

# **APPENDIX 1**

## **K3 POWER UPGRADE CONSULTATION DOCUMENTS - 2017**

# **SOCC INFORMATION**



## **Wheelabrator Kemsley** Generating Station Power Upgrade

Statement of Community Consultation (SoCC)

Prepared on behalf of K3 CHP Ltd  
February 2017



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# 1 INTRODUCTION

- 1.1 K3 CHP Ltd (the Applicant) is preparing an application for development consent to secure an increase in the maximum electrical power output of the existing consented Kemsley Generating Station, from 49.9 Megawatts electrical (MWe) (gross) to up to 75 MWe (gross). The location of the site is shown at appendix 1. The facility will be known as Wheelabrator Kemsley.
- 1.2 Planning permission for the Generating Station has already been granted by Kent County Council under the Town and Country Planning Act 1990 under planning ref: SW/10/444, and as subsequently amended via Non Material Amendments on 2 September 2013 and on 18 December 2015. Construction of the facility has now commenced in accordance with the relevant permission and amendments secured subsequently.
- 1.3 The proposed increase in the power output of the Generating Station means that consent to operate at a level above 50 MWe (gross) has to be granted under the Planning Act 2008. As such a Development Consent Order (DCO) is now being sought. That process requires, amongst other things, that consultation is undertaken and recorded prior to submission of any application.
- 1.4 The application for a DCO is made to the Planning Inspectorate and power to issue a decision rests with the Secretary of State, not with the previous consenting body i.e. Kent County Council. However, Kent County, as well as the following councils, are regarded as 'Relevant Planning Authorities' for the purpose of the Planning Act 2008 and will be consulted as part of the application process:
- Swale Borough Council
  - Medway Council
  - Maidstone Borough Council
  - Ashford Borough Council
  - Canterbury City Council
- 1.5 The preparation and publication of this Statement of Community Consultation (SoCC) is a legal requirement under Section 47 of the Planning Act 2008. The Act requires that a SoCC must set out how the applicant proposes to consult the people "living in the vicinity of the land" proposed for the development. The Applicant has consulted with Kent County Council and other Relevant Planning Authorities about the content of this SoCC and has had regard to their responses.

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**The application for a DCO is made to the Planning Inspectorate and power to issue a decision rests with the Secretary of State.**

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## The DCO Project

- 1.6 The consented Wheelabrator Kemsley combined heat and power facility, which is now under construction, will generate up to 49.9 MWe (gross) of electricity. This will be exported to the National Grid transmission network with renewable steam supplied to the adjacent DS Smith Paper Mill.
- 1.7 The facility will help reduce the Mill's reliance on fossil fuel as DS Smith looks to decarbonize the production of recyclable packaging for the retail industry. This will help reduce costs as well as being consistent with national policy on energy use.
- 1.8 The new Wheelabrator Kemsley Power Upgrade (referred to as 'the project') is to be built pursuant to the terms of the extant planning permission which consented the existing facility. The balance of costs and benefits of the scheme have already been scrutinised and found to be acceptable in planning and environmental terms. The new facility will continue to have the same benefits as before including compliance with national policy and the urgent need for low carbon energy in the form of heat and electricity. The applicant now wishes to operate the plant with a greater maximum electrical output. The consented scheme already allows the plant to operate at up to 49.9 MWe (gross) but the Applicant now wishes this maximum limit to increase to up to 75MWe (gross). The power upgrade is the only reason for needing to seek a DCO. However, in order to secure one complete consent for the project, the applicant will now seek consent for its construction and operation. There will be no change to the types and quantum of fuel throughput, nor changes to emissions.
- 1.9 A plan showing the red line application boundary is provided at Appendix 2.

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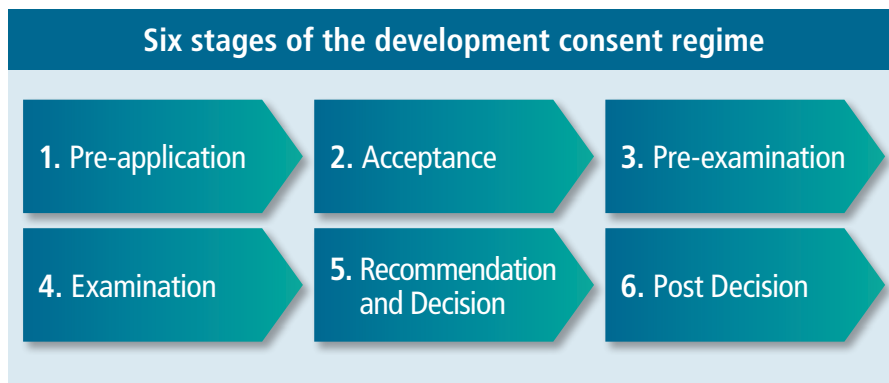
**The new Wheelabrator Kemsley Power Upgrade is based upon the same planning permission which consented the existing facility, with the same benefits, but the applicant now wishes to operate the plant with a greater maximum electrical output.**

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## 2 THE PLANNING PROCESS

- 2.1 The Applicant aims to submit a DCO application by June 2017. The application will be submitted to the Planning Inspectorate who will examine the application and make a recommendation to the relevant Secretary of State who will then make the final decision on the application. The decision on the application will be made in accordance with the National Policy Statements (NPSs) for energy, which set out the need for energy infrastructure and the issues to be considered in the determination of such applications. The overall DCO process is shown on the diagram below.

As there is a relevant NPS in place, there is a presumption that the Project is needed and therefore comments will not be sought on this issue.



**When considering whether to accept an application for examination the Planning Inspectorate must be satisfied that the applicant has undertaken effective pre-application consultation.**

- 2.2 In examining the application consideration will be given to a number of issues including the impact that the operation of the development may have on its environment. When considering whether to accept an application for examination the Planning Inspectorate must be satisfied that the applicant has undertaken effective pre-application consultation. The applicant is required to submit a Consultation Report with its application for Development Consent. Such a report will include details of the local community feedback received during the consultation period and demonstrate how the applicant has complied with the consultation requirements of the Planning Act 2008, and in particular how they have had regard to responses received.
- 2.3 Further information regarding the examination process and consultation requirements can be viewed at <http://infrastructure.planningportal.gov.uk/>

## 3 ENVIRONMENTAL INFORMATION AND IMPACTS

- 3.1 The Applicant will be preparing an Environmental Statement to accompany the application and so the development will be treated as “an Environment Impact Assessment development” for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). The Environmental Statement will describe the likely significant environmental effects arising from the construction and operation on its receiving environment and any mitigation measures designed to avoid or mitigate those effects.
- 3.2 The Applicant has consulted with a number of organisations concerning the scope of the Environmental Impact Assessment (EIA). A Scoping Report has also been submitted to the Planning Inspectorate to allow them to provide a Scoping Opinion on the approach and content of the Environmental Statement. The Inspectorate issued their Opinion during January 2017. This Opinion is available on the Planning Inspectorate website referred to in paragraph 2.3.
- 3.3 An assessment of the potential environmental impacts and the information so far compiled about the project will be included in a PEIR – Preliminary Environmental Information Report. It will also include details of any mitigation or compensatory measures for natural habitats impact for consideration. This report will be published for consultation in March 2017. The PEIR and all other related documents will be uploaded onto both the Planning Inspectorate website and the applicant’s own dedicated website – [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk). The Applicant also intends to make available hard copies of relevant information at the locations specified (see contacts section 8.2) throughout the consultation period.

