters to scope out

"K3 & WKN – Operational vibration

The Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scope out this matter from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

Chapter 7 of the ES sets out why likely significant effects from vibration during operation are unlikely to occur.

K3 – Noise and vibration effects during construction

The Inspectorate is content that the required works to K3 for the upgrade from the consented TCPA scheme would not result in significant effects and this matter may be scoped out.

Reference should be made to Chapter 2 of the ES which sets out the works involved to facilitate the K3 Proposed Development. This clearly demonstrated that no significant effects are likely to occur.

It is assumed that the additional inclusion of a reference to WKN in this statement is an error. For the avoidance of doubt, the Inspectorate does not agree that this matter may be scoped out for WKN, which is a new noise source and should be assessed

Other points

K3 - Baseline data

The Inspectorate notes that it is proposed to use baseline noise data gathered for the consented TCPA scheme to inform the baseline for the Proposed Development. The Applicant should ensure that any data relied upon for the assessment is sufficiently up-to-date so that it characterises the existing environment at the time that the assessment is undertaken.

The justifications for the baseline noise data used and its appropriateness is set out in Chapter 7 under the heading 'Existing Noise Environment'.

K3 & WKN - Modelling

Details of the model used to forecast the operational noise should be provided in the ES. It is unclear what is meant by the statement that the project engineers will provide the broadband internal noise levels. It should be explained in the ES how this informs the modelling and the assessment of likely significant effects.

This is set out clearly in Chapter 7 and its appendices. The reference to broadband internal noise levels simply refers to the noises emitted from the operation of the facility within the buildings.

K3 - Decommissioning

The potential decommissioning effects should be assessed in the wider context of identifying potential significant effects on the environment arising from the Proposed Development rather than on the basis of a comparison with the effects of the consented TCPA scheme.

Noise from decommissioning including the demolition of K3 is not considered likely to be noisier than the construction of the development. Construction impacts have been demonstrated to be not significant and therefore the same conclusion is considered applicable to decommissioning. Notwithstanding this there will be a requirement for a Decommissioning Environment Management Plan attached to the DCO to be submitted to the Local Authority for written approval prior to decommissioning.

K3 & WKN – Cumulative effects

It is not clear whether it is intended to assess the potential cumulative effects for all phases of the Proposed Development. For the avoidance of doubt, the Inspectorate considers that the cumulative effects should be considered for construction, operation and maintenance, and decommissioning.

Cumulative effects during construction, operation and decommissioning has been assessed where possible and relevant as set out in Chapter 7. The inherent nature of maintenance activities is such that they do not have the potential for significant adverse effects.

WKN - Assessment

The list of potential noise impacts does not include noise generated by construction traffic. The Inspectorate considers that where there is the potential for significant traffic noise effects, including during construction, this must be assessed in the ES.”

The potential road traffic noise effects during construction of WKN is assessed with Chapter 7.

Human Health

Section 4.5 of PINS Scoping Opinion

Human Health - pages 23 – 23

Applicant’s proposed matters to scope out

K3 - Operational noise and socioeconomic health determinants

The Scoping Report explains that impacts from K3 from operational noise and socio-economic determinants are unlikely to be materially different from that currently permitted. However, the Scoping Report does not provide a more detailed justification to support scoping this matter out. The

As set out in Chapter 7 Noise and Vibration the K3 Proposed Development will not introduce any addition fixed plant to the K3 facility. The impacts of additional road traffic noise have been assessed and demonstrated to be negligible.

Inspectorate considers that the ES should assess this matter where significant effects are likely to occur.

An assessment of the socio-economic health determinants is set out in Chapter 8.

Other Points

K3 & WKN - Assessment - Electric and Magnetic Fields (EMFs)

There is no reference in the Scoping Report to the potential for health impacts from new EMFs. The Applicant should confirm in the ES that the Proposed Development does not include any sources of EMFs that could potentially impact on public health or ensure that an adequate assessment of the potential impacts is undertaken and reported in the ES where significant effects are likely.

Design specifications for all electrical equipment to be utilised will be compliant with Council Recommendation 1999/519/EC or harmonised EMF standards.

Management of Electro Magnetic Fields during installation, commissioning and ongoing maintenance shall conform to the Control of Electromagnetic Fields at Work Regulations 2016.

It is therefore considered that EMF can be scoped out of the EIA on this basis.

Hazardous Substances

The Scoping Report suggests that Hazardous Substance Consent (HSC) is unlikely to be required. In the event that the threshold quantities for hazardous substances could be met or exceeded during any phase of the Proposed Development the need for HSC should be investigated. The ES should include an assessment of any likely significant effects associated with hazardous substances where relevant.”

The Applicant has confirmed that the WKN Proposed Development does not fall within the remit of the Hazardous Substance Consenting regime.

Ground Conditions

Section 4.6 of PINS Scoping Opinion

Ground Conditions - pages 24 – 25

Applicant's proposed matters to scope out

"K3 – Ground conditions

The Inspectorate agrees that this matter can be scoped out from the ES. However, the Inspectorate considers that impacts to ground conditions from decommissioning activities at WKN should be assessed cumulatively with other developments including K3 where significant effects are likely to occur.

WKN – Decommissioning impacts

The Scoping Report does not explicitly request to scope out an assessment of impacts from decommissioning. The Inspectorate considers that the impacts to ground conditions during decommissioning alone and cumulatively with other developments should be assessed for WKN where significant effects are likely to occur.

Other Points

WKN - Receptors

A Decommissioning Environmental Management Plan (DEMP) is a necessity of the environmental permitting and site surrender process controlled by the EA. This will include details on all potential environmental risks on the relevant Site and contain guidance on how risks can be removed or mitigated. All demolition work will by necessity be required to be undertaken by a suitable qualified and experienced contractor in accordance with contemporary legislation.

Upon completion of the decommissioning works the EA will undertake a site inspection to ensure all work has been completed to their satisfaction. A suitable portfolio of evidence will be required to as part of the DEMP process and therefore no likely significant effects are envisaged.

No reference is made to the inclusion of an assessment of impacts on ecological receptors, although there could potentially be pathways, such as groundwater, through which impacts could occur. The Inspectorate requires that the ES includes an assessment of impacts to ecological receptors where changes in ground conditions could result in significant effects. Where appropriate, cross-reference can be made to other ES aspect chapters such as ecology.

