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Document 3.1 – ES Volume 2

Appendix 3.6: S42 Letter and responses 2019

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

September 2019 -Submission Version

PINS ref: EN010083





S.42 Consultees

Our ref: 13141

Dear Sir/Madam,

**PROPOSED APPLICATION BY WHEELABRATOR TECHNOLOGIES INC. FOR A DEVELOPMENT CONSENT ORDER FOR THE WHEELABRATOR KEMSLEY (K3) AND WHEELABRATOR KEMSLEY NORTH (WKN) WASTE-TO-ENERGY FACILITIES, SITTINGBOURNE, KENT**

**CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (as amended)**

I write on behalf of Wheelabrator Technologies Inc. (WTI), who intend to apply to the Secretary of State under Section 37 of the Planning Act 2008 ("the Act") for a Development Consent Order (DCO) relating to the K3 and WKN waste-to-energy facilities in Kemsley, Sittingbourne, Kent.

DHA, on behalf of WTI, carried out S42 consultation regarding the K3 and WKN proposals in November/December 2018. Further consultation is now being carried out to clarify that consent is being sought in respect of K3 for the construction of a 75MW generating station, in circumstances where that generating station has already been constructed as a 49.9MW generating station under a planning permission granted under the Town and Country Planning Act 1990.

This letter explains the context behind this reconsultation and how comments can be made.

**K3**

WTI are currently constructing the Wheelabrator Kemsley waste-to-energy facility (K3), which was granted planning permission in 2012, on land at Kemsley, to the north of Sittingbourne in Kent. K3 currently has consent to process up to 550,000 tonnes of waste per annum and has a consented generating capacity 49.9MW.

WTI have identified that the generating capacity of K3 can be increased to 75MW through internal alterations to optimise plant efficiency and that the facility is able to process an additional 107,000 tonnes of post-recycled waste per annum.

The 2018 consultation and publicity sought views from interested parties on an application for consent for that power upgrade and increased tonnage throughput, without any construction works being required.

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t. 01622 776226 e. [info@dhaplanning.co.uk](mailto:info@dhaplanning.co.uk) w. [www.dhaplanning.co.uk](http://www.dhaplanning.co.uk)

Maidstone Office, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN

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

As the K3 facility is currently being constructed and will be operational by the end of 2019, the effect in reality of the proposed application would remain the K3 facility generating an additional 25.1MW together with being able to process an additional 107,000 tonnes of waste per year.

### **WKN**

As part of the same DCO application WTI are seeking development consent for the construction and operation of a new waste-to-energy facility, 'Wheelabrator Kemsley North' (WKN), on land adjacent to K3.

The proposals in respect of WKN remain the same as those consulted on in November/December 2018. WKN would have a gross electrical generation capacity of 42MW and be capable of processing up to 390,000 tonnes of post-recycled waste per annum. The Secretary of State for Business, Energy and Industrial Strategy issued a direction on 27<sup>th</sup> June 2018 that the WKN development is nationally significant and is therefore to be treated as a development for which development consent is required.

### **S42 Consultation**

Section 42 of The Act requires the applicant to consult various prescribed bodies and statutory undertakers about the proposed application, together with directly affected and adjoining local authorities. For the purposes of the consultation under Section 42 the following documents are provided on the enclosed USB:

- The Preliminary Environmental Information Report, which provides a non-technical summary of the ES for consultation purposes and which explains the approach being taken to the K3 and WKN application;
- A draft Plan set to illustrate the location and extent of the proposed development, including Site Location Plans, Key Works Key Plans and plans/drawings illustrating the design and scale of K3 and WKN;
- The draft Development Consent Order being prepared to accompany the application.

The documents are also available at the project website: <https://www.wtikemsley.co.uk/> Hard copies of the application documents are available on request for a reasonable charge, via the contact details below. Any representations or responses received will be reported within the Consultation Report submitted as part of the DCO application.

As the proposed development requires Environmental Impact Assessment the applicant is required, by Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations"), to send prescribed consultees a copy of the notice



publicising the proposed application under S48 of The Act. This Section 48 Notice is therefore enclosed and will be placed in the Sittingbourne News Extra, Sheerness Times Guardian, Medway Messenger, the Gazette and the Daily Telegraph.

### **Responding to this Consultation**

Comments made regarding K3 and WKN following the November/December 2018 consultation and publicity will continue to be reflected and addressed in the application.

Any new responses regarding K3 or WKN or responses relating to the consent now being sought in respect of K3 can be made via:

- Email: [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk); or
- In writing: FREEPOST WHEELABRATOR KEMSLEY

Any responses should include the name of the responding organisation or party and a contact address where further correspondence regarding the project can be sent. **All responses must be received by 5pm on Wednesday 28<sup>th</sup> August 2019.**

Please contact WTI with any queries regarding the proposals or the consultation documents, either on the details above or at 0800 062 2982 (freephone).

Yours faithfully,

A solid black rectangular box used to redact the signature of David Harvey.

David Harvey  
Director

CEMHD Policy - Land Use Planning,  
NSIP Consultations,  
Building 1.2,  
Redgrave Court,  
Merton Road,  
Bootle,  
Merseyside  
L20 7HS.

HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

Wheelabrator Kemsley Consultation  
By email only

Dear Project Team,

23 August 2019

**Section 42 Planning Act 2008: Statutory Consultation  
- Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility**

Thank you for your letter of the 29<sup>th</sup> July 2019 regarding the Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility, further consulting HSE, under Section 42 of The Planning Act 2008.

Please could you amend your database, as we have moved from 2.2 to 1.2 Redgrave Court.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, there are no major accident hazard sites or pipelines within the proposed DCO boundary as illustrated on the site location plan, document reference 9812-0047-00, Document Number 5.1, July 2019; therefore, HSE would not advise against this proposal.

Hazardous Substance Consent

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.

Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

This development is in the vicinity of the "Slaughterhouse Point" berth of Port 179. However, it lies outside the existing "vulnerable building distance".

**Electrical Safety**

No comment from a planning perspective.

Please note that any further electronic communication on this project can be sent directly to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter or hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)  
NSIP Consultations  
1.2 Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Yours sincerely,



Dave Adams  
CEMHD4 Policy

Date: 6<sup>th</sup> September 2019  
Our ref: 266532  
Your refs: DHA/13141



South East Region  
International House  
Dover Place  
Ashford  
Kent  
TN23 1HU

## By E-mail only

Dear Mr Harvey

### **Proposed application by Wheelabrator Technologies Inc. for a Development Consent Order – The Wheelabrator Kemsley K3 Generating Station and WKN waste-to-energy facility, Sittingbourne, Kent.**

#### **Consultation under Section 42 of the Planning Act 2008 (as amended)**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Thank you for consulting Natural England on the following documents submitted for the consultation under Section 42:

1. The latest draft of the Development Consent Order;
2. The latest drafts of the Environmental Statement chapters;
3. The Preliminary Environmental Information Report;

Natural England has considered the latest documents submitted against the range of our interests in the natural environment. As such, our comments focus mainly on ecology, air quality, water quality, hydrology, and disturbance (noise, light and visual) to ecological receptors. This letter addresses the points raised in our DAS response letter from Alison Giacomelli dated 10<sup>th</sup> January 2019.

It is Natural England view that the points raised in the response have been addressed by the additional information provided in the latest draft Environmental Chapters. Based on the presumption that there is no overlap between the construction of the K3 and the WKN facilities.

Should the timeline for the K3 construction slip and subsequently overlap with the WKN construction then K3 can no longer be considered part of the baseline but should be reassessed as part of an updated in combination assessment.

This will also be covered by the statement of common ground to be agreed at a later date.

Yours sincerely,

Paul Hyde



Lead Advisor

**Kent Land Management Team**

t: 02080266052

e: [paul.hyde@naturalengland.org.uk](mailto:paul.hyde@naturalengland.org.uk)

Natural England, International House, Dover Place, Ashford, Kent, TN23 1HU





Historic England

Mr David Harvey  
DHA Planning  
Eclipse House, Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

Direct Dial: 0207 973 3700

Our ref: PL00604824

28 August 2019

Dear Mr Harvey

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

Thank you for contacting us on 27 July 2019 regarding a proposed application for a Development Consent Order (DCO).

The proposed DCO relates to a new consent under the Planning Act 2008 for the revised electricity generating capacity for energy-from-waste facility K3 (granted planning permission at a lower capacity by Kent County Council in 2012) and for Wheelabrator Kemsley North (WKN), a proposed new energy-from-waste facility, which would be located immediately adjacent to K3.

We wrote to you on 16th January 2017 (our ref: PA00460255) regarding an EIA screening/scoping opinion in relation to a power upgrade of K3, Kemsley Generating Station. In that letter, we recommended that this application should be supported by a thorough assessment of the potential impacts of the scheme upon the Historic Environment.

We said that the proposed development is likely to be visible across a large area and could, as a result, affect the significance of heritage assets at some distance. In particular, we drew your attention to the presence of Castle Rough scheduled monument (National Heritage List no 1013368), which lies c.500m south-south west of the proposed development site, noting that it may be inter-visible with the proposed buildings.

This development could, potentially, have an impact upon designated heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we expect the Preliminary Environmental Information Report (PEIR) to contain a thorough assessment of the likely effects that the proposed development might have upon those elements which contribute to the significance of these assets.



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Telephone 020 7973 3700  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

The PEIR (dated July 2019) gives insufficient regard to setting-related effects in relation to individual assets. There is no record of whether the Historic England guidance on setting assessment has been followed. Castle Rough Scheduled Monument is described as “not visible from any distance away”; however, no consideration is evidenced as to whether the proposed development, when constructed, would be visible from the asset. There are listed buildings to the east that may experience the proposed development in long views; however, no consideration of those possible views or the nature of the assets’ significance and whether it might be affected has been presented in the PEIR.

The PEIR and 2018 draft Environmental Statement and Desk Based Assessment discuss the presence of known heritage assets and include a figure indicating their location, but do not assess the significance of those known assets or present information about them in a clearly readable, tabulated form, such as a gazetteer. There is no evidence provided that the Significance Criteria described in the 2018 draft Environmental Statement have been used. These are standard practices which we would expect to see in the Environmental Statement. Their absence leads to the risk that an insufficiently robust understanding of the significance of the historic environment is demonstrated.

## Historic England advice

### *Significance*

The closest designated heritage asset to the proposed development is Castle Rough (National Heritage List Entry no. 1013368), a medieval moated settlement site, consisting of a waterlogged moat defining an island on which the buildings of a manor would have stood. Moated sites form a significant class of medieval monument and are important for understanding the distribution of wealth and status in the countryside, being interpreted as prestigious aristocratic and seigneurial residences. Castle Rough is a site of particular importance because although its medieval buildings no longer exist above ground, most of the remainder of the site survives intact to a great extent. This has preserved a wide range of features in addition to the moat itself, including a barbican gate, which has not been identified at any other Kent moated site. The moat and interior island have considerable archaeological potential for the recovery of settlement evidence, organic artefacts, and for retrieval of evidence of the environment in which the monument was constructed.

The significance of the moated site is further informed not only by the physical evidence within the immediate settlement area, but also by an understanding of the rural or semi-rural surroundings in which it would have been constructed and used. Although much industrial development has taken place in the wider landscape surrounding Castle Rough, the site currently sits within a pocket of green-space, separated from the industrial activity on the Kemsley ridge by the natural valley topography and the immediate surrounding green space to the west. It is also buffered



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by the Kemsley marshes to the east. The historic function and position of Castle Rough, at the interface between the valley uplands, the marshes, and estuary beyond, can therefore still be interpreted and understood.

Several listed buildings also have settings within which the proposed development may be perceptible. These include the Grade II listed buildings 'Kingshill Farmhouse' (National Heritage List Entry No. 1258073) and 'Barn Adjoining Cattle Shed Immediately North of Kings Hill Farmhouse' (National Heritage List Entry no. 1243080). These eighteenth-century historic buildings are located approximately 1.8km to the north-east of the proposed development, across flat marshland and The Swale. Similarly, another eighteenth-century Grade II listed building, 'Little Murston Farmhouse' (National Heritage List Entry no. 1061035) is located approximately 1.4km across low-lying ground to the south-west. The significance of these assets, and the interests that contribute to that significance, are not explained in the PEIR or 2018 draft ES and DBA.