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**The Applicant will be preparing an Environmental Statement to accompany the application.**

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## 4 THE PURPOSE OF COMMUNITY CONSULTATION

- 4.1 The purpose of pre-application consultation on Nationally Significant Infrastructure Projects is to ensure that the local communities, businesses and other identified consultees (as prescribed by Section 42 of the Planning Act 2008):
- Have access to information about the proposal and understand what a particular proposal means for them.
  - Where relevant, can become actively involved in shaping the proposals before an application is submitted by putting forward their views to influence the proposals, particularly options under consideration and by suggesting mitigation measures.
  - Receive feedback from the consultation activities and ensure that they are informed about project progress and outcomes.



- 5.1 The Applicant intends to consult people living in the vicinity of the land as required by s47 of the Planning Act 2008, relevant local authorities (as required by s42 and defined in s43 (as amended)) as well as such persons that are prescribed by the Act (s42(1)). The consultation will take place between 8 March and 19 April 2017.

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**The consultation will take place between 8 March and 19 April 2017.**

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### Consultation zone

- 5.2 The consultation zone is centred on the Wheelabrator Kemsley site and covers a radius of around 5km. It has been specifically designed to match the consultation area from the original consenting process for the facility and does, in several respects, exceed the scope of that consultation.

The Applicant will consult in this zone by:

- Notifying around 15,000 resident and business addresses individually by post, to make them aware of the consultation and invite them to take part. In keeping with the original consultation for the existing consent, the mailing area will cover an area north of the A2 from Bobbing in the east to Tonge in the west, and north to the Sheppey crossing. It also covers an area of Sheppey immediately to the north of the Wheelabrator Kemsley site.
  - Holding public consultation events at publicly accessible venues, scheduled on days and times that enable the maximum number of people to attend.
  - In addition to the public events there will also be a programme of consultation conducted with employees and contractors at Kemsley Paper Mill, to explain the proposals and invite their comments.
  - Displaying posters to publicise the consultation and public events on local noticeboards.
  - Promoting and/or advertising the consultation and events in local newspapers.
  - Contacting parish councils, community groups businesses and industry groups to make them aware of the consultation and invite them to take part.
  - Make copies of consultation documents available to consultees on request.
  - Display documentation in publicly accessible venues (see paragraph 8.2).
  - Provide, on request, consultation documents in large print / audio for those who are visually impaired or in languages other than English.
- 5.3 Other parish councils, town councils and local political representatives (e.g. Members of Parliament) within the Relevant Planning Authority areas will also be notified in writing about the consultation events.

## 5 CONSULTATION AREA

- 5.4 In line with the Planning Act 2008, a consultation will also be undertaken with those relevant prescribed consultees as set out in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. These include a range of statutory bodies that can provide detailed technical input to the proposals, such as the emergency services, the Environment Agency and the Health & Safety Executive.

## 6 CONSULTATION TIMETABLE AND RESPONSES

- 6.1 The Applicant recognises the importance of consulting with local communities and the benefit of effective consultation with all stakeholders.
- 6.2 The Applicant will be utilising a number of different consultation methods to seek to ensure that all those likely to have an interest in the project will have the opportunity to understand the proposals and their potential impacts, and give views on the current proposals.
- 6.3 Bearing in mind a planning consent has already been granted for a generating station by Kent County Council and that it is already under construction, the main focus of the proposed consultation will necessarily be narrower in its scope than it otherwise would be if there was no permission in place to build the generating station.
- 6.4 As part of the consultation we will provide information to explain the background to the proposed development including the planning history leading up to the construction of the consented facility, the reasons for the proposed power upgrade and how this will be achieved.
- 6.5 Whilst a DCO is sought for the construction and operation of the entire project and a comprehensive environmental assessment will be provided with the DCO application, in practice what remains to be decided in preparing the DCO application and will be consulted upon will primarily be focused upon any differences between the scheme as currently consented and now proposed.
- 6.6 This includes:
- The increase in electrical power output from 49.9 MWe (gross) to up to 75 MWe (gross);
  - Any other minor changes that may be still be required to the facility now under construction which are not yet fixed;
  - Any additional mitigation measures that may be required as a consequence of a change in circumstances since the original consent was granted in 2012.

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**The Applicant recognises the importance of consulting with local communities and the benefit of effective consultation with all stakeholders.**

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## 6 CONSULTATION TIMETABLE AND RESPONSES

6.7 The Applicant will also be prepared to discuss the consented operational controls for the facility which are proposed to be mirrored in the DCO application and hear any representations that may be made with respect to these.

6.8 The consultation methods the Applicant intends to employ include:

**Public exhibitions** – The Applicant will be holding three public exhibitions to provide the opportunity to view the latest proposals, ask questions and provide feedback. The events will take place on the following dates at the following locations (please also see Appendix 4):

**Thursday 23 March**

Kemsley Community Centre,  
The Square, Ridham Avenue, Kemsley, ME10 2SF  
From 1pm to 7pm

**Friday 24 March**

Green Porch Parish Hall,  
Green Porch Close, Sittingbourne, ME10 2HA  
From 10am to 4pm

**Saturday 25 March**

Iwade Village Hall, Ferry Road,  
Iwade, ME9 8RG  
From 10am to 1pm

A programme of consultation will also be conducted with employees and contractors at Kemsley Paper Mill (closed to the public due to the operational nature of the Mill).

**Stakeholder meetings** – meetings with relevant stakeholders will be held where the need is identified and/or specifically requested. Pre-consultation engagement will also take place with selected stakeholders, including local politicians etc.

**Media advertising** – The Applicant will utilise the media (local publications) to provide information on what's happening and proposal updates.

**Documentation** – all relevant documentation, including the PEIR and its non-technical summary, will be made available in a timely fashion at the offices of Swale Borough Council and Kent County Council (see Appendices 5 and 6).

**Direct communications** – via post, or email straight to individuals and organisations to keep them updated on what's happening.

**Leaflets** – information updates and exhibition information will be provided via a leaflet delivered to around 15,000 houses and businesses within the consultation zone and all Parish Councils, Borough and County Councillors.

**The Applicant's own project website** – all relevant project information and news of all consultation opportunities, including a feedback form and documentation, will be accessible at [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk). This includes the ability to email questions, submit comments and register your interest in the project.

## 6 CONSULTATION TIMETABLE AND RESPONSES

### Responses to Consultation

- 6.9 Where possible the Applicant will try to avoid scheduling consultation activities with the same community, on the same dates, as other promoters/consultation events. To date no other consultation activities have been identified which would conflict with the proposed timetable.
- 6.10 In accordance with the requirements in the Planning Act 2008, where the applicant must allow a minimum of 28 days to receive feedback, the applicant wishes to receive any views in response to the project proposals by 19 April 2017. Responses should be made in writing or email to any of the contacts set out or directly by attending any of the planned exhibitions.
- 6.11 Responses on the proposals are important to the Applicant and all comments received within the consultation period will be taken into consideration when finalising the application, in accordance with Section 49 of the Planning Act 2008.
- 6.12 Any comments received will be made public and be recorded in the Consultation Report that must accompany the application. That report will set out the consultation activities undertaken, the responses received during consultation, and show how regard has been had to those comments.