WKN – Existing baseline

It is not clearly stated but it appears that the Proposed Development site is underlain by a secondary A aquifer and a principal aquifer. This should be made explicit in the ES and any effects to these sensitive receptors should be assessed accordingly.

WKN – Assessment

If piling is required a piling risk assessment should be undertaken and used to inform the assessment in the ES. If it is not possible to provide precise details of the piling methods at that time the assessment must be based on worst case assumptions. Any assumptions used to inform the assessment should be clearly defined and explained in the ES.

WKN – Offsite effects

The Inspectorate recommends that potential ground gas generation effects arising from the Kemsley Waste Disposal Site are considered within the cumulative effects assessment for the Proposed Development.

The potential for the development to affect surface water and ground water quality is addressed in Chapter 9 Ground Conditions of the ES. Cross references to Chapter 11 Ecology are made where relevant.

This is set out clearly in Chapter 9 Ground Conditions. The Lambeth Group and Thanet Formation are classified as Secondary A aquifers and the Chalk is classified as a Principal Aquifer by the EA and are thought to underly the WKN Site.

The requirement for a piling risk assessment is secured through the Ground Conditions Chapter 9 of the ES and appropriate Requirement in the dDCO.

The potential effects from the Kemsley Waste Disposal Site are addressed in Chapter 9.

WKN - Mitigation

Although reference is made to mitigation measures typically contained in a Construction Environmental Management Plan (CEMP) it is not stated whether it is intended to submit a CEMP with the DCO application documents. Any effects for which mitigation is required should be clearly described in the ES and explicit cross-reference made to any documents in which specific mitigation measures are contained and secured.

A draft CEMP is provided as Appendix 2.1 of the ES.

WKN - Design

Activities during construction, operation and decommissioning that could create new sources of contamination or new pathways for contamination should be identified in the ES.

All potential effects from the construction, operational and decommissioning of the WKN Proposed Development have been set out in Chapter 9.

WKN - Cumulative effects

The Scoping Report includes inconsistencies in the approach to the cumulative effect's assessment. In particular it is not clear how a conclusion that no significant effects are likely can be reached prior to the carrying out of the assessment. For the avoidance of doubt the ES should include an assessment of cumulative impacts on ground conditions where significant effects are likely."

The potential for cumulative effects is set out in Chapter 9.

Landscape and Visual

Section 4.7 of PINS Scoping Opinion

Landscape and visual - pages 26 – 28

Applicant’s proposed matters to scope out

“K3 – Landscape and visual effects during all phases

The Inspectorate agrees that landscape and visual effects may be scoped out during the construction and operational phases for K3. If significant effects are anticipated during the decommission phase these should be assessed in the ES.

No likely significant effects from the decommissioning of K3 are predicted.

Other Points

WKN - Construction

The ES should assess impacts with the potential to result in likely significant effects on landscape and visual amenity relating from loss of vegetation, use of the construction compounds and use of any other temporary structures/ features required for construction (such as soil stockpiles, bridges or cranes).

The effects of the WKN Proposed Development during construction are set out in Chapter 12 Landscape and Visual Impact.

WKN - Viewpoints

The Inspectorate considers that views from the Saxon Shore Way Public Right of Way (PRoW) and long-distance views (for example from the Kent Downs AONB) should be identified and assessed where significant effects are likely. The Inspectorate recommends that neighbouring local planning

Viewpoints have been agreed with SBC and KCC as set out in Chapter 12.

The Kent Downs AONB lies 7km away from the WKN Site and therefore no likely significant effects are predicted. Effects on the AONB have therefore be scoped out of the assessment.

authorities are included in agreeing representative viewpoints, and that these should encompass both winter and summer views.

The Inspectorate considers that potential impacts on PRow ZU1 and the England Coast Path should also be assessed where significant effects are likely to occur.

WKN – Receptors

All residential properties where residents may experience likely significant effects on their visual amenity should be assessed in the ES. The ES should identify the specific guidance documents utilised for the assessment of impacts to residential amenity.

Chapter 12 includes consideration of the potential effects on visual amenity of residential receptors.

WKN – Lighting

The Scoping Report identifies that impacts from night-time lighting will be assessed for both the construction and operational phases of the Proposed Development. The assessment should cross-refer to other relevant aspect assessments (such as ecology and cultural heritage).

A qualitative assessment of the effects of lighting is set out in Chapter 12. Lighting has been considered in Chapter 11 Ecology and Chapter 13 Cultural Heritage where relevant.

WKN – ZTV

The Scoping Report explains that the ZTV will be based on a maximum flue height and main building height. The ES should describe the model used, provide information on the area covered, the timing of any survey work and the methodology used to inform the ZTV. It should be explained how the ZTV has been refined (for example, to take into account topography and vegetative screening)

The ZTV is described in Chapter 12.

WKN - Cumulative effects

The baseline year for the purposes of the cumulative assessment should be stated. The ES should set out what assumptions have been made regarding the likely stages of construction /operation applicable to the other developments.

Appropriate viewpoints in the wider landscape and accompanying photomontages should be used to illustrate the potential impacts.

A comprehensive assessment of the potential cumulative effects is set out in Chapter 12.

WKN - Historic Landscapes

The ES should include a description and assessment of the potential impacts to historic landscapes which are likely to result in significant effects. Cross reference should be made to the Cultural Heritage chapter of the ES, as appropriate.

The effects on Historic Landscapes is addressed in Chapter 13 Cultural Heritage as the most appropriate location to do so.

WKN - Design

The ES should explain how the design of the proposed structures and the materials to be used has been selected with the aim of minimising impacts to landscape and visual receptors.

The WKN Proposed Development is not seeking detailed design consent and a requirement regarding the visual appearance of the facility is to be secured by way of a Requirement attached to the DCO.

WKN - Mitigation

If mitigation plans are proposed, drafts of these documents should be provided with the ES. The Applicant should discuss and make effort to agree the planting specification/species mix with the relevant consultation bodies. It should be clear how the proposed landscaping would mitigate the effects on landscape and visual receptors, and how these effects would change as the proposed planting matures.