### *Impact*

It is our view that, as reported, this application has potential to result in harm to the significance of designated heritage assets, including a scheduled monument and Grade II listed buildings, primarily through changes to their setting. The harm would relate to the construction of large modern buildings within views from those assets. We note, however, that the evidence base presented in relation to setting and views lacks detail, and that full assessment and reporting would establish whether any harm would take place.

The PEIR refers to an impact assessment of setting-related impacts that was carried out prior to the Environmental Statement published in 2010. It should be noted that this assessment was carried out prior to production of Historic England's guidance on setting and as such should be revisited as part of this application.

### *Policy*

Under the National Planning Policy Framework (NPPF) it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para.184 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be (para.193 NPPF).

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are an irreplaceable resource, any harm or loss should require clear and convincing justification (para.194 NPPF). The onus is therefore on you to rigorously test the necessity of any harmful



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works.

You should aim to achieve sustainable development, seeking economic, social and environmental gains jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. (para.9 NPPF). Achieving sustainable development involves contributing to protecting and enhancing our natural, built and historic environment (para.8 NPPF). Your authority should therefore also seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets, whether through changes to the asset or to its setting.

Any harm or loss should require clear and convincing justification. An application should demonstrate that all less harmful alternatives have been carefully considered. If a proposal cannot be amended to avoid all harm, and the harm is less than substantial, this can be weighed against the public benefits of the proposal (para.196 NPPF).

The significance of a heritage asset is determined not only by the physical fabric of a place but also by its appearance, its associations with other places and its relationship with its surroundings. Setting is the surroundings in which an asset is experienced and it embraces all of the surroundings in which the asset can be experienced. Historic England's recommended approach to assessing the effect of development within the setting of heritage assets can be found at the following web address:  
<<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>>

### *Position*

It is our view that the PEIR provides insufficient information regarding the significance of the heritage assets, and historic environment in general, in the vicinity of the proposed development. In addition, the PEIR provides insufficient information to provide a robust understanding of the likely effects of the proposed development on the setting and views of heritage assets.

If it is found that the proposed development would result in harm to any heritage assets, opportunities should be sought to deliver benefits to the historic environment, to mitigate that harm.

## **Recommendation**

We may be in a position to support the application if the following actions were satisfactorily undertaken:

1. The Environmental Statement and supporting documents should provide an



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assessment of the significance of the assets within the study areas, and justify those assessments with baseline information and descriptions, and present that information in an accessible format (i.e. a gazetteer).

2. An appraisal of the effect of the development on the setting of assets within the study areas should be undertaken and reported on in the Environmental Statement and supporting documents, in accordance with Step 1 of Historic England's guidance on the setting of heritage assets. Following that, a full description and impact assessment should be carried out, and reported, for any assets whose settings are capable of being affected by the proposed development in any way.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely,



Tom Wilson  
Planning Archaeologist  
tom.wilson@HistoricEngland.org.uk

cc: Rebecca Lambert MSc AlFA, Inspector of Ancient Monuments



**From:** [Bobbing Clerk](#)  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Subject:** Wheelabrator Technologies - Two Waste to Energy Projects at Kemsley, Sittingbourne, Kent.  
**Date:** 05 September 2019 17:09:42

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[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]

Dear Sirs,

I refer to the above and write to express Bobbing Parish Councils concern at the impact this development will have on:

The Grovehurst Interchange and the A249, which are already at full capacity; how much extra traffic will this development bring on to the A249, there is no mention of figures in any details.

The environmental impact on the nearby SSSI/Ramsar Site, to lessen we would urge you to consider moving materials via the River or by Rail.

*Lynda*

Clerk  
Bobbing Parish Council

*In order to deal with your issue we may need to share your personal data that we hold with other data controllers, such as local authorities, community groups, charities, other not for profit entities and where appropriate contractors. The local authority and/or any named contractor will become joint 'data controllers' under the General Data Protection Regulations (GDPR) which means we are all collectively responsible to you for your data. Where each of us above are processing your data for our own independent purpose then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights under GDPR or wish to raise a complaint you should do so directly to the relevant data controller. If you wish us to desist in dealing with your matter by sharing your details as described above please let us know immediately.*

*A full privacy notice relative to GDPR is available upon request and viewable on our website <http://www.bobbingpc.kentparishes.gov.uk/>.*

*This email and any other accompanying document(s) contain information from Bobbing Parish Council, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or the Parish Clerk at [clerk@bobbing-pc.gov.uk](mailto:clerk@bobbing-pc.gov.uk)*

**Communications:**

In writing to Trish Hamilton, Parish Clerk, Minster-on-Sea Parish Council,  
Love Lane, Minster-on-Sea, Sheerness, Kent ME12 2LP  
By telephone to: (01795) 873831 also 07748 967782 (Weekdays 9am –  
5pm)  
By e-mail to: [clerk@minsteronseapc.co.uk](mailto:clerk@minsteronseapc.co.uk)

The Rt. Honourable Rt Hon Andrea Leadsom MP.  
Secretary of State for Business, Energy and Industrial Strategy  
House of Commons  
London  
SW1A 0AA

Dated : 27<sup>th</sup> August 2019

Dear Ms Leadsom

**Re: Proposed application by Wheelabrator Technologies Inc. for a Development Consent Order – The Wheelabrator Kemsley (K3) Generating Station and Wheelabrator Kemsley North (WKN) Waste to Energy Facility, Sittingbourne, Kent**

In introducing itself, Minster-on-Sea Parish Council on the Isle of Sheppey in Kent, is the closest elected tier of local government to the community representing the interests of approximately 17,000 residents. To summarise its position, the Parish Council has serious concerns about this application and it asks that you recommend refusal of Wheelabrator Technologies Inc.'s application for a Development Consent Order (DCO) on the following grounds: -

Firstly, the impact on traffic flow is important. The Swale Way / A249 dumbbell roundabout (known as the Grovehurst roundabout)) is currently regularly gridlocked at extended peak periods with queues stretching back to the Swale Way / Barge Way Roundabout and at times as far back as the DS Smith main entrance for over half a mile. The Swale Way / A249 dumbbell roundabout is at the evening peak, for traffic that is travelling northbound on the A249 wanting to access the Grovehurst Roundabout is regularly queued back onto the A249 main carriageway which also presents as a serious safety hazard.

Allowing this application would be in direct conflict with Highways England advice that it will not support any further significant sources of traffic generation (on the A249 corridor) until the Stockbury M2 / A249 Junction 5 upgrade is completed (Taken from Planning Reference: 17/505711/: Land at Wises Lane, Borden, Kent ME10 1GD also Planning Ref: 19/501921/FULL: Land At Belgrave Road Halfway Kent ME12 3EE and press article

<https://www.kentonline.co.uk/sheerness/news/roads-chiefs-put-brakes-on-plans-for-new-housing-206252/>

Furthermore, there is no consideration in its review of committed developments of the enormous Aldi Southern Region Distribution Centre which is now operational and providing the requirements for 120 Aldi stores throughout the south and south-east. (An Aldi store on average has 3 HGV Aldi deliveries per day noting that 100% of this HGV traffic will pass through the Stockbury M2 / A249 Junction 5.) Neither does it consider the Morrisons' Warehouse which is alleged to accept a vehicle every two minutes.

Secondly, the impact on the Grovehurst Roundabout which is a single carriageway dumbbell roundabout will be substantial. This is because it has a lower capacity than a single lane circular roundabout and half the capacity of a two-lane circular roundabout. (The capacity of a roundabout varies based on entry angle, lane width, and the number of entry and circulating lanes. As with other types of junctions, operational performance depends heavily on the flow volumes from various approaches. A single-lane roundabout can handle approximately 20,000–26,000 vehicles per day, while a two-lane design supports 40,000 to 50,000.) Although there is a plan to update this roundabout, with no funding currently in place, this could take several years to achieve. Therefore, allowing this application will result in total gridlock. For example, traffic approaching the Grovehurst Roundabout from the D.S. Smith facilities themselves and traffic travelling north along the A249 route is already gridlocked at peak periods. This proposal will exacerbate the existing problem unless significant improvements are made to the highway network. The Parish Council estimates that over the year, one million and forty-seven tonnes of waste will be carried by approximately 200,000 per annum additional heavy goods vehicles (HGVs) movements and this very significant number of HGVs and cars will descend upon this area due to their involvement with these proposals. This is in direct conflict with Paragraph 32 of the National Planning Policy Framework (NPPF) which makes it clear that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". To mitigate this effect, it is suggested that the DCO should not be applied for until the proposed upgrading of the Grovehurst Roundabout is completed. If this application is permitted, the opportunity to travel along these routes within a reasonable timescale will be severely compromised or in the worst-case scenario even lost.

Thirdly, the Parish Council is also seriously concerned about the environmental impact of, what appears in effect to be the doubling of the current level of waste coming into the area,



with both the expansion to the existing Generating Station and the introduction of the WKN facility. Not only will the increased capacity of the facility lead to substantially more waste delivery traffic, with a corresponding increase in HGV exhaust pollution, but the disposal of the products of burning – bottom ash and flue dust – will generate yet more traffic locally. Flue dust in particular is a hazardous waste product and constitutes around 8% of the raw waste input. The only licenced site in Kent for flue dust disposal is at Norwood Farm Landfill on the Isle of Sheppey, a mere 3 miles from the proposed WTE plant. The applicants have outsourced their flue dust disposal, without revealing its destination, but the likelihood of it being anywhere other than Norwood Farm is highly improbable. Allington WTE plant, Maidstone, already uses it as the most cost-effective option. Use of Norwood Farm would produce an additional 8000 20-tonne HGV movements per annum (to and from the Sheppey site) along already heavily congested roads, with all the extra vehicle pollution that would entail for local residents. Fugitive emissions of toxic fumes, regularly reported from WTE plants elsewhere, would be carried directly towards Sheppey on the prevailing south-westerly winds – so constituting another potential hazard to the residents of the same area within which the flue dust would be disposed of.

In addition to the above, the Parish Council has concerns over the future capacity of the two plants, currently the 49.9MW site is capable of disposing of 550,000 tons of waste each year. The plans include a 25.1MW increase to the current Generating Station, but only to dispose of an additional 107,000 tons of waste each year. The WKN facility will produce up to 42MW, but again will dispose a maximum of 390,000 tonnes of waste each year. It seems obvious from the maths that since both facilities will be built to significantly increase waste disposal in the future, the current proposals do not include any details of possible future expansion. Bearing this in mind, there are concerns that should demand continue to outstrip supply, then both sites could quickly be required to take on additional waste disposal. This is seriously concerning and must be addressed as a priority.

The Parish Council asks why an application for the 75 MW CHP was not applied for from the onset when it constitutes a Nationally Significant Infrastructure Project (NSIP) where an application for a DCO is required? The K3 CHP plant was clearly designed and constructed to be able to operate at an output level of 75MW from its design inception. The Parish Council also questions the applicant's failure to provide a proper report on the Traffic Flow Data for the K3 – 75 MW CHP which is imperative if you are to properly understand this application

and its effect on the highway network. In its place are separate spreadsheets which are confusing and not at all transparent as the process should be. Further questions could also be asked about the environmental impact with no information supplied on continuous or periodic monitoring. The percentage of refuse collection vehicles, flue ash and bottom ash waste also needs to be known. Here, there are concerns that the periods for waste deliveries will have a knock-on effect on the Grovehurst A249 Junction and M2 junctions as most of the deliveries are scheduled to take place during peak periods.

For all these reasons and more Minster-on-Sea Parish Council asks you to refuse permission of the DCO. The proposal provides no solution to the negative effect on the highway network and the consultation that underpins it is simply not fit for purpose due to its failure to provide adequate and transparent information on Traffic Flow Data.