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**Responses on the proposals are important to the Applicant and all comments received within the consultation period will be taken into consideration when finalising the application.**

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## 7 NEXT STEPS

- 7.1 The Applicant proposes to submit the DCO application by June 2017. Following submission, and if the application is accepted, the Applicant will advertise the accepted application in the local media and via the dedicated website, and further consultation will be undertaken as part of the decision making process as set out on the Planning Inspectorate's website.

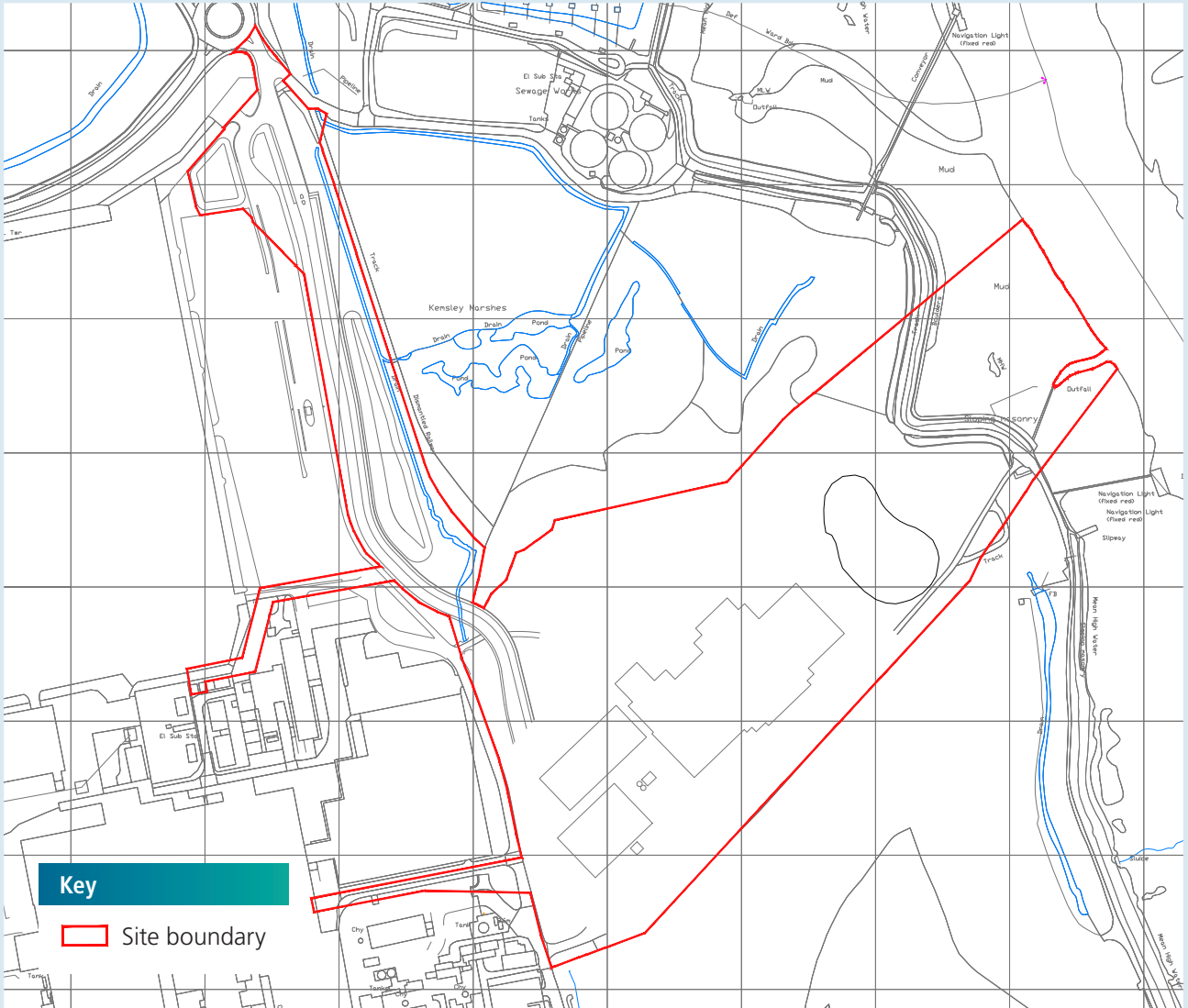
## 8 CONTACTS & ACCESS TO MATERIALS

- 8.1 Any member of the public, group, organisation and key stakeholders can obtain further information from the Applicant about the pre-application consultation process, the project proposals, and respond to the consultation by:
- Logging onto the dedicated project website at [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)
  - Emailing: [Kemsley@rpsgroup.com](mailto:Kemsley@rpsgroup.com)
  - Writing to: **FREEPOST WHEELABRATOR KEMSLEY**
  - Calling free on **0800 144 8908**
- 8.2 Project documentation can be viewed during normal office hours at:
- Swale Borough Council offices, Swale House, East Street, Sittingbourne, Kent, ME10 3HT.  
Opening hours: 9am to 5pm (Mon – Thurs) and 9am to 4.30pm (Fri)  
(see Appendix 5)
  - Kent County Council offices, Planning Applications Group, 1st Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX  
Opening hours: 9am to 4pm (Mon – Fri)  
(see Appendix 6)
- 8.3 Project documentation can be viewed and downloaded in electronic format from the dedicated website [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)
- 8.4 Hard copies of any project documentation can be purchased on request at a reasonable charge.