A detailed landscape proposal scheme does not form part of the DCO application but will be secured by way of a Requirement attached to the DCO.

Interactions with other ES aspects, for example impacts on ecology should be explained.”

Archaeology and Cultural Heritage

Section 4.8 of PINS Scoping Opinion

Archaeology and Cultural Heritage - pages 29 – 30

Applicant’s proposed matters to scope out

“K3 - Archaeology and cultural heritage during all phases

There appears to be a typographical error in the text, however it is assumed that the Applicant proposes to wholly scope this aspect out. The Inspectorate agrees that this aspect, as it relates to the construction and operational phases of K3, may be scoped out.

However, no information is provided regarding the decommissioning of K3. In the absence of such information, or any evidence demonstrating clear agreement with the relevant statutory bodies, the Inspectorate is not in a position to agree to scope this aspect out of the ES.

The decommissioning of K3 is not considered to have the potential to result in significant effects beyond those envisaged for construction except by virtue of being beneficial rather than adverse. It is not therefore considered that detailed assessment is necessitated in the ES.

Other Points

WKN - Inter-related effects

The Scoping Report explains that there would be overlaps with other aspects, such as landscape and townscape. The Inspectorate advises that the assessment of impacts to setting takes into account all constituents of setting. Accordingly, the assessment should include inter-related effects

This has been addressed in Chapter 13 Cultural Heritage.

from other matters such as lighting, noise and traffic. Cross-reference should be made between the relevant assessments reported in the technical chapters as appropriate.

WKN - Receptors

The Scoping Report notes that archaeological and cultural heritage features are shown on Figure 1.5 in Appendix 3, although it does not identify them by name and the resolution is poor. The Inspectorate advises that such supporting figures included in the ES should identify the relevant features by name and be of sufficient resolution to be understood.

Figure 2.2a identifies the nearest designated heritage features to the WKN Site. Figure 13.3 provided as part of Chapter 13 identifies heritage assets by their list entry number which corresponds with the relevant reference made within the Chapter and the 'Designated Heritage Assets' section of the Desk Based Heritage Assessment provided as Appendix 13.1.

WKN - Significance of Effects

The Scoping Report describes significance of effects being assessed taking into account the potential magnitude of impacts, and that the assessment matrix provided in Section 4 of the Scoping Report would be adopted.

The assessment methodology is clearly set out in Chapter 13.

No matrix has been provided or referenced in Section 4 of the Scoping Report. All supporting information referenced and described should be provided within the ES."

Ecology

Section 4.9 of PINS Scoping Opinion

Ecology - pages 31 – 32

Applicant's proposed matters to scope out

"K3 – All potential effects during operation except those resulting from changes to air quality"

The Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scope out these matters from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

For example, insufficient justification has been provided to support the assertion that the increased traffic generated by the Proposed Development would not pass sufficiently close to result in noise disturbance to any designated site. Evidence will need to be provided in the ES, together with an indication of the proximity of the transport routes to the designated sites.

K3 – All potential effects during construction and decommissioning

Although it is not explicitly requested that these matters can be scoped out no reference has been made to either phase in this chapter, so the Inspectorate assumes that to be the intention. No information has been provided on the construction programme for the consented TCPA scheme so it is unclear when they will be completed and what the extent of the remaining works will be at the time that the DCO application is submitted.

Therefore the Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scope out these matters from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

Other Points

Chapter 11 Ecology has considered the resultant impacts from the K3 Proposed Development with regard to both air quality and road traffic noise on ecological receptors.

The construction of K3 will be completed by late 2019 and will not overlap with the construction of the WKN Proposed Development.

K3 - Receptors

In addition to the assessment of effects on designated sites and their interest features, the assessment should include any other habitats and species on which there could be significant effects resulting from the Proposed Development.

The assessment in Chapter 11 has included other habitats and species where deemed relevant by the competent expert.

K3 – Cumulative effects

The assessment of cumulative effects on ecological receptors should clearly define which other plans and projects have been considered.

A comprehensive cumulative effects assessment is set out in Chapter 11.

K3 & WKN – Inter-relationships with other aspects

The ecology assessments should be informed by and cross-refer to the findings of other relevant aspect assessments, eg air quality, noise and vibration, water environment, and clear cross-reference should be made to information contained in other ES technical chapters as appropriate.”

This has been embedded into Chapter 11 with cross references applied where relevant.

Water Environment

Section 4.10 of PINS Scoping Opinion

Water Environment - pages 33 – 34

Applicant’s proposed matters to scope out

"K3 – Water Environment during construction, operation and decommissioning

The Inspectorate agrees that impacts to the water environment during construction can be scoped out. However, impacts to the water environment during operation should be assessed where significant effects are likely to occur.

Cumulative impacts to the water environment resulting from activities to decommission WKN along with other developments including K3 should be assessed in the ES where significant effects are likely to occur.

WKN

Surface water quality during operation and decommissioning

Coastal water quality during decommissioning

Groundwater quality during operation and decommissioning Groundwater resources during construction and decommissioning

Although it is not explicitly requested that these matters are scoped out the list of potential effects does not include any reference to consideration of these matters during these phases, therefore the Inspectorate has assumed that to be the intention. The Inspectorate does not consider that the Scoping Report provides adequate justification to support a decision to agree to scope out these matters from the assessment. The ES should include an assessment of these matters where significant effects are likely to occur.

Other Points

WKN – Baseline

Very limited information has been provided in respect of the existing baseline. The study area is not described and only one receptor has been

The K3 Proposed Development proposes no changes to the approved drainage strategy and regime for K3 pursuant to the TCPA permission. No likely significant or materially different effects are therefore predicted.

The potential for significant surface water and 'coastal water' quality effects during operation and decommissioning is addressed in Chapter 10 Water Environment. Effects related to ground water are dealt with in Chapter 9 Ground Conditions.

This has been addressed in Chapter 10 of the ES.

identified, ie the Swale. The Inspectorate expects more detailed information to be provided in the ES and recommends that the features that are considered in the assessment are identified on a plan.

WKN – Assessment

It is not stated for which phases of the Proposed Development the potential effects on surface water run-off and flood risk will be assessed. For the avoidance of doubt, the Inspectorate considers that this matter should be assessed for all phases, ie construction, operation and maintenance, and decommissioning.