Yours sincerely

Trish Hamilton BSc (Hons) FdA CEG FSLCC  
Parish Clerk

Distribution List:

- Member of Parliament for Sittingbourne and Sheppey – Mr. Gordon Henderson
- Leader, Kent County Council – Mr. Paul Carter CBE
- Kent County Council Cabinet Member for Highways, Transport and Waste - Cllr. Mike Whiting,
- Leader, Swale Borough Council - Cllr. Roger Truelove.
- Kent County Council Member Andy Booth
- Kent County Council Member Ken Pugh
- Minster-on-Sea Parish Council Members

**From:** [Wilson, Jennifer](#)  
**To:** [David Harvey](#)  
**Subject:** Consultation under Section 42 of the Planning Act 2008 (as amended). - K3 and WKN  
**Date:** 28 August 2019 08:16:37  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[image006.png](#)  
[Mr David Harvey.pdf](#)  
**Importance:** High

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Morning David

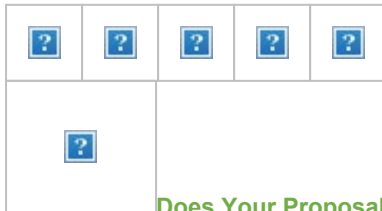
Thank you for consulting us on the above. We wish to reiterate our previous comments, which I have attached for your convenience.

**Kind Regards,**

**Jennifer Wilson**  
Planning Specialist  
Sustainable Places – Kent and South London

[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

External: 020 8474 6711



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Please note – Our hourly charge is now £100 per hour plus VAT from 1<sup>st</sup> April 2018.

**Kind Regards,**

**Jennifer Wilson**  
Planning Specialist  
Sustainable Places – Kent and South London

[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

External: 020 8474 6711



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**From:** [Stephen Vanstone](mailto:Stephen.Vanstone@wtikemsley.co.uk)  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Cc:** [Trevor Harris](mailto:Trevor.Harris@thls.org); [Russell Dunham](mailto:Russell.Dunham@thls.org)  
**Subject:** FW: The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility  
**Date:** 20 August 2019 12:30:49  
**Attachments:** [image001.jpg](#)  
[RE Proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility - EIA Scoping Notification and Consultation .msg](#)  
[Letter dated 29.07.19.pdf](#)

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Good afternoon David,

Further to your letter dated 29 July 2019 attached, we have no further comments to make, as per the attached e-mail.

Kind regards,

**Stephen Vanstone**

Navigation Services Officer | Navigation Directorate | Trinity House

[stephen.vanstone@trinityhouse.co.uk](mailto:stephen.vanstone@trinityhouse.co.uk) | 0207 4816921

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



---

**From:** Stephen Vanstone  
**Sent:** 10 January 2019 08:52  
**To:** 'info@wtikemsley.co.uk' <info@wtikemsley.co.uk>  
**Cc:** Trevor Harris <Trevor.Harris@thls.org>; Russell Dunham <Russell.Dunham@thls.org>  
**Subject:** The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility

Good morning David,

Further to your letter dated 30 November 2018 attached, please find our scoping response to PINS also attached for your information.

Kind regards,

Steve Vanstone  
Navigation Services Officer

Navigation Directorate  
Trinity House  
Trinity Square  
Tower Hill  
London  
EC3N 4DH

Tel: 0207 4816921

E-mail: [stephen.vanstone@thls.org](mailto:stephen.vanstone@thls.org)

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Public Health  
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Environmental Hazards and  
Emergencies Department  
Centre for Radiation, Chemical and  
Environmental Hazards (CRCE)  
Seaton House  
City Link  
London Road  
Nottingham NG2 4LA

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

[www.gov.uk/phe](http://www.gov.uk/phe)

Your Ref: 13141

Our Ref: CIRIS 51813

FREEPOST  
WHEELABRATOR KEMSLEY

27 August 2019

Dear Sir/Madam

**Nationally Significant Infrastructure Project  
The Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy  
Facilities - Section 42 Consultation**

Thank you for your consultation regarding the above development. Public Health England (PHE) welcomes the opportunity to comment on your proposals and preliminary environmental information report at this stage of the project.

PHE notes that we have replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence.

Request for Scoping Opinion                      07 August 2018

Our understanding is that the applicants have identified that the generating capacity of K3 can be increased to 75MW through internal alterations to optimise plant efficiency and that the facility is able to process an additional 107,000 tonnes of post-recycled waste per annum. Therefore, the applicant wishes to seek consent for the construction of K3 at its total generating capacity of 75MW (49.9MW consented plus 25.1MW upgrade), together with a separate proposed total tonnage throughput of 657,000 tonnes per annum (550,000 consented plus 107,000 tonnage increase).

PHE has assessed the submitted documentation with reference to the recommendations provided in our scoping response. It is noted that the promoter has scoped out the effects of electric and magnetic fields (EMF) in the Environmental Impact Assessment, this would be reasonable on the basis that additional cabling to connect to the Paper Mill substation remains within the boundaries of the Generating Plant and Paper Mill sites.

Should you have any questions or concerns please do not hesitate to contact us.

Yours faithfully

On behalf of Public Health England

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*



1 Eversholt Street

London, NW1 2DN

E: [Nicholas.Donoghue@Networkrail.co.uk](mailto:Nicholas.Donoghue@Networkrail.co.uk)

T: 07740 224772

02<sup>nd</sup> August 2019

**Wheelabrator Technologies INC. The Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste-To-Energy Facilites, Sittingbourne, Kent Consultation: Section 42 and Section 44 of the Planning Act 2008**

Dear Sir / Madam

I write in respect of the above consultation under Section 42 and Section 44 of the Planning Act 2008 associated to Wheelabrator Technologies INC.' the Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste-To-Energy Facilites proposal.

Based on the information received it does not appear that there is any direct impact on Network Rail, however we will need to check and receive assurances that the land associated does not contain any rights or covenants (both positive and restrictive benefiting Network Rail), if so, Network Rail would seek to retain such rights.

To ensure that the movement of material to and from site is environmentally sustainable, Network Rail believe Wheelabrator Technologies INC should explore the possibilities of using rail to deliver fuel and waste to and from the site via an existing private rail line which connects to the main railway network. Network Rail are keen to discuss this potential opportunity with Wheelabrator Technologies INC.

Yours sincerely,

**Nick Donoghue**

Town Planning Technician



**From:** [ROSSI, Sacha](#)  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Cc:** [NATS Safeguarding](#)  
**Subject:** RE: ENO10083\_WHEELABRATOR KEMSLEY GENERATING STATION POWER -- DCO Application Consultation under Section 42 [SG26876]  
**Date:** 05 August 2019 12:55:11  
**Attachments:** [image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
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[image018.png](#)  
[image019.png](#)  
[image020.png](#)

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Dear Sir/Madam,

We acknowledge receipt of the correspondence reference 13141 dated 29<sup>th</sup> July 2019 regarding an increase in capacity. NATS operates no infrastructure within 10km of the proposed development site. Accordingly it anticipates no impact and has no comments to make on the revised scheme.

Regards  
S. Rossi



**Sacha Rossi**  
ATC Systems Safeguarding Engineer

D: 01489 444205

E: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



---

**From:** ROSSI, Sacha  
**Sent:** 04 December 2018 15:01  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Cc:** NATS Safeguarding <[NATSSafeguarding@nats.co.uk](mailto:NATSSafeguarding@nats.co.uk)>  
**Subject:** ENO10083\_WHEELABRATOR KEMSLEY GENERATING STATION POWER -- DCO Application Consultation under Section 42

Dear Sir/Madam,

NATS operates no infrastructure within 10km of the proposed development site. Accordingly it anticipates no impact and has no comments to make on the application.

Regards

S. Rossi



**Sacha Rossi**

ATC Systems Safeguarding Engineer

D: 01489 444 205

E: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk/windfarms](http://www.nats.co.uk/windfarms)



---

**From:** ROSSI, Sacha

**Sent:** 15 December 2016 12:48

**To:** 'EnvironmentalServices@pins.gsi.gov.uk'

**Cc:** NATS Safeguarding

**Subject:** RE: ENO10083\_WHEELABRATOR KEMSLEY GENERATING STATION POWER UPGRADE\_EIA SCOPING NOTIFICATION AND CONSULTATION

Dear Sir/Madam,

NATS operates no infrastructure within 10km of the proposed development site. Accordingly it anticipates no impact and has no comments to make on the application.

Regards  
S. Rossi

**Mr Sacha Rossi**

NATS Safeguarding Office

☎: 01489 444 205

✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]

**Sent:** 12 December 2016 15:27

**Subject:** ENO10083\_WHEELABRATOR KEMSLEY GENERATING STATION POWER UPGRADE\_EIA SCOPING NOTIFICATION AND CONSULTATION

Dear Sir/Madam

Please see attached correspondence on the proposed Wheelabrator Kemsley Generating Station Power Upgrade.

Please note the deadline for consultation responses is 9 January 2017 and is a statutory requirement that cannot be extended.

Kind regards.  
Alison L Down  
EIA & Land Rights Advisor – Environmental Services Team

Major Applications and Plans  
The Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay, Bristol,  
BS1 6PN

Twitter: [@PINSgov](#)

Helpline: 0303 444 5000

Email: [environmentalServices@pins.gsi.gov.uk](mailto:environmentalServices@pins.gsi.gov.uk)

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## **Wheelabrator Kemsley K3 Generating Station and WKN Waste to Energy Facility – proposed development by Wheelabrator Technologies Inc**

### **Royal Mail Group Limited section 42 Consultation response**

#### **Introduction**

Reference the email dated 29 July 2019 from DHA Planning to Royal Mail inviting a consultation response under section 42(1) (a) of the Planning Act 2008, Royal's Mail's consultation response is set out below.

#### **Royal Mail- relevant information**

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom (the independent communications regulator) as a provider of the Universal Postal Service.

Royal Mail is the only such provider in the United Kingdom. Its services are regulated by the Communications Industry Regulator, Ofcom.

In respect of its postal services functions, section 29 of the Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

By sections 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

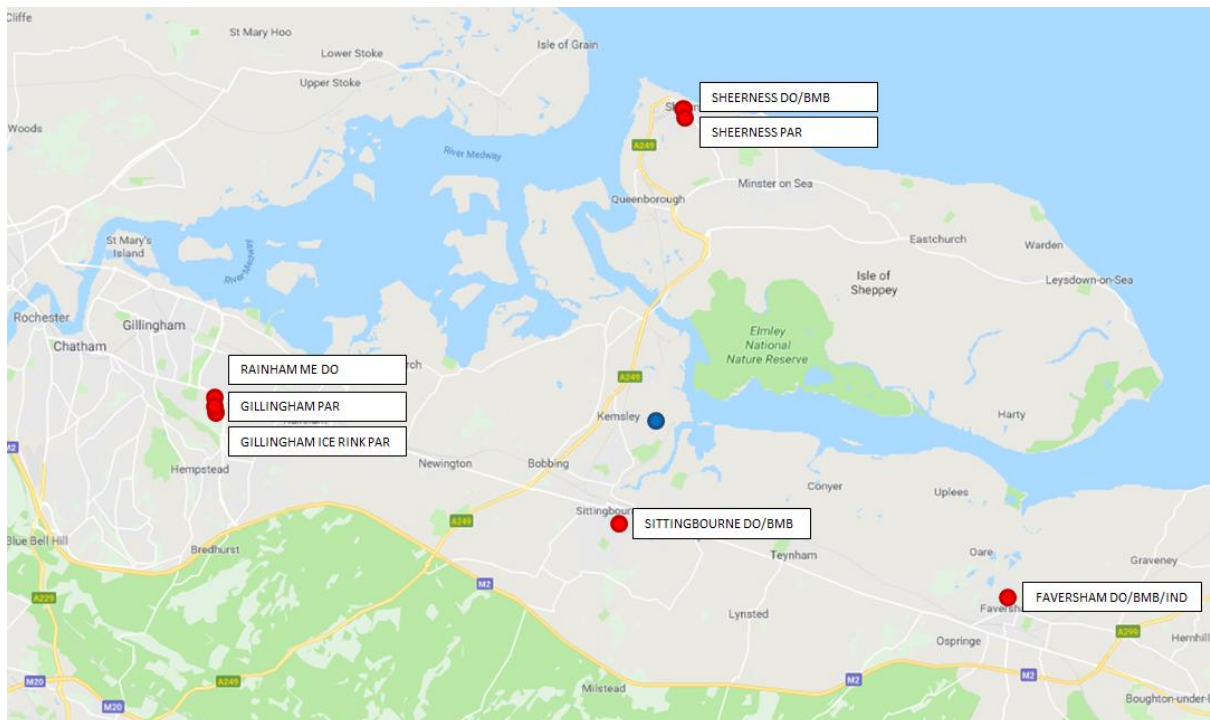
Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.