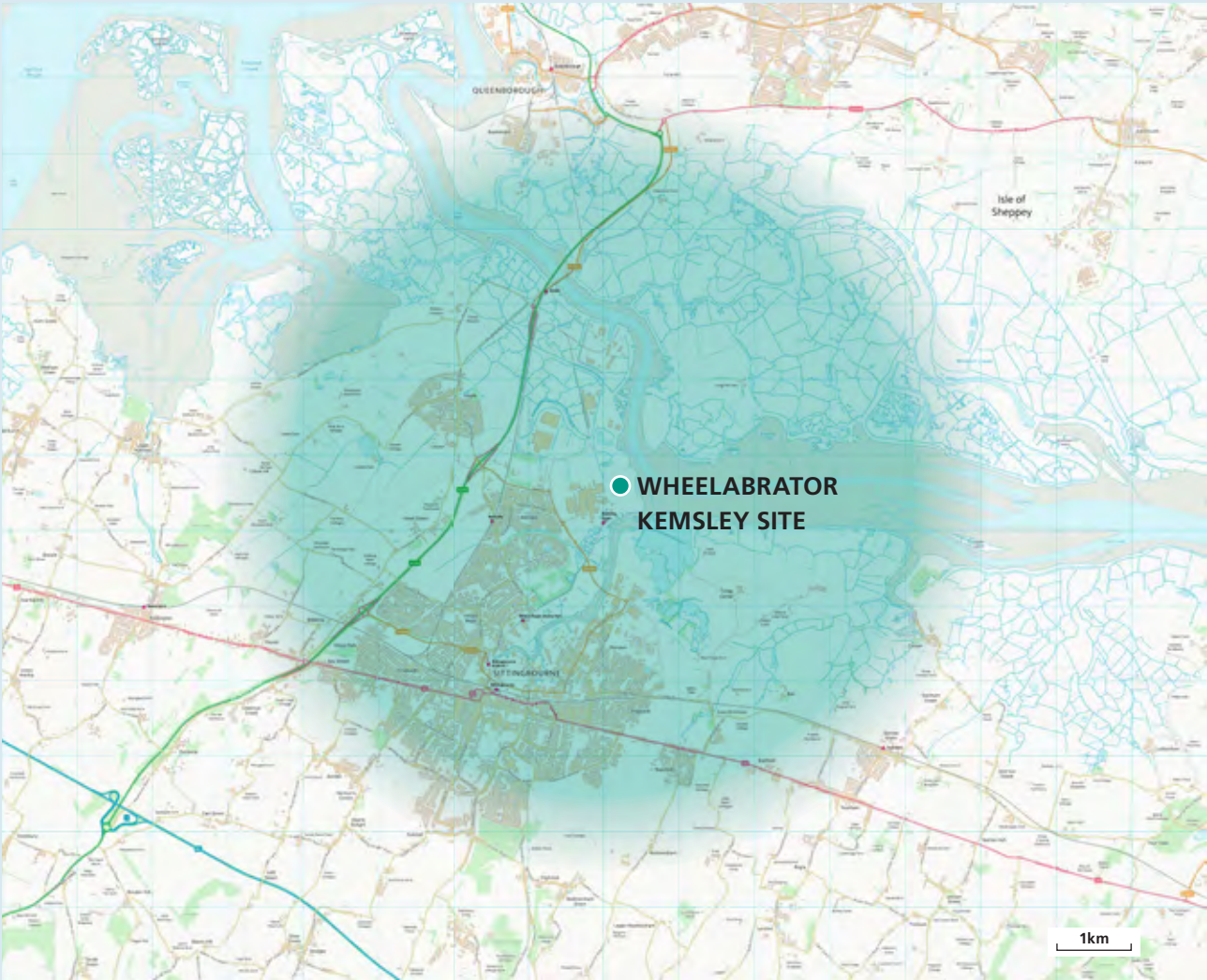
# APPENDIX 1 SITE LOCATION PLAN



# APPENDIX 2 SITE BOUNDARY



**APPENDIX 3    CONSULTATION ZONE**





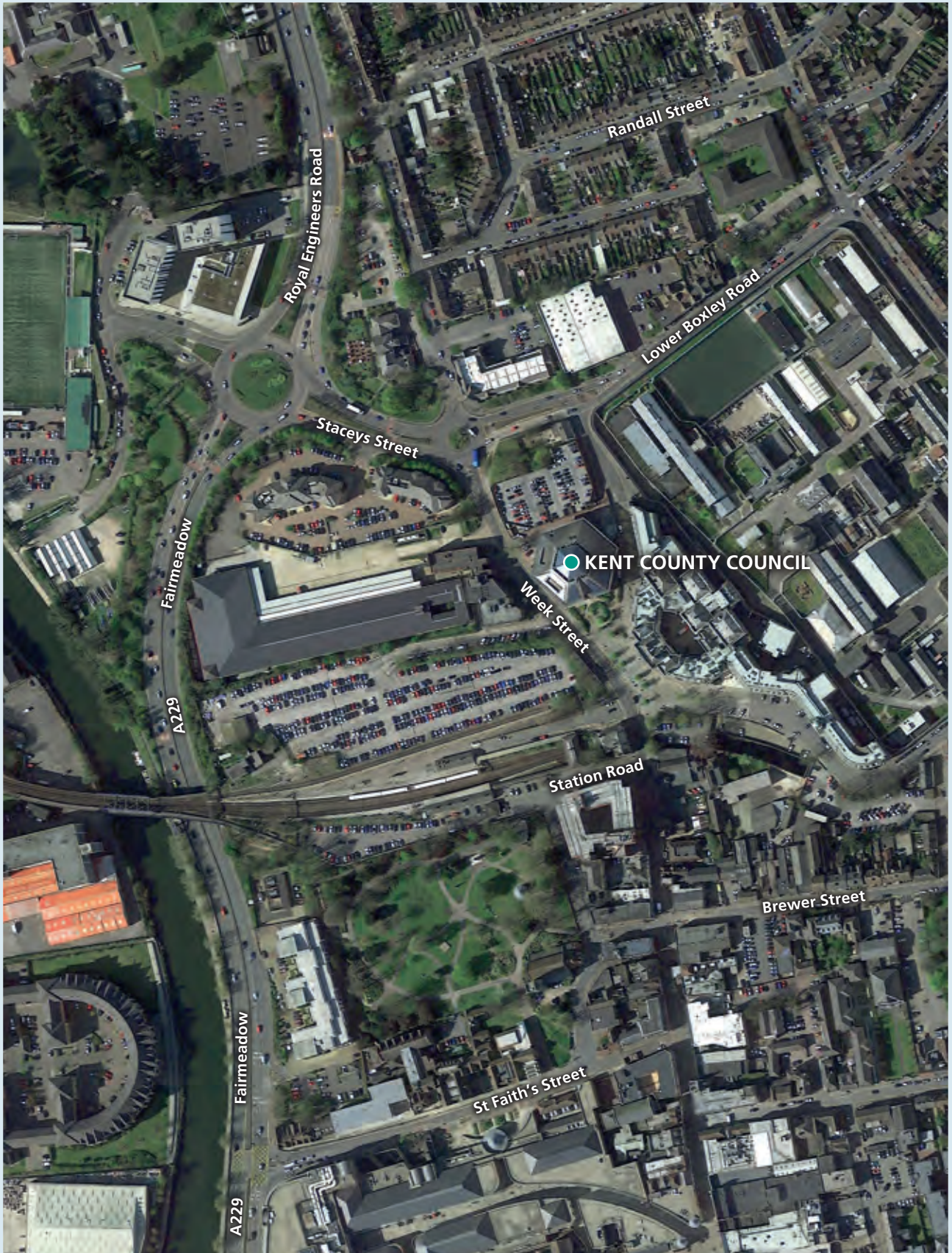
## APPENDIX 4 LOCATIONS OF PUBLIC EXHIBITION VENUES



### Key

- Wheelabrator Kemsley site
- ① Iwade Village Hall
- ② Kemsley Community Centre
- ③ Green Porch Parish Hall