WKN – Assessment

It is recommended that the Applicant has regard to the advice contained in the Inspectorate's Advice Note Eighteen: The Water Framework Directive.

WKN – Methodology

The Applicant should explain in the ES why it is considered that the 'Design Manual for Roads and Bridges' (DMRB) is the most appropriate source of guidance on the assessment criteria to be used.

Chapter 10 assesses the effects of the WKN Proposed Development during construction, decommissioning and operation.

A permit to construct a new surface water outfall into the Swale has been secured and subject to the provisions of the Water Framework Directive and the Marine Conservation zone. It is not therefore considered necessary to repeat this assessment in the ES.

The assessment methodology is based on guidance provided within the Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Impact Assessment (2004) [Ref 10.20] and the Design Manual for Roads and Bridges (DMRB), Volume 11, Part 10, (November 2009) [Ref 10.21]. Whilst the DMRB is not specific to the assessment of hydrology and flood risk, in the absence of any topic specific guidance the DMRB provides an accepted approach to the assessment of development impacts.

WKN – Methodology

The suggested definitions of impact durations are not consistent with those used in Table 7.10.2. The definitions used for the purposes of undertaking the assessment should be consistently applied throughout the ES chapter. This is addressed in Chapter 10.

It is assumed that the table column heading entitled 'Sensitivity' should read 'Magnitude'. Some of the wording therein has been truncated (also in Table 7.10.1). This should be corrected in the ES."

Risk of Accidents and Disasters

Section 4.11 of PINS Scoping Opinion

Risk of Accidents and Disasters - pages 35

K3 & WKN - Scope of assessment

It is noted that the Applicant considers that the risk of accidents from the Proposed Development would be comprehensively controlled and mitigated in accordance with the UK legislation that would apply during the operational phase, and proposes to provide a list in the ES of relevant legislation and set out the type of risk/accident each document addresses and how the Proposed Development would comply with that legislation, rather than provide a standalone risk assessment.

The Inspectorate agrees that a standalone assessment is not required, however where this matter is considered within any aspect chapters it should be clearly identified and a description provided in the ES of any risk assessments and/or evidence that demonstrates compliance with Schedule 4 of the EIA Regulations.

It is noted that the WKN Proposed Development does not fall within the scope of EU legislation 2012/18/EU (control of major-accident hazards involving dangerous substances) or Council Directive 2009/71/Euratom (Community framework for the nuclear safety of nuclear installations) and does not fall within the consultation zones of any major accident hazard site with Hazardous Substance Consent. Similarly, the WKN Proposed Development does not fall within the scope of The Planning (Hazardous Substances) Regulations 2015 as amended.

A full list of relevant safety guarding legal requirements is presented in ES Chapter 2.

<p>The Applicant is also referred to the advice on major accidents or disasters risk contained in Section 3.3 of this Opinion.</p>	<p>In light of the above it is considered that the risk of accidents from the WKN Proposed Development will be comprehensively controlled and mitigated as far as is reasonably possible in accordance with UK legislation in existence at the time of operation.</p>
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Cumulative effects

Section 4.12 of PINS Scoping Opinion

Cumulative effects- pages 36 – 37

Applicant’s proposed matters to scope out

N/A

No matters are proposed to be scoped out.

Other Points

K3 & WKN – Baseline

The Scoping Report identifies the scenarios that are proposed to be assessed but does not provide a baseline year for the assessments. The relationship between the baseline year for the purposes of the cumulative assessment and for the other developments that will be assessed should be clearly stated.

Baseline and other assessment years as relevant are set out in each of the respective technical chapters as appropriate.

K3 & WKN - Other development

It is unclear which plans and projects are proposed to be included in the CEA: paragraph 8.1.4 proposes 45 developments; paragraph 8.1.5 appears to list a total of 46 developments to be considered; Figure 1.6 identifies 28 developments; and Figure 1.7 identifies a further 8 developments.

There are 46 developments. Figures 1.6 and 1.7 include a list of allocated sites which PINS appear to have missed. A full list and mapping of cumulative sites is provided in ES Chapter 3.

The tiered approach should be applied, as set out in the Inspectorate’s Advice Note Seventeen: Cumulative Effects Assessment. The list of developments should be agreed with the relevant consultation bodies and their locations identified on a plan in the ES. Each ES aspect chapter should clearly identify the developments that will be considered in the CEA, which could be by reference to a list contained in another chapter of the ES, as appropriate.

The list of cumulative sites and corresponding maps were included in the Applicants Scoping Report and therefore available to consultees at the scoping stage. They will also be presented in the S42 draft ES issued to consultees.

Phasing

No information has been provided regarding the phased delivery of the Proposed Development. If the intention is for the Proposed Development to be delivered on a phased basis it should be clear how this has been taken into account in the assessment of cumulative effects.

The anticipated construction programme is set out in Chapter 2.

ENVIRONMENT AGENCY

Ground and Contaminated Land

“Baseline ground conditions have been addressed for this site previously under earlier permissions from KCC and under the relevant IED permit for energy plant. Additional assessment of ground conditions will be undertaken before, during after operational activities under a new permit if/when issued.

Ground conditions including ground water are addressed in Chapter 9 Ground Conditions of the ES.

The site geological setting is on strata that is not of significant sensitivity for groundwater protection and provided surface management and materials handling are undertaken in accordance with permit requirements ground quality and associated controlled waters should not be at significant risk.