### Potential impacts of the scheme on Royal Mail

Royal Mail has seven operational properties within 10 miles of the proposal site, as identified below with individual distances:

Sittingbourne Delivery Office	Central Avenue Sittingbourne ME10 4AA	3.1
Sheerness Parking	Trinity Place Sheerness ME12 1TW	7.7
Sheerness Delivery Office	33 Broadway Sheerness ME12 1AA	7.8
Faversham Delivery Office	East Street Faversham ME13 8AA	9.2
Rainham Delivery Office	7-8 Saracen Close Gillingham ME8 0QN	10
Gillingham Delivery Office	The Ice Bowl, Ambley Road Gillingham ME8 0PU	10
Gillingham Ice Rink PAR	The Ice Bowl, Ambley Road Gillingham ME8 0RU	10





The location, nature and scale of the proposed new generating station and waste to energy facility may present risk of construction and operational phase impact / delays to Royal Mail's road based operations on the surrounding road network.

Also, in exercising its statutory duties Royal Mail vehicles use on a daily basis all of the local roads that may potentially be affected by additional traffic arising from the construction and operation of this proposed new generating station and waste to energy facility.

Royal Mail wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may be adversely affected by the construction and operation of this proposed new generating station and waste to energy facility.

The approach and content of both the Traffic and Transportation section of the PEIR and the Traffic and Transport chapter of the draft ES (Chapter 4) look generally adequate to Royal Mail. It is noted that the new generating station is expected to produce an average of 34 additional HGV deliveries per day as a result of the additional 107 tonnes of waste with WKN adding a further 125 HGV deliveries per day. If these estimates are accurate then the impact on Swale Way and the surrounding highway network should be insignificant.

Notwithstanding this, Royal Mail asks that the Traffic and Transport chapter of the final 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 though full consultation at the appropriate time in the DCO and development process.

Royal Mail wishes to be fully pre-consulted by the applicant and its contractors on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the revised and extended Construction Traffic Management Plan. The final version of the ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

#### **Royal Mail's position on the scheme as at January 2019**

In order to address the above, Royal Mail requests that:

1. Wheelabrator Technologies Inc's forthcoming DCO application offers a requirement that Royal Mail is pre-consulted by Wheelabrator Technologies Inc or its contractors on any proposed road closures/ diversions/ alternative access arrangements, hours of working and the content of the final Construction Traffic Management Plan.
2. The forthcoming DCO application offers a requirement that the final Construction Traffic Management Plan includes provision for a mechanism to inform major road users about any works affecting the local network (with particular regard to Royal Mail's distribution facilities in the vicinity of the DCO application boundary as listed above).

The above requests, as made by Royal Mail at the section 42 consultation stage of another NSIP proposal have been agreed and actioned by the developer to the satisfaction of Royal Mail, resulting in no further action by Royal Mail as a statutory consultee.

Royal Mail is able to supply information on its road usage / trips if required.



Should PINS or Wheelabrator Technologies Inc have any queries in relation to the above then in the first instance please contact Holly Trotman ([holly.trotman@royalmail.com](mailto:holly.trotman@royalmail.com)) of Royal Mail's Legal Services Team or Daniel Parry-Jones ([daniel.parry-jones@bnpparibas.com](mailto:daniel.parry-jones@bnpparibas.com)) of BNP Paribas Real Estate.

**From:** [Dufaj, Edyta](#) on behalf of [Asset Data](#)  
**To:** [David Harvey](#)  
**Subject:** RE: Wheelabrator Technologies - K3/WKN Consultation  
**Date:** 07 August 2019 09:18:36  
**Attachments:** [image008.jpg](#)  
[image009.png](#)  
[image010.png](#)  
[image003.png](#)  
[image005.png](#)

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Good morning David

Thank you for your email enquiry

We do not have any network records within the area requested as the site location is out of our distribution area.

Please contact UK Power Networks on 0800 0565866 for there records.

Regards

Asset Data Team



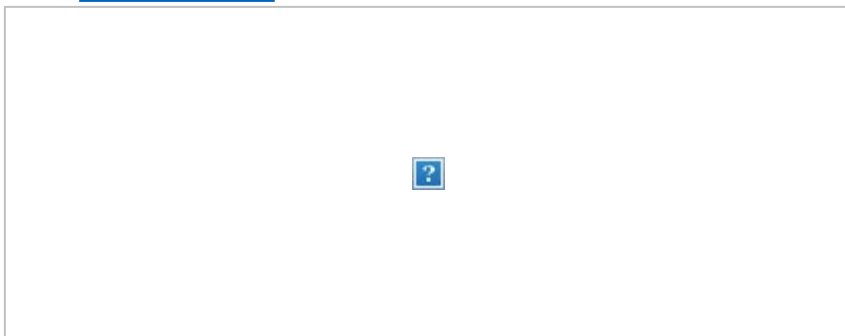
**Edyta Dufaj**

Asset Data Team

Email: [Edyta.Dufaj@sse.com](mailto:Edyta.Dufaj@sse.com)

Asset Data Team, Daneshill Depot, Faraday Road,  
Basingstoke, Hampshire, RG24 8QQ

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



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**From:** David Harvey [mailto:[david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)]  
**Sent:** 06 August 2019 17:25  
**To:** Asset Data  
**Subject:** [EXTERNAL] RE: Wheelabrator Technologies - K3/WKN Consultation

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Dear Edyta

Thanks for the email; please find attached a general site location plan and a plan showing in more detail the extent of our proposed DCO boundary – let me know if you do need anything further.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)

Mobile: 07939 853872

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**From:** Dufaj, Edyta <Edyta.Dufaj@sse.com> **On Behalf Of** Asset Data

**Sent:** 06 August 2019 10:44

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

**Subject:** RE: Wheelabrator Technologies - K3/WKN Consultation

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Good morning,

Could you please send us site location of requested area if you need plans of our networks.

Kind regards,

cid:image009.png@01D54D00.D64E92B0



**Edyta Dufaj**

Asset Data Team

Email: [Edyta.Dufaj@sse.com](mailto:Edyta.Dufaj@sse.com)

Asset Data Team, Daneshill Depot, Faraday Road,  
Basingstoke, Hampshire, RG24 8QQ

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

cid:image010.png@01D54D00.D64E92B0



---

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

**Sent:** 05 August 2019 18:16

**To:** Asset Data

**Subject:** [EXTERNAL] Wheelabrator Technologies - K3/WKN Consultation

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Dear Sir/Madam

We sent the attached letter and notice to Indigo Pipelines on the 29<sup>th</sup> July but it was returned to us. The letter was accompanied by a USB containing the documents to which it referred; those same documents are available on the project website (<https://www.wtikemsley.co.uk/consultation/documents/>) and we can provide copies in alternative formats if needed.

Let me know if it would help to discuss. As you will note we have provided a deadline of the 28<sup>th</sup> August 2019 for any responses to be received; please let me know if you would need to agree an extension to that deadline in order to provide you with 28 days in which to respond.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)

Mobile: 07939 853872

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

\*\*\*\*\*

## Land and Acquisitions

Anne Holdsworth  
DCO Liaison Officer  
Network Management  
anne.holdsworth@nationalgrid.com  
Direct tel: +44 (0)7960175682

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

[www.nationalgrid.com](http://www.nationalgrid.com)

12<sup>th</sup> August 2019

Dear Sir / Madam

**Ref: Proposed Wheelabrator Kemsley K3 Generating Station & WKN Waste-to-Energy Facility  
Statutory Further Consultation Planning Act 2008 Section 48**

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 29<sup>th</sup> July 2019 regarding the Proposed Development.

### **Electricity Transmission**

National Grid Electricity Transmission has no apparatus within or in close proximity to the proposed order limits.

### **Gas Transmission**

National Grid Gas has no apparatus within or in close proximity to the proposed order limits.

If you require any further information, please do not hesitate to contact me.

Yours faithfully



**Anne Holdsworth  
DCO Liaison Officer, Land and Acquisitions**



Your Ref: 13141  
Our Ref: WL008670km

**Southern Gas Networks PLC**  
Easement Team  
2 Leasons Hill  
Orpington  
Kent  
BR5 2TN

Wheelabrator Technologies Inc  
Portland House (8<sup>th</sup> Floor)  
Bressenden Place  
London  
SW1E 5BH

**BY FIRST CLASS POST**

Wednesday 14<sup>th</sup> August 2019

Dear Sirs

**Proposed Application for a Development Consent Order -The Wheelabrator Kemsley K3 Generating station and WKN waste-to- energy facility.  
Southern Gas Networks PLC – Gas Infrastructure**

I write, on behalf of Southern Gas Networks PLC (“Southern Gas”), being the company responsible for the management of the network that distributes gas to premises across the South East of England, in response to your letter, dated 29 July 2019.

Southern Gas understands that Wheelabrator Technologies Inc intend to acquire rights, over that area of land which is shown outlined in purple on the attached plan (“the Subject Land”), so that it can carry out works relating to the installation of waste -to-energy facilities K3 and WKN (“the Works”). Southern Gas also understands that you are in the process of gathering information to determine the extent of third party interests that will be affected by the Works.

Gas Infrastructure

You should note that Southern Gas operates gas infrastructure under the Subject Land. The location of such gas infrastructure is shown by green dashed line on the Infrastructure Plan enclosed with this letter. Southern Gas is concerned that the Works may adversely affect the said gas infrastructure which in turn will adversely affect Southern Gas’ ability to provide those premises, situated in the vicinity of the Works, with a supply of gas.

Southern Gas would be grateful if you would provide details of the arrangements that it will be making to ensure that the Works will not adversely affect the said gas infrastructure.

I wait to hear from you.