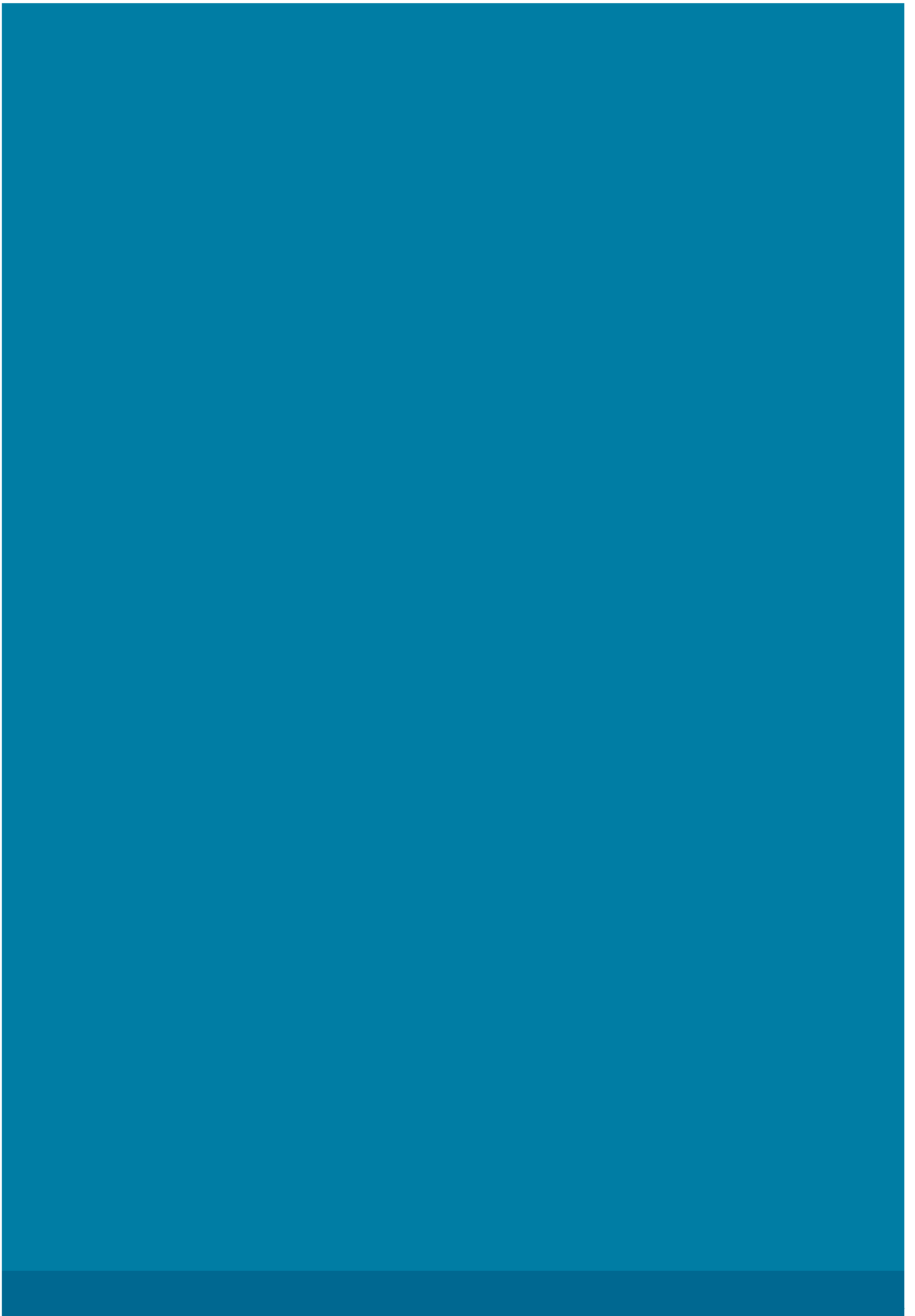


## APPENDIX 7 ACRONYMS

<b>SoCC</b>	Statement of Community Consultation
<b>MWe</b>	Megawatts electrical
<b>DCO</b>	Development Consent Order
<b>NPSs</b>	National Policy Statements
<b>EIA</b>	Environmental Impact Assessment
<b>PEIR</b>	Preliminary Environmental Information Report

## APPENDIX 8 EXPECTED TIMETABLE FOR THE DCO PROCESS

<b>Stage of process</b>	<b>Expected dates</b>
<b>Pre-application consultation</b>	8 March to 19 April 2017
<b>Application</b>	June 2017
<b>Examination</b>	November 2017 to April 2018
<b>Recommendation and Decision</b>	November 2018





**Wheelabrator**  
KEMSLEY

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

Email: [Kemsley@rpsgroup.com](mailto:Kemsley@rpsgroup.com)

Post: FREEPOST WHEELABRATOR KEMSLEY

Tel: 0800 144 8908

# PROJECT UPDATE NEWSLETTER



## Public consultation launched for the Wheelabrator Kemsley Generating Station

### Opportunity identified to generate more clean power

Industry leading energy-from-waste operator and developer Wheelabrator Technologies is announcing a new public consultation on a proposal that will enable its Wheelabrator Kemsley facility to generate even more clean energy for homes and businesses.

The project already has planning permission and is currently under construction on a site adjacent to the DS Smith Paper Mill at Kemsley, Kent.

The combined heat and power facility will process up to 550,000 tonnes of pre-treated waste each year, generating sustainable electricity and diverting waste from landfill. It will also provide valuable steam heat to the adjacent Kemsley Paper Mill.

Since planning permission was granted by Kent County Council in 2012, Wheelabrator has undertaken a technical review to optimise the design of the facility in a way that will allow it to more efficiently deliver clean energy.

By increasing the efficiency of the plant, the facility could deliver significantly higher amounts of clean, renewable energy without altering its basic design or size - or the amount of fuel it will need to manage.

Once operational, the facility will be more efficient and will have consent to generate an estimated maximum gross electrical output of up to 75 MW.

The increased electrical generation of the facility will mean it becomes classed as a Nationally Significant Infrastructure Project. Facilities of this type need a different type of planning permission, known as a Development Consent Order (DCO), which is decided at a national level. As such consultation will take place between Wednesday 8 March and Wednesday 19 April.

**We are looking forward to explaining our proposal to local residents and businesses. This newsletter explains how you can find out more and make your views known.**



# An efficient and sustainable energy supply



DS Smith supports Wheelabrator's optimisation proposal and we'd encourage local people to take part in their forthcoming consultation.

Kemsley Mill was built in 1924, originally to produce newsprint. Nearly 100 years later we employ around 400 people and our total annual production capacity is around 800,000 tonnes. This makes us the second biggest recovered fibre based paper operation in Europe.

The last ten years have seen us go through a heavy programme of new infrastructure expenditure, investing for a long and commercially successful future. But we're always looking for new ways to improve what we do and our partnership with the new Wheelabrator Kemsley Generating Station represents another exciting opportunity.

We're therefore extremely pleased to welcome Wheelabrator as our neighbours and it's great to see their construction underway. Our plans to use steam from their facility means we'll be linked directly to an efficient and more sustainable energy supply which will help us work towards decarbonising our processes.

DS Smith supports Wheelabrator's optimisation proposal and we'd encourage local people to take part in their forthcoming consultation.