<p>We therefore agree that under any EIA the required scope of additional investigations or commentary on ground conditions is limited.”</p>	
<p>Fisheries, Biodiversity and Geomorphology (FBG)</p>	
<p>“We agree with the assessment in 6.9.1 Ecology that as ‘the K3 Proposed Development does not involve any physical alteration to the existing building/landscape’ it is unlikely that there will be any ‘direct effects on biodiversity’.</p> <p>We also agree that ‘any potential significant effects are indirect and off-site.’ From the FBG perspective.”</p>	<p>This approach has been adopted in Chapter 11 Ecology.</p>
<p>Flood Risk</p>	
<p>“We are pleased to note that flood risk has been addressed for the sites within the scoping document.”</p>	<p>A flood risk assessment is provided as Appendix 10.1.</p>
<p>HEALTH AND SAFETY EXECUTIVE</p>	
<p>Consultation Distances</p>	
<p>“According to HSE’s records there are no major accident hazard sites or major accident hazard pipelines within the proposed DCO application boundary of the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility for this Nationally Significant Infrastructure Project.”</p>	<p>N/A</p>

Hazardous Substances Consent	
<p>“The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances_ Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.</p> <p>Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories at or above the controlled quantities set out in schedule 1 of these Regulations.</p> <p>Further information on HSC should be sought from the relevant Hazardous Substances Authority.”</p>	<p>The Applicant has confirmed that HSC will not be required for the K3 or WKN Proposed Development.</p>
Consideration of Risk Assessments	
<p>“Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development’s vulnerability to major accidents.</p> <p>HSE’s role on NSIPs is summarised in the following Advice Note 11 an annex on the Planning Inspectorate’s website – Annex G – The Health and Safety Executive. This document includes consideration of risk assessments on page 3.”</p>	<p>It is noted that the WKN Proposed Development does not fall within the scope of EU legislation 2012/18/EU (control of major-accident hazards involving dangerous substances) or Council Directive 2009/71/Euratom (Community framework for the nuclear safety of nuclear installations) and does not fall within the consultation zones of any major accident hazard site with Hazardous Substance Consent. Similarly, the WKN Proposed Development does not fall within the scope of The Planning (Hazardous Substances) Regulations 2015 as amended.</p> <p>A full list of relevant safety guarding legal requirements is presented in ES Chapter 2.</p>

<p>In light of the above it is considered that the risk of accidents from the WKN Proposed Development will be comprehensively controlled and mitigated as far as is reasonably possible in accordance with UK legislation in existence at the time of operation.</p>	
<p>Explosives Sites</p>	
<p>"This development is the vicinity of the 'Slaughterhouse Point' berth of Port 179. However, it lies outside the existing 'vulnerable building distance' and the construction does not appear to be of a type that would <u>not</u> attract reduced 'vulnerable building distance'."</p>	<p>N/A</p>
<p>HIGHWAYS ENGLAND</p>	
<p>Traffic and transport</p>	
<p>"We note that within the EIA Scoping Report paragraph 6.1.30 that a Transport Assessment (TA) will be carried out to examine the implications of the development on the surrounding transport network and that the results of this will be summarised alongside the ES. Additionally, it is noted that the TA will assess the impact of the traffic generated by the proposed development on the capacity of junctions on the highway network and the intention to scope the TA with a formal meeting with the local Highway Authority and Highways England. This approach is welcomed. In the meantime we refer the applicant to the following documents which contain useful information on what we would like to see included in a planning proposal, and outlines the support we can offer:</p> <ul style="list-style-type: none"> • DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development (Sept 2013) 	<p>A Transport Assessment is provided as Appendix 4.1 of the ES and has been scoped with Officers at KCC and Highways England.</p>

- Planning for the future – A guide to working with Highways England on planning matters (Sept 2015).

Finally, in the event that the proposed DCO seeks powers to alter the SRN, Highways England would request early consultation on the wording of the draft DCO.”

KENT COUNTY COUNCIL

EIA Methodology

“3.8 Other related legislation

The “Kent Joint Municipal Waste Management Strategy” (KJMWMS) identifies a requirement to reduce the amount of untreated waste in order to meet ever stricter EU Directives, Government targets and Best Value Performance Indicators. The KJMWMS also promotes the use of waste as a resource. The applicant should provide evidence setting out how these considerations have been examined.”

This is not deemed relevant to the EIA and is addressed in the Planning Statement (Document 4.2) and Fuel Availability and Waste Hierarchy study (Document 4.6) submitted as part of the DCO.

Traffic and Transport

“6.1 K3 – Traffic and Transport –

Background – Paragraph 6.1.5

It is noted that the permitted incinerator bottom ash (IBA) facility is no longer proposed to be constructed and the associated 84 daily vehicle movements have been removed from the baseline traffic figure. However, it is understood that the facility reduced the overall volume of waste material that would have been removed from Kemsley using the local and strategic highway network. The assessment should ensure that any

Full vehicle movements from the K3 Proposed Development and any relevant uplift in movements associated with K3 resultant from the absence of the IBA facility have been utilised in ES Chapter 4 Traffic and Transport and the corresponding Transport Assessment in Appendix 4.1.

consequential impact on traffic movements from the absence of this facility are fully quantified and accounted for within in the assessment.

These comments also relate to Section 7.1 WKN – Traffic and Transport - Background – Paragraph 7.1.7.

Proposed Assessment Methodology – Paragraphs 6.1.20 to 6.1.22
KCC, as the Local Highway Authority, is not expecting the thresholds described in this section (in respect of whether junction modelling and link capacity assessments are required) to apply to the Transport Assessment because the thresholds relate to the Environmental Assessment only.

These comments also relate to Section 7.1 WKN – Traffic and Transport – Proposed Assessment Methodology – Paragraphs 7.1.22 to 7.1.24.

Proposed Assessment Methodology – Paragraph 6.1.30
It is acknowledged that scoping for the Transport Assessment will be informed by a formal meeting with the County Council, as Local Highway Authority, in due course and the requirements and matters referred to above can be clarified in greater detail. Given the recent planning application (planning ref KCC/SW/0103/2018) to increase the maximum permitted number of HGV movements to allow for smaller refuse collection vehicles to transport waste to site in reduced payloads, this scenario will need to be considered appropriately within the Transport Assessment.

There should be a clear differentiation between the environmental effects of traffic and the highway impact relating to the capacity of the highway network to physically accommodate the volume of traffic associated with the development.

These comments also relate to Section 7.1 WKN – Traffic and Transport – Proposed Assessment Methodology – Paragraph 7.1.32.”

As is standard practice Chapter 4 examines the environmental effects from road traffic generated by the K3 and WKN Proposed Developments and the TA (Appendix 4.1) deals with junction modelling and link capacity in accordance with industry practice.

Formal scoping on the TA has been undertaken between the Applicants Transport Consultant and KCC. Permission KCC/SW/0103/2018 has been dealt with appropriately in the assessment.