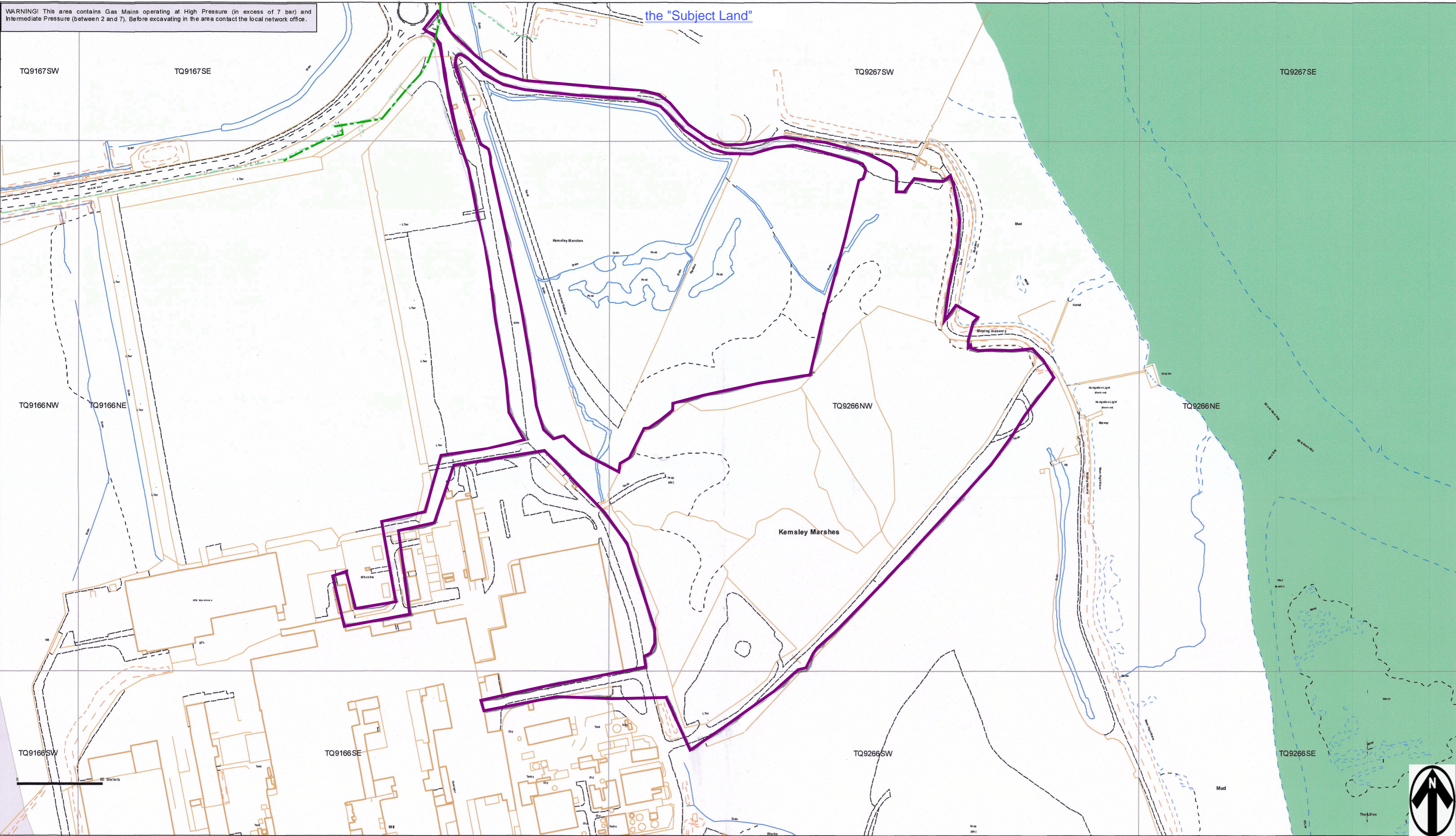
Yours faithfully

[Redacted signature]

Kim Miller  
Easement Officer  
Telephone: 01689 881582  
E-mail: easements@sgn.co.uk

WARNING! This area contains Gas Mains operating at High Pressure (in excess of 7 bar) and Intermediate Pressure (between 2 and 7). Before excavating in the area contact the local network office.

the "Subject Land"



SCALE 1: 2500 A2  
 USER ID: km55788  
 DATE: 05/08/2019  
 INTERNAL USE ONLY  
 GRID REFERENCE:  
 E592113,N166738,TQ 92 66  
 Some examples of Plant items:  
 Valve Depth of Cover Syphon Diameter Change Material Change

LP MAINS   
 MP MAINS   
 IP MAINS   
 LHP MAINS   
 DCO BOUNDARY   
 LAs   
 GTs SSSIs

This plan shows the location of those pipes owned by Scotia Gas Networks (SGN) by virtue of being a licensed Gas Transporter (GT). Gas pipes owned by other GTs or third parties may also be present in this area but are not shown on this plan. Information with regard to such pipes should be obtained from the relevant owners. No warranties are given with regard to the accuracy of the information shown on this plan. Service pipes, valves, siphons, sub-connections etc are not shown but their presence should be anticipated. You should be aware that a small percentage of our pipes/assets may be undergoing review and will temporarily be highlighted in yellow. If your proposed works are close to one of these pipes, you should contact the SGN Plant Protection Team on 08450703497 for advice. No liability of any kind whatsoever is accepted by SGN or its agents, servants or sub-contractors for any error or omission contained herein. Safe digging practices, in accordance with HS (G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that plant location information is provided to all persons (whether direct labour or sub-contractors) working for you on or near gas apparatus. Information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

INTRANET MAP VERSION 2.1  
 Kent County Area  
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**From:** [Karen Thorpe](#)  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Subject:** The Wheelabrator Kemsley K3 and WKN Waste-to-Energy Facility  
**Date:** 30 July 2019 09:47:20  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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[External email - This message originated from outside DHA – prior to opening any attachments or opening links, please ensure their authenticity with the sender]

Good morning,

Thank you for sending the amended information and material regarding The Wheelabrator Kemsley K3 and WKN Waste-to-Energy Facility.

Harlaxton Energy Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton have no comment to make on this project.

Kind Regards

Karen Thorpe  
Distribution Administrator  
0844 800 1813

---

**From:** Karen Thorpe  
**Sent:** 11 December 2018 09:28  
**To:** [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)  
**Subject:** The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility

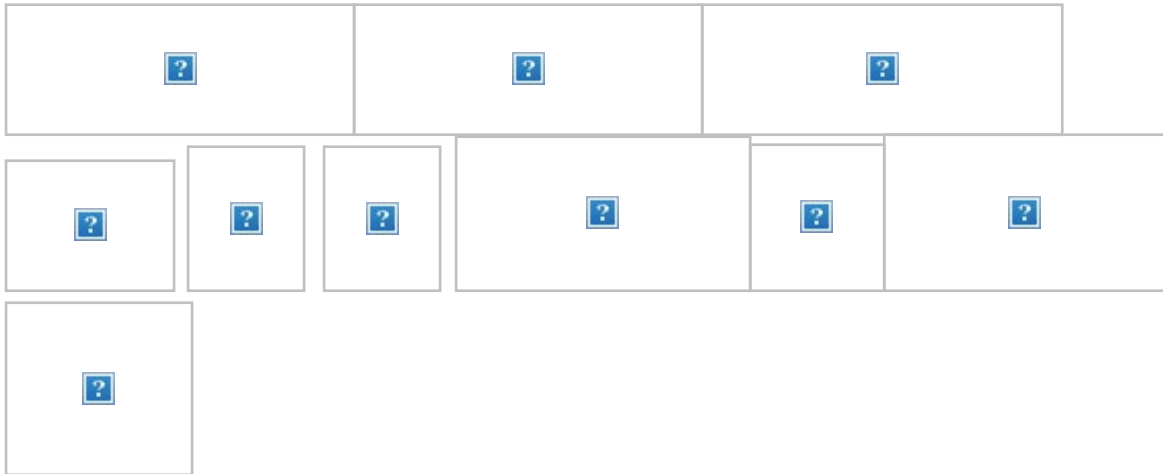
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Visit our website [harlaxtonenergynetworks.co.uk](http://harlaxtonenergynetworks.co.uk) and explore at your leisure

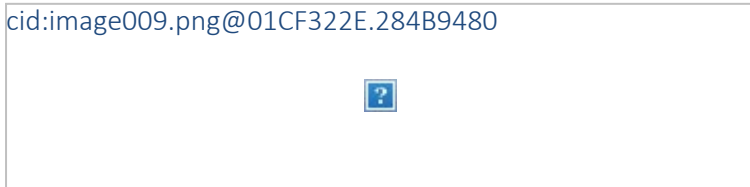
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cid:image009.png@01CF322E.284B9480







Your Ref: 13141  
Our Ref: WL008670km

**Southern Gas Networks PLC**  
Easement Team  
2 Leasons Hill  
Orpington  
Kent  
BR5 2TN

Wheelabrator Technologies Inc  
Portland House (8<sup>th</sup> Floor)  
Bressenden Place  
London  
SW1E 5BH

**BY FIRST CLASS POST**

Friday, 06 September 2019

Dear Sirs

**Proposed Application for a Development Consent Order -The Wheelabrator Kemsley K3 Generating station and WKN waste-to- energy facility.  
Southern Gas Networks PLC – Gas Infrastructure**

I write, on behalf of Southern Gas Networks PLC (“Southern Gas”), being the company responsible for the management of the network that distributes gas to premises across the South East of England, in response to your letter, dated 29 July 2019.

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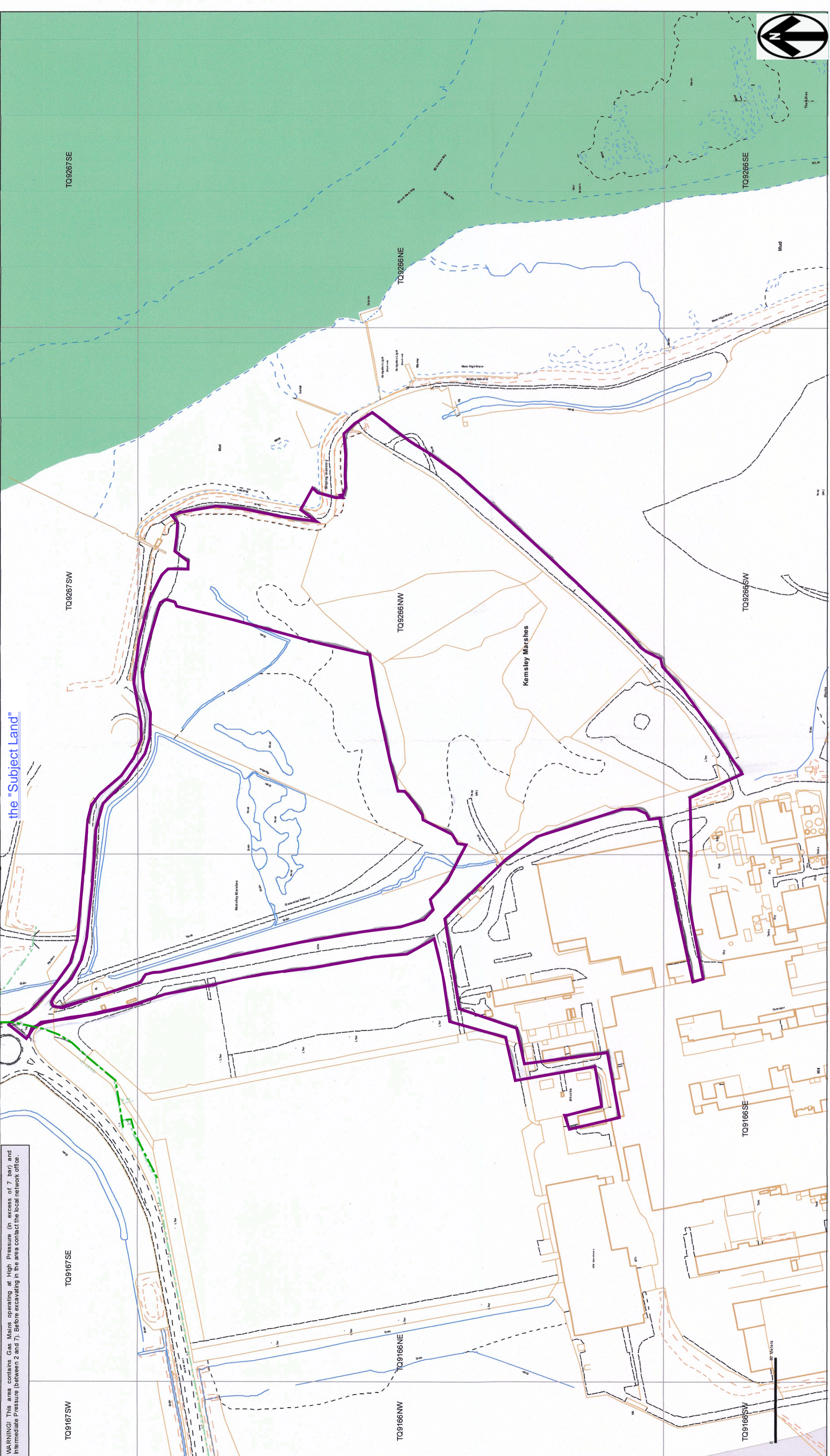
Yours faithfully

[Redacted signature]

Kim Miller  
Easement Officer  
Telephone: 01689 881582  
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**INTRANET MAP VERSION 2.1**  
**Kent County Area**

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Swale House, East Street,  
Sittingbourne, Kent ME10 3HT  
DX59900 Sittingbourne 2  
Phone: 01795 424341  
Fax: 01795 417141  
www.swale.gov.uk



Mr D. Harvey  
DHA Planning  
Eclipse House  
Eclipse Park  
Maidstone  
Kent  
ME14 3EN

Our Ref: 19/503886/ADJ  
Date: 22 August 2019

Dear Mr Harvey,

**Re: S.42 consultation for construction of the Wheelabrator Kemsley K3 generating station and WKN waste-to-energy facility; Land at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD.**

Thank you for the details in respect of the above.