**DS Smith**  
**Kemsley Paper Mill**

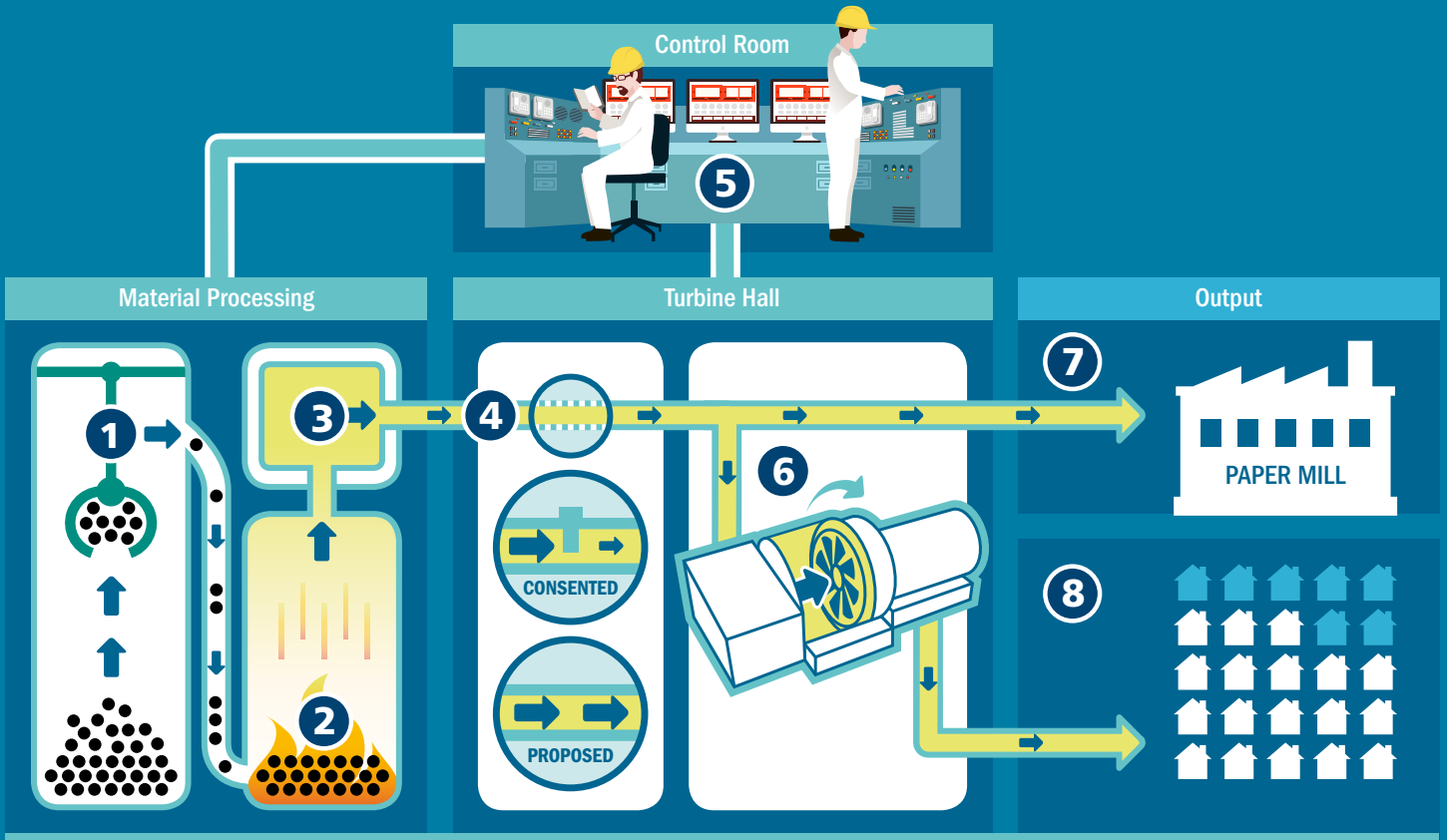


## Project timeline



Visit the Planning Inspectorate website for more information on the DCO process: <http://infrastructure.planningportal.gov.uk/>

# Our power upgrade explained



**1** A crane places the residual waste into a feed hopper. The fuel then drops down a feed chute onto the grate

**2** The action of the moving grate turns the waste to allow it to burn fully

**3** Hot gases produced in the combustion process pass through a water boiler where they are cooled. The heated water is converted into steam

**4** If we receive permission to optimise Wheelabrator Kemsley we will then de-restrict the flow of that steam to our turbine

**5** We will also re-configure our central control systems so the facility can operate at its newly-optimised level

**6** The turbine we install will use the increased flow of steam to generate even more clean power

**7** Part of the steam we produce will then be piped directly for use by DS Smith, to help reduce the Mill's reliance on fossil fuels and reduce their overall carbon footprint

**8** The low carbon electricity we produce will be exported to homes and businesses via the National Grid transmission network

# Take part in our consultation

Our consultation starts on Wednesday 8 March and closes on Wednesday 19 April 2017.

We'll be holding three public exhibitions so local people can meet our team, find out more about our plans and give us their feedback:



## THURSDAY 23 MARCH

Kemsley Community Centre,  
The Square, Ridham Avenue,  
Kemsley, ME10 2SF  
From 1pm to 7pm

## FRIDAY 24 MARCH

Green Porch Parish Hall,  
Green Porch Close,  
Sittingbourne, ME10 2HA  
From 10am to 4pm

## SATURDAY 25 MARCH

Iwade Village Hall,  
Ferry Road,  
Iwade, ME9 8RG  
From 10am to 1pm

YOU CAN ALSO VIEW OUR CONSULTATION MATERIALS ONLINE AND LEAVE FEEDBACK AT:

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

COPIES OF OUR CONSULTATION MATERIALS CAN ALSO BE VIEWED AT:

- Swale Borough Council offices, Swale House, East Street, Sittingbourne, Kent, ME10 3HT.  
**Opening hours:** 9am to 5pm (Mon – Thurs) and 9am to 4.30pm (Fri)
- Kent County Council offices, Planning Applications Group, 1st Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX  
**Opening hours:** 9am to 4pm (Mon – Fri)

## GET IN TOUCH

IF YOU HAVE ANY QUESTIONS, PLEASE GET IN TOUCH:

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

Email us: [Kemsley@rpsgroup.com](mailto:Kemsley@rpsgroup.com)

Write to us: **FREEPOST WHEELABRATOR KEMSLEY**

Call us free on: **0800 144 8908**

- ▼ An aerial image of the construction site in the foreground and Kemsley mill in the background (Feb 2017)



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## **MEDIA COVERAGE**

# Gridlock feared over plant traffic



Grovehurst roundabout at junction with the A249

Picture: Matthew Walker

- 258 extra journeys on road
- Safety concerns expressed
- Demand for a footbridge

by Poppy Jeffery  
pjeffery@thekmgrouop.co.uk  
@pjefferykm

**One of the area's busiest junctions could be facing gridlock.**

Hundreds more lorries are due to pass through the Grovehurst roundabout following the creation of a £340 million power plant in Kemsley.

Officials confirmed there will be 258 daily truck movements to and from the site, which is expected to have knock-on

effects on traffic using Swale Way - already used by 17,708 vehicles a day - Grovehurst Road, the A249 and Iwade, as 550,000 tonnes of rubbish a year is brought in from across Kent.

Safety concerns have also been raised about the impact on pedestrians, particularly school children.

Iwade resident Paul Scanlan, has been lobbying for a footbridge since his daughter was nearly hit by a car at the junction last year.

He said: "There are children riding bikes across those roads from Iwade to Kemsley every day and it's not going to be long before one of them gets killed."

■ Full story on page 3

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# Key junction worries as power plant work looms

by Poppy Jeffery

pjeffery@thekmgroup.co.uk  
@pjefferykm

Safety concerns have been raised after it emerged hundreds more lorries will be using one of the area's busiest junctions.

Officials at a £340 million power plant being built in Kemsley confirmed there will be 258 daily truck "movements" to and from the site, passing through the Grovehurst roundabout.

Construction of the Wheelabrator, located next to the Paper Mill, is due to begin within weeks, and will process 550,000 tonnes of rubbish a year from across Kent.

Iwade resident Paul Scanlan, who has been lobbying authorities to create a safe footbridge since his daughter was nearly hit by a car crossing the junction last year, said: "There are children riding their bikes across those roads from Iwade to Kemsley every day and it's not going to be long before one of them gets killed. It's just a matter of time before it happens."