Air Quality

6.2 K3 – Air Quality

Currently Known Baseline - Paragraph 6.2.3

The County Council does not consider that it is sufficient to state that the air quality at the site is likely to be good because it has not been declared an Air Quality Management Area (AQMA). The County Council would request evidence of sampling at the site, particularly as it is in close proximity to existing AQMAs.

These comments also relate to Section 7.2 WKN – Air Quality - Currently Known Baseline – Paragraph 7.2.4.

Proposed Assessment Methodology – Paragraphs 6.2.8 to 6.2.10

Where pollutants are likely to increase at the site, the County Council does not consider that it is sufficient to simply state that professional judgement will be used to decide on the significance of the effects. The County Council suggests that the Scoping Report should state which professions will be making these judgements and the criteria to be used when assessing the significance of the effects of increased pollutants.

These comments also relate to Section 7.2 WKN – Air Quality Proposed Assessment Methodology – Paragraphs 7.2.11 to 7.2.13.”

The local authority undertakes NO₂ diffusion tube monitoring approximately 400 m from the Proposed Development. The results of monitoring at this location have been used as the NO₂ baseline. See Chapter 5 Air Quality.

The air quality team members involved at various stages of this assessment have professional affiliations that include Fellow and Member of the Institute of Air Quality Management, Chartered Chemist, Chartered Scientist, Chartered Environmentalist and Member of the Royal Society of Chemistry and have the required academic qualifications for these professional bodies. In addition, the Director responsible for authorising all deliverables has over 25 years’ experience. The CVs of the ES authors are provided in Appendix 1.1 of the ES. Significance criteria are set out in Section 5.3 of Chapter 5.

Human Health

"6.5 K3 – Human Health

Currently Known Baseline – Paragraphs 6.5.3 to 6.5.6

The County Council notes that there is no consideration of the socioeconomic effects of employing local people and queries the expectation of using the local workforce.

The "Baseline Conditions" section of ES chapter 8 outlines socioeconomic baseline statistics on the basis that long-term and consistent income and employment are two of the most important wider determinants of health and wellbeing.

These comments also relate to Section 7.5 WKN – Human Health - Currently Known Baseline – Paragraph 7.5.5."

Archaeology and Cultural Heritage

"6.8 K3 – Archaeology and Cultural Heritage

Paragraph 6.8.1

The County Council notes that paragraph 6.8.1 of the Scoping Report states that effects on archaeology and cultural heritage from the K3 element of the proposal will be scoped out of the Environmental Statement, due to the proposed development not requiring any changes to the built form or site layout as permitted. However, the County Council requests that the applicant should liaise with KCC and Historic England to ensure that increased operation does not have a negative effect on the setting of designated heritage assets."

The practical effect of the K3 Proposed Development does not have the potential to result in negative effects on the settings of designated assets in the absence of changes to the built form and site and layout and distance to the relative heritage assets. The assessment of K3 as consented is available in Document 3.3.

7.8WKN – Archaeology and Cultural Heritage

Currently Known Baseline – Paragraph 7.8.5

KCC notes the inclusion of the Scheduled Monument Castle Rough (paragraph 7.8.5) and suggests that the applicant consults KCC and Historic England on the effects of the scheme in relation to built heritage matters.

KCC and Historic England have been consulted through the S42 process and are consultees on the submitted application.

Proposed Assessment Methodology – Paragraphs 7.8.9 to 7.8.13

The County Council mostly agrees with the proposal for the assessment of the effect of the proposed WKN site on archaeology and cultural heritage. However, the County Council is of the view that the desk-based archaeological assessment should include detailed modelling of the below ground deposits in the site, based on the results of the geotechnical work both within and on adjacent sites. The model should also be used to compare the known below ground impacts and the proposed construction ground impacts to determine the potential impact of the development on archaeology.”

A geoarchaeological trenching and characterisation exercise was undertaken as part of the previous work on the K3 Site, which included work in the WKN Site footprint. No significant archaeological evidence was identified. It is considered that the deposit sequence can be understood with some confidence in light of the above and therefore there will be no significant effect on buried archaeological remains. It is not there considered proportionate to undertake full detailed modelling work of the below ground deposits.

Ecology

6.9 K3 – Ecology

The County Council highlights that the results of the ecology report need to be informed by the conclusions of the Noise, Air Quality and Transport Assessments.

This is done as part of standard practice. See Chapter 11 Ecology.

7.9 WKN – Ecology

KCC reiterates the points made above in relation to Section ‘6.9 K3 – Ecology’, as these comments are applicable to both the proposed K3 and WKN.”

Risk of Accidents and Disasters

"K3 – Risk of accidents and disasters

Directive 2014/52/EU requires appropriate consideration of major accident and disaster risks to be undertaken. It is suggested that consideration is given to determine whether risks should be reviewed in light of the proposed expansion of waste processing and energy generation.

The applicant should also consider resilience of utility supplies into and out of this this relatively remote site, and the implications of an outage upon industrial processes and associated emergency contingencies and environmental safeguards (especially when considered in the context of the power generation uplift proposed).

These comments also relate to Section 7.11 WKN - Risk of accidents and disasters - Proposed assessment methodology – paragraph 7.11.11.

Paragraph 6.11.10

The County Council notes that no reference is made to the Control of Major Accident Hazard (COMAH) Regulations 2015. The County Council considers that it may therefore be worthwhile assessing proposals against the Health and Safety Executive (HSE) inventory threshold criteria. Waste to energy plants in other parts of the UK have qualified as Lower Tier COMAH sites under the environmental provisions of the Regulations. Even if the site does not qualify as a COMAH site, the County Council considers it would be good practice to develop and maintain an onsite emergency/business continuity plan (potentially developed alongside local resilience partners) addressing potential risks including flooding, flue gas escape and waste fires.

KCC recommends that the applicant considers the Defra 25 Year Environment Plan 2017 and the Royal Academy of Engineering / Royal

It is noted that the WKN Proposed Development does not fall within the scope of EU legislation 2012/18/EU (control of major-accident hazards involving dangerous substances) or Council Directive 2009/71/Euratom (Community framework for the nuclear safety of nuclear installations) and does not fall within the consultation zones of any major accident hazard site with Hazardous Substance Consent. Similarly, the WKN Proposed Development does not fall within the scope of The Planning (Hazardous Substances) Regulations 2015 as amended.