The site lies within an area generally set aside for industrial uses, and it is anticipated that matters relating to transport; ecology; noise; contamination; local amenity; and landscape and visual impact will be fully addressed through formal submissions at later stages of the application.

I can therefore confirm that the Council has no substantial comments to make at this stage.

Please let me know if you have any questions or would like to discuss the matter further.

Yours sincerely,



Ross McCardle  
Senior Planning Officer  
t 01795 417108  
e [rossmccardle@swale.gov.uk](mailto:rossmccardle@swale.gov.uk)

Case Officer: Olly Ansell  
Telephone: Contact Centre 01227 862178  
Email: [planning@canterbury.gov.uk](mailto:planning@canterbury.gov.uk)  
Website: [www.canterbury.gov.uk/planning](http://www.canterbury.gov.uk/planning)  
Date: 20 August 2019



Mr D Harvey  
DHA Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

Dear Mr Harvey

**TOWN AND COUNTRY PLANNING ACT 1990  
CONSULTATION**

**Our Ref:** PRE19/00232  
**Proposal:** Proposed application by Wheelabrator Technologies Inc. for a development consent order for the Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste-to-energy Facilities, Sittingbourne, Kent.  
**Location:** Waste-to-energy Facilities, Sittingbourne.

Thank you for the opportunity to comment on the proposed application by Wheelabrator Technologies Inc. for a development consent order for the Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste-to-energy facilities. In this instance Canterbury City Council have no comments to make.

Yours sincerely

Olly Ansell  
Planning Services



Mr David Harvey  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

**BY EMAIL ONLY**

**Growth, Environment & Transport**

Room 1.62  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Phone: 03000 415981  
Ask for: Barbara Cooper  
Email: Barbara.Cooper@kent.gov.uk

10 September 2019

Dear Mr Harvey

**Re: Proposed application for the grant of a Development Consent Order (DCO) for Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility**

Thank you for providing Kent County Council (KCC) with the opportunity to comment on the documents submitted as part of the consultation under Section 42 of the Planning Act 2008. The County Council notes that this is a further consultation, following an amendment to the description of development.

The comments raised by the County Council in response to the previous consultation dated 10 January 2019 (Appendix 1) continue to be of relevance and should be considered by the Applicant accordingly. To avoid duplication, the County Council has not repeated those comments within this response.

The County Council has reviewed the documents for this consultation and would raise the following comments.

**Highways and Transportation**

The County Council, as Local Highway Authority raises the following comments, in conjunction with those raised within the response dated 10 January 2019.

*Baseline conditions*

The traffic and junction counts were completed on neutral dates in March 2017 and June 2016. Whilst the counts were acceptable at the time of the original application, a significant period of time has now elapsed. As the application description has been amended, up to date base data is required, as the evidence needs to be relevant to the current application.

This is particularly pertinent in respect of the movements relating to the original K3 application, which must now be assessed against current conditions.

The crash data submitted includes information up to 2017 and as such is now outdated. The Transport Assessment (TA) will need to be amended to include information and data up to the 2019 date of submission.

#### *Future Assessment*

The Transport Assessment includes a 2031 - end of Swale Borough Council Local Plan assessment, along with a 2021 interim assessment to account for construction traffic. These assessments remain appropriate and updates due to the change in the proposal description are not considered necessary.

#### *Site Location & Policy Compliance*

The Transport Assessment includes the correct location and details of the surrounding highway network. However, it fails to mention that there is an operating dockyard and redundant railway siding within one mile of the application site. In order to comply with the National Planning Policy Framework (NPPF), development should seek to encourage sustainable travel, lessen traffic generation and its detrimental impacts, and reduce carbon emissions and climate impacts. There is a clear opportunity to deliver the large quantities of waste via rail or water. The fact that the surrounding highway network is over capacity at both the M2 J5 and Grovehurst junctions adds significant argument to seeking alternative means of waste delivery.

Without investigations on the use of the available and alternative methods of delivery, it is considered that the application does not fully comply with the NPPF.

#### *Development proposal*

Access – The route of access is unchanged and no assessment is required to ensure suitable geometry can be achieved.

#### *Trip Generation*

The newly submitted Preliminary Environmental Impact Report (PEIR) provides some clarity as to the expected trip generations from the development however further details are required. This can be summarised as follows:

K3 HGVs – 416 HGV movements have been referenced in the recently submitted PEIR. The TA should be updated to demonstrate the expected times of arrival and departure along with supporting evidence.

K3 Staff – Whilst it is mentioned that an estimated 50 staff will operate the site, details of their make-up and expected trip generation do not appear to have been submitted in this consultation.

WKN HGVs (operational) – 250 HGV movements have been referenced in the recently submitted PEIR. The Transport Assessment states that the additional 390,000 tonnes of waste per annum would generate the additional 250 HGV movements per day.

WKN Staff (operational) - An estimation of staff numbers ranges between 35 to 50 over three shift periods. A total of 42 car movements are therefore expected, representing the 84% travelling by car, however only 37 car movements appear to be accounted for in the TA. An explanation of this is required.

WKN Construction - The Transport Assessment demonstrates that a peak of 482 staff would be on site during months 24-40 of construction with 90 associated HGV movements. The County Council requests evidence from the existing K3 construction programme to evaluate that the level of HGV movements for that application are robust. Further to that, KCC requests that the hourly number of deliveries is demonstrated through traffic count evidence for one week. The information will provide evidence that the assumptions that have been made are justifiable

Census data has been used to calculate the mode share of staff transport. The assessment carried out assumes 84% of staff would travel by car. This allows 409 staff accessing the site per day by car. This is considered a fair assumption. The assessment shows that no staff are arriving during the peak hours.

#### *Summary on trip generation*

The cumulative impact of the K3 and WKN operation generates an anticipated 666 HGV two way movements per day. Additional staff movements, yet to be clarified, will also be expected.

The construction of the WKN site brings forward a further 90 two way HGV movements and 409 construction staff trips.

#### *Junction Assessments*

The consultation suggests that the volume of development generated traffic represents only a small proportion of the current traffic flows on the adjacent highway. This statement is disputed. Taking account of the currently submitted base movements of 2000, clearly the development generation of 666 represents a substantial impact on the volumes of HGVs. In addition, the completed counts as submitted would have included K3 construction HGVs, which would need be deducted and thus increase the overall development impact.

Updated 2019 junction assessments will need to be submitted.

The development will be expected to provide appropriate mitigation to any junction found to be operating above capacity as a result of cumulative development impact. This should be expected to be proportionate to the full amount of movements relating to the new application title.

It should also be anticipated that the use of Grampian conditions to constrain movements until mitigation is secure may also be appropriate.

## **Minerals and Waste**

As Minerals and Waste Planning Authority, it is understood that the revised consultation arises from advice from the Planning Inspectorate that the description of the development should be revised to enable the project to be properly categorised and determined under the Planning Act 2008. Consent is now being sought for:

*The construction and operation of a 75MW waste-to-energy facility, the 'Wheelabrator Kemsley Generating Station' ("K3"), and for the construction and operation of a 42MW waste-to-energy facility, 'Wheelabrator Kemsley North.*

The consequence of this change is that the proposal will not be assessed as a power upgrade and increased throughput without the need for any construction works required, but rather as a consent for the construction of K3 at its total generating capacity of 75MW, together with a separate proposed total tonnage throughput of 657,000 tonnes of waste per annum.

The supporting information states that whilst the consent sought for the K3 development has altered, in respect of the practical effect of the DCO in environmental terms, the project remains unchanged. The DCO sought would allow K3 as consented and currently being built to operate to an upgraded power generation level of 75MW (an additional 25.1MW) and to process 657,000 tonnes of waste per annum (an additional 107,000 tonnes), above and beyond that permitted under its existing planning consent. The practical effect of the consent sought would not result in any additional external physical changes to K3 as permitted and the layout and appearance of the facility will remain as per its consented design.

Within the County Council's response to the original consultation (Appendix 1), attention was drawn to a number of concerns regarding the Draft Environmental Statement. In particular, there is a conflict between the DCO and the Council's adopted waste strategy, which is predicated upon the principle of net self-sufficiency and the Waste Hierarchy. These views remain pertinent in respect of the revised description of the development and KCC will be requesting that the Planning Inspectorate gives very careful consideration to the Council's concerns in assessing the merits of the DCO proposal.

The County Council as Waste Planning Authority considered the planning merits of the planning application for the K3 proposal with a feedstock of 550,000 tonnes a year and 49MW of energy. In granting conditional planning permission, the County Council was satisfied that the application was in accordance with planning policy and that it constituted sustainable development. The Waste Planning Authority has not considered the merits of the increase in waste feedstock, nor the planning merits of the new Wheelabrator Kemsley North plant.



## **Air Quality**

Part of the A2 corridor, mainly Ospringe to Faversham, is declared as an Air Quality Management Area (AQMA). This AQMA has recorded the third highest levels of Nitrogen Dioxide (the main pollutant from vehicle exhausts) in the County. Therefore, from a strategic air quality perspective, the Applicant will need to have clear mitigation in place to demonstrate that the development will not have a negative impact on air quality.

---

KCC would welcome further opportunity to engage throughout the progression of the DCO. If you require further information or clarification on any matter in this letter, then please do not hesitate to contact KCC.

Yours sincerely



**Barbara Cooper**

Corporate Director – Growth, Environment and Transport

Encs:

- KCC Response to Statutory Consultation – 10 January 2019



Mr David Harvey  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

**BY EMAIL ONLY**

**Growth, Environment & Transport**

Room 1.62  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Phone: 03000 415981  
Ask for: Barbara Cooper  
Email: Barbara.Cooper@kent.gov.uk

10 January 2019

Dear Mr Harvey

**Re: Proposed application for the granted of a Development Consent Order (DCO) for Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility**

Thank you for providing Kent County Council (KCC) with the opportunity to comment on the documents submitted as part of the Statutory Consultation under Section 42 of the Planning Act 2008, which includes the Preliminary Environmental Impact Report (PEIR), draft Environmental Statement (ES) and draft Development Consent Order (DCO), relating to the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North (WKN) Waste to Energy Facility.

The County Council has reviewed the documents and for ease of reference, provides a commentary structured around the published documents, under the chapter headings used within the reports.

**Draft Environmental Statement**

**Chapter 2 Site Description and Proposed Development**

The County Council is concerned that the proposal as set out in the DCO is in conflict with the Council's adopted waste strategy, which is predicated upon the principle of net self-sufficiency and the Waste Hierarchy. In assessing the merits of the DCO proposal, attention is drawn to this conflict and the applicant is asked to consider the implications upon waste planning policy in the County and also to note the concern regarding the conjoining of the two plants into one DCO proposal. These concerns will be shared with the Planning Inspectorate, should the proposal be submitted as a DCO application.

KCC is the Waste Planning Authority for Kent and so is responsible for planning the management of waste within the County. In July 2016, KCC adopted the Kent Minerals and

Waste Local Plan 2013-30 (KMWLP) that sets out the strategic and development management policy framework to be used in determining planning applications for waste management facilities in Kent. This policy framework is predicated on an approach of 'net self-sufficiency' and the management of waste in accordance with the Waste Hierarchy. This approach was found sound following independent examination by the Planning Inspectorate.

The KMWLP commits KCC to preparing a Waste Sites Plan, which would identify and allocate land considered suitable for waste development to accommodate specific types of facilities to meet the evidenced capacity gap identified in the adopted KMWLP. As part of the work to develop the evidence base for the subsequent Waste Site Plan, a review has been undertaken to confirm the predicted capacity gap for waste arising in Kent. This reassessment indicates, amongst other matters, that with the commissioning of the original consented 550,000 tonne facility at Kemsley (referred to as K3), 'net self-sufficiency' for the management of non-hazardous residual waste will be achieved and maintained to the end of the Plan period (2031).