Kemsley Cllr Mike Dendor said he was not against the plant as long as the traffic was taken into account.

"The Grovehurst roundabout



has been designated as a priority by Highways England but we don't know how high up on their list it is," he said.

"This will definitely put extra pressure on the roads so it's

important this is sorted."

James Hunt, Iwade Parish Council vice-chairman, said residents had been pushing for something to be done about the roundabout for years.

**'There are children riding their bikes on those roads every day and it's not going to be long before one of them gets killed'**

"We have plans to redesign the junction and build a footbridge, but that will cost £37m and would only be implemented by 2021," he said.

"We have been pushing it for so many years.

"It's understandable that it can take some time to get the money but this really could have been done earlier."

The Wheelabrator is expected to create hundreds of construction jobs and around 40 long-term positions.

It will produce enough electricity to power more than 800,000 houses from the burning of waste and also plans to work with the mill to help reduce its carbon footprint.

Paul Green, managing director of Wheelabrator UK, said: "We are committed to bringing our experience and industry exper-

## SAFETY STUDY

Kent County Council said: "In terms of delivery of the waste, the applicants' state that it is intended that the waste would be sourced from within Kent with the balance from London, the South East and elsewhere in the UK subject to commercial viability.

"The applicant's transport assessment within the environmental study states that traffic generation will be minimal; with a predicted increase of traffic of 7.1% on Barge Way, 1.7% on Swale Way and less than 1% on all other links."

A sustainability appraisal carried out by RPS Planning and Development, as part of a planning application for the project, which was approved in 2012, said: "A review of PIAs (personal injury accident data) on the surrounding highway network indicates no deficiencies that may be exacerbated as a result of the development.

"It was concluded from the review of PIAs there are no specific road safety issues within the vicinity of the site that may be exacerbated as a result of the proposed development."

tise to Wheelabrator Kemsley to deliver the highest safety and operational performance."

The plant is expected to be built within three years.

# Power plant could generate problems on important route

Commuters are being warned of two issues which may make using the A249 troublesome.

First, safety concerns have been raised after it emerged hundreds more lorries will be using one of the area's busiest junctions.

Officials at a new power plant being built in Kemsley confirmed there will be 258 daily truck movements to and from the site, passing through the Grovehurst roundabout.

This is the first exit Island motorists come to on the A249 after the Sheppey Crossing.

Construction of the Wheelabrator, located next to the Paper Mill, is due to begin within weeks and will process 550,000 tonnes of rubbish a year from across Kent.

Kemsley councillor Mike Dendor (Con) said he was not against the plant as long as the traffic was taken into account.

He said: "The Grovehurst roundabout has been designated as a priority by Highways England but we don't know how high up on their list it is.

"This will definitely put extra pressure on the roads so it's



Commuters have been warned about possible problems on the A249

Picture: Matthew Walker FM4449080

important the roads are sorted."

The Wheelabrator is expected to create hundreds of construction jobs and 40 long-term positions.

Second, a roundabout would be built on the A249 between Sittingbourne and Maidstone if plans for hundreds of new homes are given the go-ahead.

Developer Quinn Estates has put forward two scenarios for 155 acres next to the Kent Showground, one of which is for 1,750 homes.

The site, at Binbury Park, off Binbury Lane, is mainly arable farmland and wooded areas but also includes the former RAF Detling airfield which closed in

1958 and the Detling Aerodrome Industrial Estate.

The first plan earmarks the site for 1,750 homes, 1.2 million sqft of commercial space – the equivalent of 168 football pitches – a primary school and a pub.

The second proposes 350 houses and 2 million sq ft of businesses, or 280 football pitches.

Both include a hotel, park and ride, shops and a new roundabout and an upgraded entrance to the showground on the A249.

The applicant for Binbury Park has consulted Maidstone council on the content of an environmental impact assessment (EIA).

It is already set to include details of traffic and transport.

Kent Online – 8<sup>th</sup> March 2017

## Have your say about Kemsley's giant Wheelabrator power station

By John Nurden

**Published:** 15:45, 08 March 2017 |

**Updated:** 18:11, 08 March 2017

Builders who want to create a huge 75 megawatt power station at Ridham Dock are to hold three public exhibitions as part of a six-week consultation.

The London company K3 CHP is applying to the Planning Inspectorate to build and operate the Wheelabrator Kemsley Generating Station next to the DS Smith Paper Mill at Kemsley off Barge Way, Kemsley, Sittingbourne.

The project already has planning permission from Kent County Council and construction has started.



What the Wheelabrator generator will look like. Artist's impression.

But since permission was granted in 2012, a technical review has been carried out to make the scheme more efficient.

The changes mean it now needs a different type of planning permission, known as a Development Consent Order (DCO), as it has become a Nationally Significant Infrastructure Project.

When finished, the combined heat and power generator will process up to 550,000 tonnes of pre-treated waste each year, generating sustainable electricity and diverting waste from landfill.

It will also provide steam to heat Kemsley Paper Mill next door.



Wheelabrator Technologies

Bosses say the changes won't alter the design, size, shape or look of the facility from the outside.

It will include two weighbridges, a tipping hall, shredder, storage bunker, cranes, boilers, twin chimneys, a steam turbine, water ponds and a transformer to the National Grid.



Wheelabrator UK managing director Paul Green said: "We are really looking forward to explaining our optimisation proposal to residents and businesses.

"The changes proposed all relate to the technology inside our facility and will have no impact on the plant's design or size and won't require any additional fuel.

"The increases in electrical output simply mean we need a different type of planning permission. This consultation will be our opportunity to explain that to the communities living and working in and around the Kemsley area."



Kemsley paper mill. Picture: Simon Burchett

A copy of the plans can be seen at Swale House, East Street, Sittingbourne from 9am to 5pm (4.30pm on Fridays) and Kent County Council offices at County Hall, Maidstone, from 9am to 4pm from today (Wednesday Mar 8) until Wednesday April 19.

The plans can also be viewed online at [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk). An electronic version on CD is available free. Printed copies cost £100 and can be requested by emailing [Kemsley@rpsgroup.com](mailto:Kemsley@rpsgroup.com), calling free on 0800 144 8908 or by writing to Freepost Wheelabrator Kemsley.

All responses must be received by 5pm on April 19.

[Wheelabrator Technologies](http://www.wtikemsley.co.uk) claims to be the second largest US energy-from-waste business and is an industry leader in the conversion of everyday residential and business waste into clean energy.

The exhibitions will be on:

**Thursday March 23**

Kemsley Community Centre, The Square, Ridham Avenue, Kemsley, ME10 2SF from 1pm to 7pm.

**Friday March 24**

Green Porch parish hall, Green Porch Close, Sittingbourne, ME10 2HA, from 10am to 4pm.

**Saturday March 25**

Iwade Village Hall, Ferry Road, Iwade, ME9 8RG from 10am to 1pm.

# **CONSULTATION EVENT INFORMATION BOARDS**

# WELCOME TO OUR EXHIBITION



Thank you for taking the time to visit this public exhibition, which is hosted by Wheelabrator Technologies.

We're preparing a Development Consent Order application for the Wheelabrator Kemsley Generating Station combined heat and power facility and this event is part of our pre-application consultation.