A full list of relevant safety guarding legal requirements is presented in ES Chapter 2 (section 2.12).

In light of the above it is considered that the risk of accidents from the WKN Proposed Development will be comprehensively controlled and mitigated as far as is reasonably possible in accordance with UK legislation in existence at the time of operation.

Society study commissioned by Defra 2018; and whether these could feed into a holistic Environmental Resilience and Mitigation Strategy for the proposal.

These comments also relate to Section 7.11 WKN - Risk of accidents and disasters - Proposed assessment methodology – paragraph 7.11.11.”

Landscape and Visual Effects

“7.7 WKN – Landscape and Visual Effects

Visual Amenity – Paragraph 7.7.10

With reference to the extract from the Network Map (included at Appendix 1), the applicant should be aware that Public Footpath ZU1 passes to the east of the proposed WKN site, alongside Milton Creek. The Saxon Shore Way, a promoted long-distance walk around Kent, also passes along this footpath.

The landscape and visual effects of the WKN Proposed Development is assessment in ES Chapter 12 Landscape and Visual Impact and includes consideration of PROW network.

The Public Rights of Way (PRoW) network and its users should be considered as receptors when assessing the potential impacts of this development. The County Council notes that the applicant has acknowledged the existence of the PRoW network and the Saxon Shore Way by considering the potential landscape and visual impacts for users of these routes. In addition to these impacts on path users, KCC suggests that the effects on air quality and noise resulting from the development should be considered.

Noise impacts are dealt with in Chapter 7 Noise.

The applicant should be aware that the County Council is working in partnership with Natural England to develop the England Coast Path in this region. This is a new National Trail walking route that will eventually cover the entire English coastline. The Coast Path is scheduled for completion by 2020 and would be affected by the proposed development. However, the

applicant has not highlighted the England Coast Path within the Scoping Report. The applicant should be aware that the proposed route for the Coast Path follows the existing alignment of Public Footpath ZU1. If this proposed route is approved by the Secretary of State, the number of people walking this section of the coast is likely to increase due to the enhanced promotion and status of the National Trail.

On balance, it is expected that any visual or noise impacts on the PRoW network are likely to be minimal, due to the existing industrial development in the area. However, improvements to the existing PRoW network surrounding the site should be considered by the applicant. These network improvements would provide positive community outcomes for the scheme and help to mitigate any negative effects arising from the development.”

Water Environment

7.10 WKN – Water Environment

Potential Significant Effects – Paragraph 7.10.7

The County Council welcomes the commitment to the preparation of a Flood Risk Assessment that considers national and local policies.

A flood risk assessment (FRA) is provided as Appendix 10.1 of the ES. Risks to surface water quality are dealt with in Chapter 10 Water Environment.

Environment Agency mapping indicates both tidal (Flood Zones 2 and 3) and surface water as potential risks to the application site, its surroundings and access and egress routes. Aside from flood risk to personnel on the site, KCC recommends that consideration should be given to any increased risk of environmental contamination of Kemsley Marshes and the Swale Estuary associated with the proposed energy generation uplift; including associated

changes to site operation and the new emergency planning Directive informing the EIA Regulations.”

NATURAL ENGLAND

Biodiversity and Geology

Natural England have advised that the development site is in close proximity to the following designated nature conservation sites:

- The Swale SPA, Ramsar site and SSSI
- The Swale Estuary Marine Conservation Zone (MCZ)
- Medway Estuary and Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site
- Queendown Warren SAC

“The sites listed above are sensitive to the following impacts, which should be considered in the EIA:

- Disturbance during construction, operation and demolition, including from noise, visual intrusion and lighting;
- Water quality and hydrological impacts;
- Air pollution

The biodiversity assessment in Chapter 11 in accordance with Natural England’s comments has assessed the identified impacts on all of the designated sites identified.

Additional specific comments on the Scoping Report

K3 Proposal – Potential effects

Air Quality

Paragraph 6.2.9 of the Scoping Report states that the Process Contributions (PC) will be predicted for ecological receptors and compared to the ES for the existing K3 plant. The paragraph goes on to say that if the PC goes down this will be judged to have no likely significant effect on ecological receptors. Natural England advises that the PC should be assessed in combination with other projects, before a determination on likely significant effect is reached.

This is acknowledged and has been addressed in ES Chapter 11 Ecology.

Road traffic

The impacts of air pollution from road traffic only needs to be considered where there are sensitive Natura 2000 site habitats within 200m of a road. If such sensitive habitats are present, then risk to those habitats should be assessed using the 1% of critical load/level threshold, or an increase of over 200 HGV Annual Average Daily Traffic movements (as a proxy for emissions). The assessment should be made against these screening thresholds for the K3 proposal alone and in combination with other proposals, eg the WKN proposal.

This is acknowledged and has been addressed in ES Chapter 11 Ecology.

Noise and vibration

Para 6.4.8 says no significant construction associated with K3 and WKN, so no construction noise considered. However, as WKN is yet to be built, then construction noise from this should be considered.

Construction noise associated with the WKN Proposed Development is addressed in Chapter 11.

Ecology

Para 6.9.8 says the only pathway for effects is through changes in air quality from the power upgrade and additional HGV movements, so this is the only issue to be assessed. However, the additional HGV movements have the potential to increase disturbance to birds breeding in the adjacent reedbed, which is functionally linked to The Swale SPA. The potential for disturbance to marsh harriers using the reedbed was considered for the permitted K3 development, and additional reedbed provided on Sheppey at Harty Marshes. Therefore, whilst there is a risk of increased disturbance, mitigation has already been provided and this is sufficient to address the increase in traffic from the K3 power upgrade.

The potential for disturbance on marsh harriers using the Kemsley Marshes from the noise and the movements of HGVS associated with the K3 and WKN Proposed Development is addressed in Chapter 11.

WKN Proposal – Potential effects

Air quality

As noted above, the air quality impacts of the WKN proposal should be assessed in combination with other proposals when screening for likely significant effects.