As a result, there is no evidenced need for further waste capacity in Kent to 2030. In terms of its waste plan making responsibilities, KCC now proposes to remove the commitment from the adopted KMWLP to prepare a Waste Sites Plan. Draft proposals for modifications to the KMWLP were published in early 2018 and objections were received from Wheelabrator Technologies Inc (WTI) - the proposer of this DCO application. According to WTI predictions, future requirements for waste management would still justify the preparation of a Waste Sites Plan, and therefore the County Council should include the allocation of land at Kemsley, which WTI promoted in response to the Call for Sites conducted in 2017. KCC has considered the representations made by WTI and is unpersuaded that evidence exists to justify allocation of the site and the provision of additional waste capacity within the County.

The County Council is intending to publish its Pre-Submission Draft of the Early Partial Review of the Kent Minerals and Waste Local Plan for public consultation in early 2019 (Regulation 19) prior to submission to the Secretary of State for examination in the Summer. It will be a matter for the Inspector examining the Early Partial Review to establish the merits or otherwise of providing additional waste capacity within the County as proposed by WTI. As such, the DCO proposal appears to potentially undermine the Local Plan process.

The DCO proposal being considered at Kemsley ('K3' and 'WKN' taken together) would result in approximately a further half million tonnes of waste (497ktpa) recovery capacity being built in Kent. This is far in excess of the requirements indicated by the adopted Plan and by the latest Waste Needs Assessment for Kent to maintain net self-sufficiency to 2031 i.e. throughout the Plan period. Once the original consented capacity at Kemsley of 550ktpa is taken into account (SW/10/444), this identifies no additional need for 'Other Recovery' capacity. Provision of this additional 497ktpa of capacity is likely to mean that management of waste will be locked into incineration for the next 25 to 30 years at least, thus compromising its management by methods further up the Waste Hierarchy – for instance, by being prevented in the first place or recycled/composted. This would be contrary to national and local policy on waste management.

The additional capacity may also draw waste in from beyond the boundaries of Kent. This could result in a substantial imbalance being created between waste planning areas and

disrupting the move towards net self-sufficiency being pursued by authorities around the wider South East. This supports the achievement of the Waste Framework Directive proximity principle for mixed waste.

Whilst the DCO proposal seeks to conjoin the planning consideration of the two waste plants, there is no justification for considering the applications for the K3 facility upgrade and the new free-standing Energy from Waste (EfW) facility WKN as a single DCO application in the manner proposed. The reasons presented in the Secretary of State's (SoS) initial decision do not appear to amount to legitimate grounds to circumvent the established mechanism through which such applications ought properly to be considered. In this regard, it should be noted that the County Council has demonstrated a capability of assessing applications positively in the past - having granted permission to Kemsley K3, an EfW facility at Allington and an EfW facility at Ridham dock. KCC understands that the reasons put forward by the applicant to conjoin the two developments into one DCO application are:

- They are on the same site, which is understood to mean both K3 and WKN are located on land owned by the same company i.e. WTI; *(KCC however notes that there is no connection between the two proposals, nor a direct connection between WKN and the adjacent Paper Mill, unlike for K3 which is to supply steam to the Mill)*
- If the applications were made separately, they would be made at the same time;
- The applications are being considered at the same time as a separate DCO application (K4) for a gas fired powerplant; *(KCC however considers that it should be noted that this proposal has no relationship with WKN, and is not located on the land owned by the promoter of these schemes, WTI)*
- There would be benefits to K3 and WKN "being assessed comprehensively" at the same time - through the same streamlined process and in a consistent manner by the same decision maker, avoiding duplication of work and reducing the burden on the local planning authority; and
- Consideration of any likely significant environmental effects will be simplified.

None of the above criteria justify that the WKN proposal is one that should be considered 'nationally significant'. Similarly, the energy output of the WKN proposal falls below the threshold for a DCO application. This proposal should therefore fall to the County Council to determine on the basis of its individual merits by KCC as the local planning authority for the area.

It should also be noted that the first-ever National Infrastructure Assessment for the United Kingdom, published by the National Infrastructure Commission in July 2018, favours increases to recycling rates for both household and commercial waste (the waste streams targeted by the proposed developments), bolstered by separate food waste collection, over express support for expansion of EfW capacity. This follows extensive modelling of scenarios involving the development of EfW capacity. It should also be noted that the Government's Resource & Waste Strategy is due to be published by Defra before the end of the year and this will be informed by the National Infrastructure Assessment.

As recognised in the submitted documentation, the County Council granted planning permission for an EfW facility with the capacity to produce 49.5MW (application reference SW/10/444). This plant is the subject of the K3 proposal, as it seeks to increase the waste feed tonnages with a resultant increase in power output. The County Council has also positively determined a number of non-material amendments and Section 73 applications in relation to the baseline planning permission. In doing so, the County Council imposed a number of planning conditions, so as to render the development acceptable in planning terms. Given the inter-relationship of the K3 plant with the planning permissions granted by the County Council, this response encloses copies of the relevant reports to Planning Applications Committee and planning decisions (Appendix 1-18) to aid the Inspector on the matters that were considered during the planning application process and how they were resolved.

In light of the above, the County Council as Waste Planning Authority draws attention to the apparent conflict between national and local waste planning policy and seeks very careful consideration of this matter by the applicant and the Planning Inspectorate in examining the merits of the DCO proposal. KCC will also be requesting that the Planning Inspectorate satisfies itself that the planning considerations addressed in the planning consent granted by KCC are an appropriate basis for the decisions now sought.

## **Chapter 4 Traffic and Transport**

### **Appendix 4.1 Transport Assessment (TA)**

#### **2 Existing Situation**

##### *Traffic Flows*

The traffic and junction counts were completed in neutral dates in March 2017 and June 2016 and the County Council is satisfied that these are valid.

#### **3 Development Proposal**

##### *Access and Site Layout*

The route of access is unchanged and no assessment is required to ensure suitable geometry can be achieved.

##### *Timescales*

K3 is currently under construction (KCC/SW/10/444) and is expected to be operational by 2019, with the additional waste lorries expected in 2020. Construction of the WKN plant is expected to commence in 2021 and to last over three years.

Abnormal loads would be expected and would be subject to the usual authorisation from the relevant Highway Authorities.

The timing of the works raises some concern, as delivery would be in direct conflict with Highways England's announced M2 J5 improvement scheme delivery. The proposed build

timeline and peak for construction vehicles and staff for the construction of WKN would take place at the same time that the junctions would be expected to be under construction. During highways construction, capacity constraints or route diversion are always likely. The proposed K3/WKN build timeline would therefore increase volumes of traffic at a time when the network is planned to be constrained. Additionally, and subject to development contributions, the County Council as Local Highway Authority is seeking to secure grant funding to improve the Grovehurst junctions. In order to meet with the grant requirements, construction of the road improvements is expected to commence Q3 2021.

#### **4 Compatibility with Transport Policies**

##### *National Policy Statements*

The TA includes the correct location and details of the surrounding highway network. However, the assessment fails to mention that there is an operational dockyard and redundant railway siding within one mile of the application site. National Planning Policy Framework (NPPF) paragraph 108 states that development should seek to encourage sustainable travel, lessen traffic generation and its detrimental impacts and reduce carbon emissions and climate impacts. In this context, KCC recommends there is a clear opportunity, which should be explored by the applicant, to deliver the large quantities of waste via rail or water.

The fact that the surrounding highway network is over capacity at both the M2 J5 and Grovehurst junctions adds significant weight to the need to seek alternative means of waste delivery to reduce the potential of highway delays caused by congestion.

Without investigations on the use of the available and alternative methods of delivery, it is considered that the application is not in full compliance with paragraph 108 of the NPPF.

#### **5 Future Year Traffic Flows**

##### *Future Assessment Year*

Assessments have been carried out for the appropriate Swale Borough Local Plan (2017). Additionally, an assessment has been completed for 2021, which considers the WKN construction traffic and K3 operational movements.

The 2021 assessment is considered to include the appropriate consented developments. The 2031 assessment is also considered to include all appropriate cumulative sites.

#### **6 Trip Generation, Mode Share and Assignment**

The cumulative impact of the K3 operation includes an additional 68 daily Heavy Good Vehicle (HGV) movements for this proposal, 258 daily HGV movements for the consented scheme and an additional 90 HGV movements for collection undertaken by Refuse Collection Vehicles (RCV). In summary, the K3 site is expected to generate 416 HGV movements per day. Adding the 90 WKN and 80 K4 construction traffic brings a total of 586 movements for the site in the immediate future. In addition to that are the 84 K4 construction

staff and 409 WKN construction staff, of which a percentage would be expected to hit the junctions in peak periods.

### *K3 Proposed Development*

The TA states that the additional 107,000 tonnes of waste per annum would generate an additional 68 movements per day and evidence should be provided as to how this has been calculated and what assumptions have been made around the size of the delivery vehicles. It is assumed from the calculations that, on average, vehicles would carry 8.5 tonnes, but this would need to be clarified. The applicant has stated that there is no increase in construction traffic to increase the capacity. An explanation is required as to how this is justified, providing evidence to demonstrate that the plant has no change to its size or materials required. KCC requests clarity to explain why, if the plant was capable of processing the additional waste, the consent was not sought in the original application (KCC/SW/10/444).

The assessment states that the HGV movements would be spread equally in terms of hourly movements. In paragraph 6.5 it is stated that “*typically HGV movements would not be in the night time periods*”. However, as shown in table 6.1, eleven of the movements are during night time hours. KCC requests that these movements are reprofiled within daylight hours to give a more accurate representation as to how the plant will operate.

### *WKN Proposed Development*

The WKN operational temporal distribution is also inconsistent with that of the K3 analysis, and as such, is not accepted by the County Council as Local Highway Authority. For the WKN site, an assumption has been made that 25% of movements would be at night. The County Council accepts the statement in paragraph 6.5 that typically, movements would not occur over night and therefore requests that evidence is supplied from operational waste to energy sites, such as that at Aylesford. A day time comparison of the actual delivery times between 07:00 and 19:00 received from the Aylesford site should be compared to table 6.1 presented in the assessment, enabling a comparable delivery time profile to be provided. KCC has been in contact with RPS Transport Consultants requesting this detail. However, it has not been forthcoming with a level of detail to satisfy the County Council’s query.

### *WKN Operation*

The TA states that the additional 390,000 tonnes of waste per annum would generate an additional 250 HGV movements per day.

An estimation of staff numbers ranges between 35 to 49, with 49 being assumed for the assessment. Therefore, 41 car movements are expected, representing the 84% travelling by car. However, only 37 car movements appear to be accounted for. Table 6.4 would therefore require adjustment.

Table 6.4, demonstrating the expected HGV traffic, includes 38 movements at night - contrary to the above referenced statement in paragraph 6.5. As such, these movements should be reprofiled between the hours of 07:00 and 19:00.

### *WKN Construction*

The TA demonstrates that a peak of 482 staff would be on site during months 24-40 of construction - 45 HGV deliveries or 90 movements. The County Council requests evidence from the existing K3 construction programme to understand the level of HGV movements and to confirm that the application is robust in this respect. The County Council also requests that the hourly number of deliveries is demonstrated through traffic count evidence for one week. The information will provide evidence that the assumptions made are justifiable.

Census data has been used to calculate the mode share of staff transport. The assessment carried out assumes 84% of staff would travel by car. This allows 409 staff accessing the site per day by car and the County Council considers this a fair assumption. The assessment shows that no staff are arriving during the peak hours, which KCC considers is inaccurate. Evidence from traffic counts for the existing construction site should again be provided to justify the assumption.

### *Operational Trip Distribution and Assignment*

The HGV distribution assumes all traffic accessing the site would come via M2 J5 and the Grovehurst junction, which is considered robust.