Cumulative effects are addressed in Chapter 11 and includes air quality impacts.

Ecology and water environment – Natural England agrees the correct issues have been scoped in for assessment.

PUBLIC HEALTH ENGLAND	
Waste	
<p>Public Health England have stated that the EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).</p> <p>For wastes arising from the installation the EIA should consider:</p> <ul style="list-style-type: none"> • the implications and wider environmental and public health impacts of different waste disposal options • disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated 	<p>Issues pertinent to the waste hierarchy are not deemed relevant to the EIA and is address in the Planning Statement (Document 4.2) and Fuel Availability and Waste Hierarchy study (Document 4.6) submitted as part of the DCO.</p> <p>All likely significant environmental and health impacts from the K3 and WKN Proposed Developments are address in the ES and in particular in Chapter 5 Air Quality, Chapter 7 Noise and Chapter 8 Human Health.</p>
Other aspects	
<p>“Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.</p> <p>The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation’s potential to impact on, or be impacted by, any nearby installations themselves subject to these Regulations.”</p>	<p>Information with regard to the legal requirements and safeguards in place with regard to major accidents and disasters is set out in Chapter 2 of the ES. The potentially for flood and spills or leakages is addressed in Chapter 10, Water Environment. This is considered proportional to address the likely significant effects of the development in this regard.</p> <p>The Proposed Development does not fall within the remit of the Regulations identified. The Health and Safety Executives consultation response confirms that the site does not fall within the consultation zones of any major accident hazard site with Hazardous Substance Consent.</p>

Electromagnetic fields (EMF)

Public Health England have provided the following guidance regarding Electromagnetic fields (EMF):

“This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

www.gov.uk/government/collections/electromagnetic-fields#lowfrequencyelectric-and-magnetic-fields

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.”

Design specifications for all electrical equipment to be utilised in the completed CHP installation shall be compliant with Council Recommendation 1999/519/EC or harmonised EMF standards.

Management of Electro Magnetic Fields during installation, commissioning and ongoing maintenance shall conform to the Control of Electromagnetic Fields at Work Regulations 2016.

It is therefore considered that EMF can be scoped out of the EIA on this basis.

Ionising radiation	
<p>Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.</p> <p>PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.</p>	<p>During the detailed design stage, the use of ionising radiation will be considered, with the primary objective of preventing and eliminating the use of any source of ionising radiation on site.</p> <p>Should it be necessary to utilise ionising radiation on site at any stage during construction, operation or de-commissioning then the project team will be fully compliant with the current ionising radiation regulations 1999, which are subject to revision in 2017.</p> <p>A commitment to compliance with this legislation is made in ES Chapter 2.</p>
Human Health Risk Assessment (chemical pollutants)	
<p>Human health risk assessment (chemical pollutants)</p> <p>The points below are cross-cutting and should be considered when undertaking a human health risk assessment:</p> <ul style="list-style-type: none"> • The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES • Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human 	<p>The Health Protection Agency (HPA), now Public Health England (PHE), published a position statement in 2009 on the impact on health of emissions to air from municipal waste-to-energy projects. The position concludes that well managed facilities operating to strict environmental standards would have only a small contribution to local air quality, and no measurable risk to human health. Since 2009, the health evidence base has not sufficiently changed to warrant any update to this position statement.</p>

<p>health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used</p> <ul style="list-style-type: none"> • When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account • When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used 	<p>The results from the air quality assessment and baseline health data from all-cause mortality and emergency hospital admissions collected for Swale Borough Council (detailed within Appendix 8.1), were applied using the World Health Organisation (WHO) Health Risks of Air Pollution in Europe (HRAPIE) guidance to quantitatively assess the potential human health impacts from the operation of the WKN Proposed Development in Chapter 8 Human Health. Even when grossly overestimating population exposure, the relative change in concentration is insufficient to quantify any measurable change in mortality rate or hospital admissions. On this basis, the magnitude of impact on human health would be negligible, where in an area of high sensitivity, would result in a minor adverse significance of effect, which is considered not significant.</p>
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MARINE MANAGEMENT CONSULTATION

<p>The Scoping Report illustrates in Appendix I that the application boundary for WKN is located entirely above Mean High Water Spring (MHWS) and the report contains no reference to any additional infrastructure, such as an outfall pipe, which may extend below MHWS.</p> <p>It is therefore understood that the drainage network described for WKN is the same drainage network previously consented for the Kemsley K3 Combined Heat and Power plant in 2012. However, if it should become apparent that the project proponent needs to undertake any additional licensable activities within the UK Marine Area (such as a new drainage network or separate outfall for WKN) the MMO reserves the right to make further comment on the proposals.</p>	<p>A new surface water outfall will be constructed adjacent to the existing K3 outfall between the Mean High Water and Mean Low Water intertidal area (Work no.7, see Chapter 2).</p> <p>A licence to construct a new surface water outfall into the Swale has been secured and subject to the provisions of the Water Framework Directive and the Marine Conservation zone. It is not therefore considered necessary to repeat this assessment in the ES.</p>
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ROYAL MAIL	
Traffic and transport	
<p>Royal Mail made the following comments/requests regarding the Traffic and Transportation section of the ES:</p> <p>Due to the magnitude of the likely HGV/refuse vehicle movements in hauling up to an additional 107,000 tonnes of waste fuel to the plant each year. Additional vehicle movements during the operational phase have significant potential to disruptive to Royal Mail's local road operations from the 10 local operational properties identified.</p> <p>Royal mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted through full advance consultation by the application at the appropriate time in the DCO and development process.</p> <p>Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures/diversions/alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses/occupiers.</p>	<p>Chapter 4 of the ES includes an assessment of the effects of the development on driver delay and highways safety for all road users.</p> <p>It is suggested that a Construction Environmental Management Plan forms a requirement of any DCO consent to inform the appointed contractors at the time of construction. A draft CEMP is provided as Appendix 2.1 of the ES.</p> <p>A draft Construction Traffic Management Plan is provided as Appendix 4.2 of the ES.</p> <p>A full cumulative impact assessment has been undertaken and included in Chapter 4.</p> <p>The ES has stated that the CTMP and associated matters should be discussed with local stakeholders at the relevant time as part of the CEMP.</p>