The RCV distribution rates are assumed to be coming from the neighbouring Countrystyle Recycling plant based at Ridham Docks. An assumption has been made that waste would be collected equally from twelve surrounding districts. It is requested that the applicant provides evidence from the Countrystyle site to demonstrate what percentage of waste is routed to and from the east, avoiding the A249/Grovehurst junction, to justify this assumption.

Appendix F appears only to show numbers and not the distribution percentages. The County Council requires a percentage flow diagram to be provided so that this can be compared to the current Countrystyle site.

## **7 Transport Assessment**

### *Junction Assessment*

On the assessment provided for this application, there would be expected 59 peak hour movements through the A249/Swale Way corridor - 32 in the AM and 27 in the PM. However, this assumes an even spread of HGV movements. Traffic flow counts supplied for the previous Incinerator Bottom Ash (IBA) facility assessment (KCC/0625/2018), along with KCC's own data, shows that the peaks for the M2/A249 and A249/Grovehurst junctions are spread over a three-hour shoulder between 06:00 and 09:00 in the AM and 15:00 and 18:00 in the PM.

Although a general spread of deliveries could be assumed, it could equally be assumed that up to 50% of HGV deliveries come through the affected junctions during the peak shoulders. This assumption would result in 208 deliveries from the K3 operation, 125 from the WKN



operation and 45 for the WKN construction, totally a plausible 378 movements through the peak shoulders. The 2017 observed data records 245 through the eastern A249/Grovehurst roundabout in the AM. Assessing a single peak hour would produce approximately 63 HGV movements accounting for 26% of the total HGV movements through a junction that is already operating over capacity.

#### *Site Access*

Details on the expected peak operational queueing of the combined K3 and K4 WKN traffic within the site should be demonstrated so that the Local Highway Authority can be certain that this will not spill out onto Barge Way.

#### *Barge Way between Northern Access & Fleet End*

This junction has been demonstrated to operate well within capacity at the future year scenarios. As such, the Highway Authority has no concerns with the proposed development impact at this junction.

#### *Swale Way/Barge Way Roundabout*

The assessment demonstrates that the roundabout currently operates above operational capacity at the 2024 assessment, and includes the proposal's operational traffic in both the AM and PM peaks. In the AM peak, the Swale Way West arm reaches an RFC of 1.12 with 94 queueing vehicles. In the PM peak, the Swale Way South arm reaches its operational capacity with an RFC of 0.87. The applicant should note if that proposal is progressed, it should be expected that appropriate mitigation by way of a left turn lane facility off the Swale West arm may be required, which may potentially be delivered under a s278 agreement, depending on land ownership. The approach is currently of single carriageway width and mitigation will be required for the dominant HGV left turning movements resulting from this application.

#### *A249/Grovehurst Junction*

The assessment demonstrates that this junction is already operating beyond its operational capacity and it is on that basis that an application has been submitted for "Housing Infrastructure Funding" in order that the proposed Local Plan growth can be accommodated.

The proposed development would decrease the operational effectiveness of the junction and as such, appropriate levels of mitigation should be provided. The assessment demonstrates that the junction is exceeding its capacity on five of the seven arms of the junction in the AM peak and three in the PM peak. Queues in the PM peak are of such severity that they extend for over 362 vehicles. In the AM peak, the south A249 slip has queues of 23 vehicles, introducing significant safety concerns.

Therefore, any development affecting this junction would be required to provide mitigation and until such mitigation is complete, any development that adds traffic to the junction could not proceed prior to guaranteed delivery of improvements.

### *Car Parking*

A detailed drawing of the operational and construction car parking arrangements should be submitted in order for the County Council to assess that the expected demand is provided for.

### *Summary*

The proposed development would be required to provide mitigating measures for the Swale Way/Barge Way roundabout and A249/Grovehurst roundabouts. These junctions are over capacity and it is considered unacceptable to route the proposed amounts of traffic through the junctions until such a time as mitigation measures are secured.

A number of areas within the TA have been identified where further information should be provided to enable the County Council to provide a definitive response.

KCC considers that fundamentally, measures must be explored to secure delivery of the waste through the available rail and water facilities in order to demonstrate that it is compliant with paragraph 108 of the NPPF.

A Construction Management Plan and Framework Travel Plan will need to be provided for the WKN site in line with that of K4 and will need be approved by the County Council as the Local Highway Authority. A Decommissioning Management Plan will also be required for the WKN site. KCC would welcome an opportunity to review these documents as early as possible in the DCO process. If these documents are to be included as a DCO requirement, KCC requests that they are subject to approval of the Local Highway Authority.

## **Chapter 10 Water Environment**

### **Appendix 10.2 Drainage Design Philosophy**

The County Council supports the Drainage Strategy as proposed in Appendix 10.2. Suitable levels of surface water treatment have been proposed, including interceptors and attenuation ponds.

However, the County Council recommends that additional cross-sectional drawings of the proposed attenuation pond are provided within the Drainage Strategy report when the final ES is submitted. The drawings should include the available freeboard of the pond.

## **Chapter 11 Ecology**

Chapter 11 indicates that there is a good understanding of the ecology within the site both currently and prior to existing works occurring on site, and the County Council is satisfied with the range of surveys proposed and completed within the development footprint.

The area that WKN is proposed to be built on, currently a construction compound, was intended to be restored to grassland and scrub. However, the submitted information has confirmed that the applicant will assess the impact on the site based on the habitats

previously within the site prior to it being used as a construction compound. Therefore, the County Council is satisfied that appropriate mitigation for the continued loss of habitat from WKN can be properly demonstrated.

The site is adjacent to the Swale Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) and therefore the development may result in a likely significant impact on designated sites. The information submitted suggests that the impact on the designated sites from the development will be assessed, but this has not been clearly set out within the report. The County Council would fully expect information to be submitted within the report to assess the impact the proposed development would have on the designated sites, particularly due to the increase in noise, lighting and air quality. The applicant would be submitting a noise, air quality and transport report and KCC highlights that the conclusions of these reports would need to inform the ES.

As the determining authority, the Planning Inspectorate will have to undertake an Appropriate Assessment (AA) as part of the planning process. The applicant has submitted information to inform an AA, but the County Council highlights that the Planning Inspectorate will need to produce/take ownership of the AA and be satisfied that the conclusions of the AA indicate that there will be no likely significant effect on the designated site.

### **Appendix 11.2 Habitats Regulations Assessment Report**

The Habitats Regulations Assessment (HRA) concludes, either within the Screening or AA, that there will be no likely significant effect on the designated sites. The report has set out a number of mitigation measures within the AA to avoid a likely significant effect and the County Council highlights that if the DCO application is granted, these mitigation measures will need to be implemented.

However, paragraph 5.43 of the HRA outlines an exception that details that additional work is being carried out to assess the impact that the proposed development would have on the designated site in relation to an increase in traffic. The County Council highlights that this work would have to be completed and the HRA updated prior to the determination of the application.

### **Chapter 12 Landscape and Visual Effects**

The applicant has acknowledged the existence of the Public Rights of Way (PRoW) network surrounding the site and the Saxon Shore Way promoted route, which runs alongside Milton Creek. With reference to the County Council's previous response to the Scoping Report dated 5 October 2018 (Appendix 19), the applicant should be aware that Natural England has proposed a route for the England Coast Path along Public Footpath ZU1 (Appendix 20). If this proposal 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. The impacts of the development may therefore affect a higher number of path users than expected by the applicant.

The County Council is pleased to see that the PRoW network and its users are being considered as receptors when assessing the potential impacts of this development. The

County Council notes the applicant has considered the potential landscape and visual impacts for users of these routes. Whilst these visual impacts may on balance be considered negligible, due to the existing industrial nature of the landscape, the proposed development may have a detrimental impact on path users, due to deteriorating air quality and noise effects arising from the development.

With this in mind, improvements to the existing PRow network should be considered as mitigation for the potential impacts of the development on path users. The PRow and Access service would welcome future engagement with the applicant to consider surfacing improvements along Public Footpath ZU1/The Saxon Shore Way, which would enhance accessibility for path users. These network improvements would provide positive community outcomes for the scheme and help to mitigate any negative effects arising from the development.

### **Chapter 13 Archaeology and Cultural Heritage**

The County Council notes that in response to previous comments made on the Scoping Report (Appendix 19), the desk-based assessment now includes the results of site investigations within the WKN site, and this shows that there are substantial deposits of made ground of a modern date present. On this basis, the County Council is satisfied with the findings of the draft ES and PEIR with respect to the archaeological potential. Any archaeological mitigation can be accommodated through an appropriate programme of investigation and recording as stated in section 13.10.2 of the Environmental Statement.

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### **Preliminary Environmental Impact Report**

The County Council notes the omission of light and light pollution within the PEIR and would encourage its inclusion in the document.

KCC also recommends that the applicant actively seeks to promote employment opportunities that arise during construction and operation of K3 and WKN, in the local labour market. This should include training and development opportunities, developed in collaboration with local educational providers e.g. construction apprenticeships.

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KCC would welcome further opportunity to engage throughout the progression of the DCO. If you require further information or clarification on any matter in this letter, then please do not hesitate to contact KCC.

Yours sincerely

A black rectangular redaction box covers the signature area. A small blue mark is visible above the box, and a vertical line extends downwards from the bottom center of the box.

**Barbara Cooper**  
Corporate Director – Growth, Environment and Transport

Encs:

- [Appendix 1](#): Overview of Planning Applications at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD
- [Appendix 2](#): SW/10/444 – Committee Report 12 April 2011
- [Appendix 3](#): SW/10/444 – Decision Notice 6 March 2012
- [Appendix 4](#): SW/10/444/R – Decision Notice 2 September 2013
- [Appendix 5](#): SW/10/444/RA – Decision Notice 18 December 2015
- [Appendix 6](#): SW/10/444/RB – Decision Notice 27 March 2017
- [Appendix 7](#): SW/10/444/RVAR – Decision Notice 23 September 2013
- [Appendix 8](#): SW/10/444/RVAR – Decision Notice 27 June 2017
- [Appendix 9](#): SW/12/1001 – Decision Notice 5 November 2012
- [Appendix 10](#): SW/13/1257 – Decision Notice 4 February 2014
- [Appendix 11](#): SW/13/1257/R – Decision Notice 21 December 2018
- [Appendix 12](#): SW/14/506680 – Decision Notice 21 April 2015
- [Appendix 13](#): SW/16/507687 – Decision Notice 9 February 2017
- [Appendix 14](#): SW/17/502996 – Decision Notice 23 August 2017
- [Appendix 15](#): SW/18/503317 – Committee Report 10 October 2018
- [Appendix 16](#): SW/18/503317 – Decision Covering Letter 11 October 2018
- [Appendix 17](#): SW/18/503317 – Decision Notice 11 October 2018
- [Appendix 18](#): SW/18/503317/R – Decision Notice 21 December 2018
- [Appendix 19](#): KCC Response to Wheelabrator K3 and WKN Scoping Report dated 5 October 2018
- [Appendix 20](#): Extract of Public Rights of Way Network Map – ZU1



Development Management  
Planning Department  
Regeneration & Growth  
Civic Offices, 2 Watling Street,  
Bexleyheath, Kent, DA6 7AT  
Telephone 020 8303 7777

The person dealing with this matter is: Neil Luxton  
Direct Dial: 0203 045 4447  
Email: neil.luxton@bexley.gov.uk

Our Application Reference Number: 19/01896/ALA

Date: 21<sup>st</sup> August 2019

DHA Planning Ltd.

**BY EMAIL**

Dear Mr David Harvey,

**Re: Consultation under Section 42 of the Planning Act 2008 for a Development Consent Order relating to the increase in the K3 generating station capacity of 75MW and WKN waste-to energy facility. The Wheelabrator Kemsley K3 Generating Station And WKN Waste-To-Energy Facility. Sittingbourne**

Your Reference Number: 13141

**No objection** is raised to this application by the London Borough of Bexley and the authority has no comment to make.

Yours sincerely,

Robert Lancaster  
Head of Development Management  
Growth and Regeneration