If consented, our proposals will enable us to operate the facility in a more efficient manner and generate more clean energy.

The team here today can answer any questions you may have and help you understand what's being proposed.

**Your views matter to us and are a vital part of the consultation process. Please complete a feedback form and post it in our feedback box before you leave.**

# ABOUT WHEELABRATOR



Wheelabrator Technologies is the second largest US energy-from-waste business and is an industry leader in the conversion of everyday residential and business waste into clean energy.

We have a platform of 23 power-producing assets across the US and UK with an annual waste processing capacity of more than 6.9 million tonnes.

Our total combined electric generating capacity is 4.9 million MWh of power generated each year, enough clean energy to power more than 805,000 homes annually.

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OUR VISION IS:

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**To develop,  
deliver and realize  
the potential of  
clean energy**

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# WHAT IS THE WHEELABRATOR KEMSLEY GENERATING STATION?

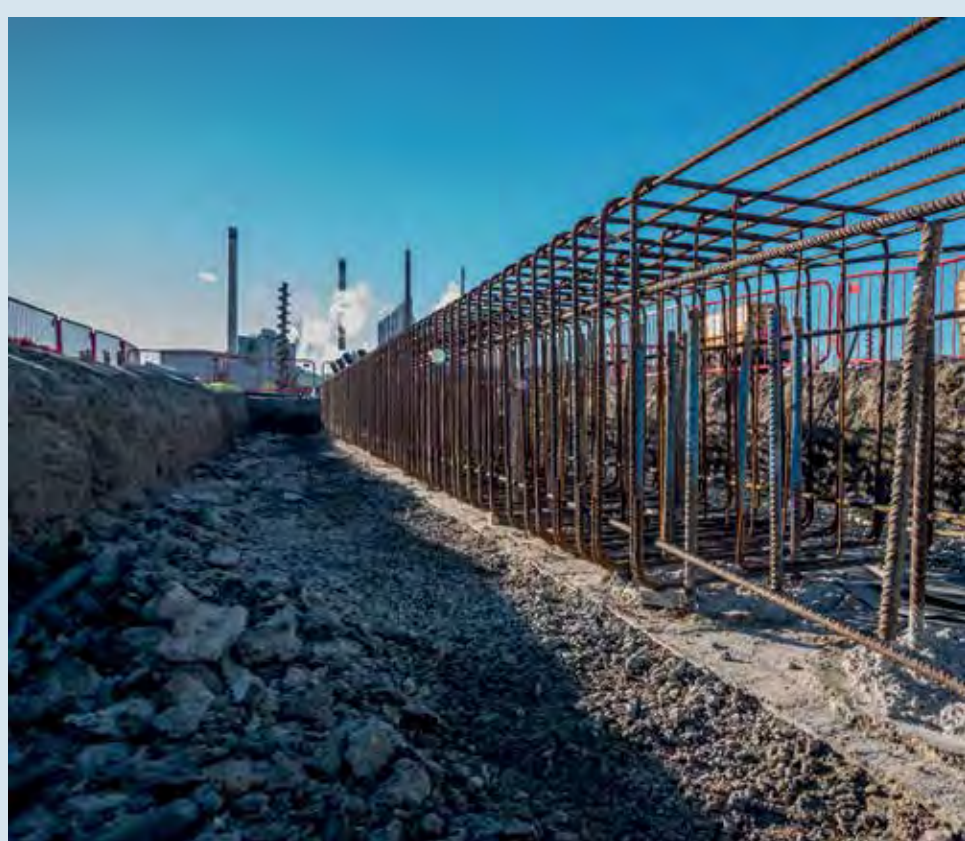


**The Wheelabrator Kemsley Generating Station is a combined heat and power facility which will process up to 550,000 tonnes of pre-treated waste each year, generating sustainable electricity and diverting waste from landfill.**

It will also provide valuable steam to the adjacent Kemsley Paper Mill, which is owned and operated by DS Smith.

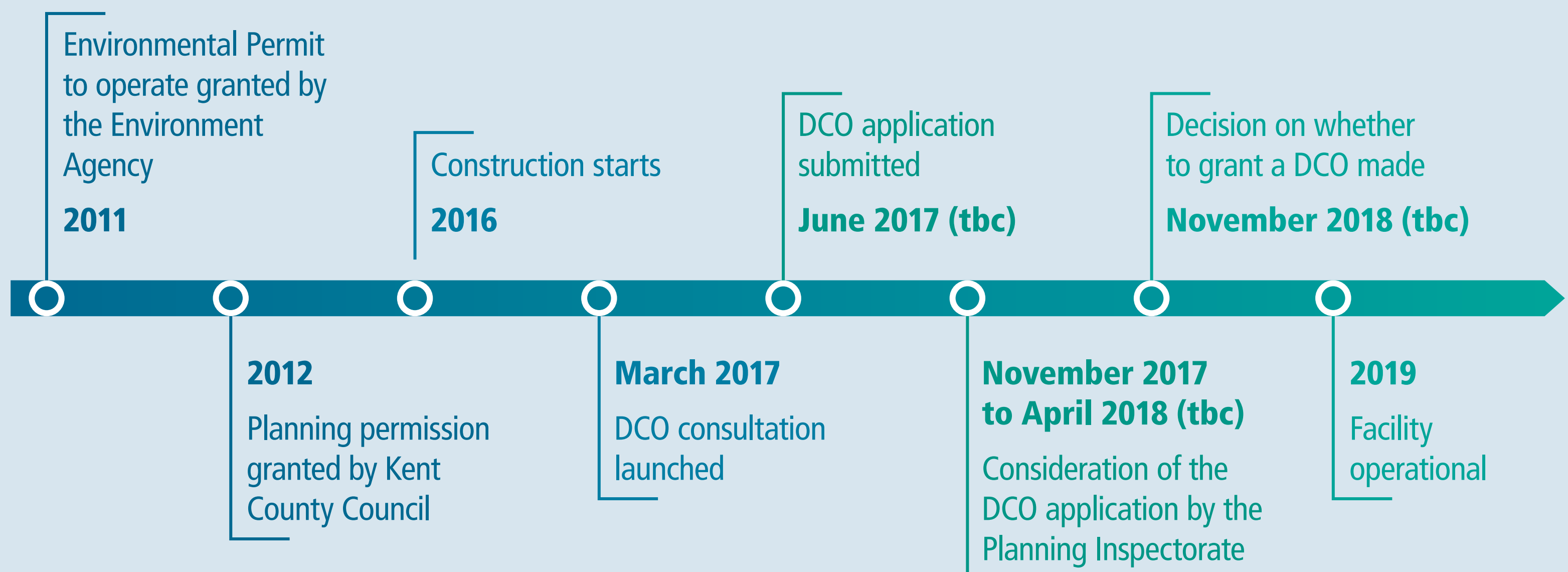
The project already has planning permission and is currently under construction on a site adjacent to the Mill.

Construction started in August 2016 and will continue over the next three years, with operations expected to start in 2019.



# OUR PROJECT EXPLAINED

## Project timeline



Visit the Planning Inspectorate website for more information on the DCO process: <http://infrastructure.planningportal.gov.uk/>

**Since planning permission was granted by Kent County Council in 2012, we've undertaken a technical review. This review optimises the design of the facility in a way that will allow it to more efficiently deliver clean energy for homes and businesses.**

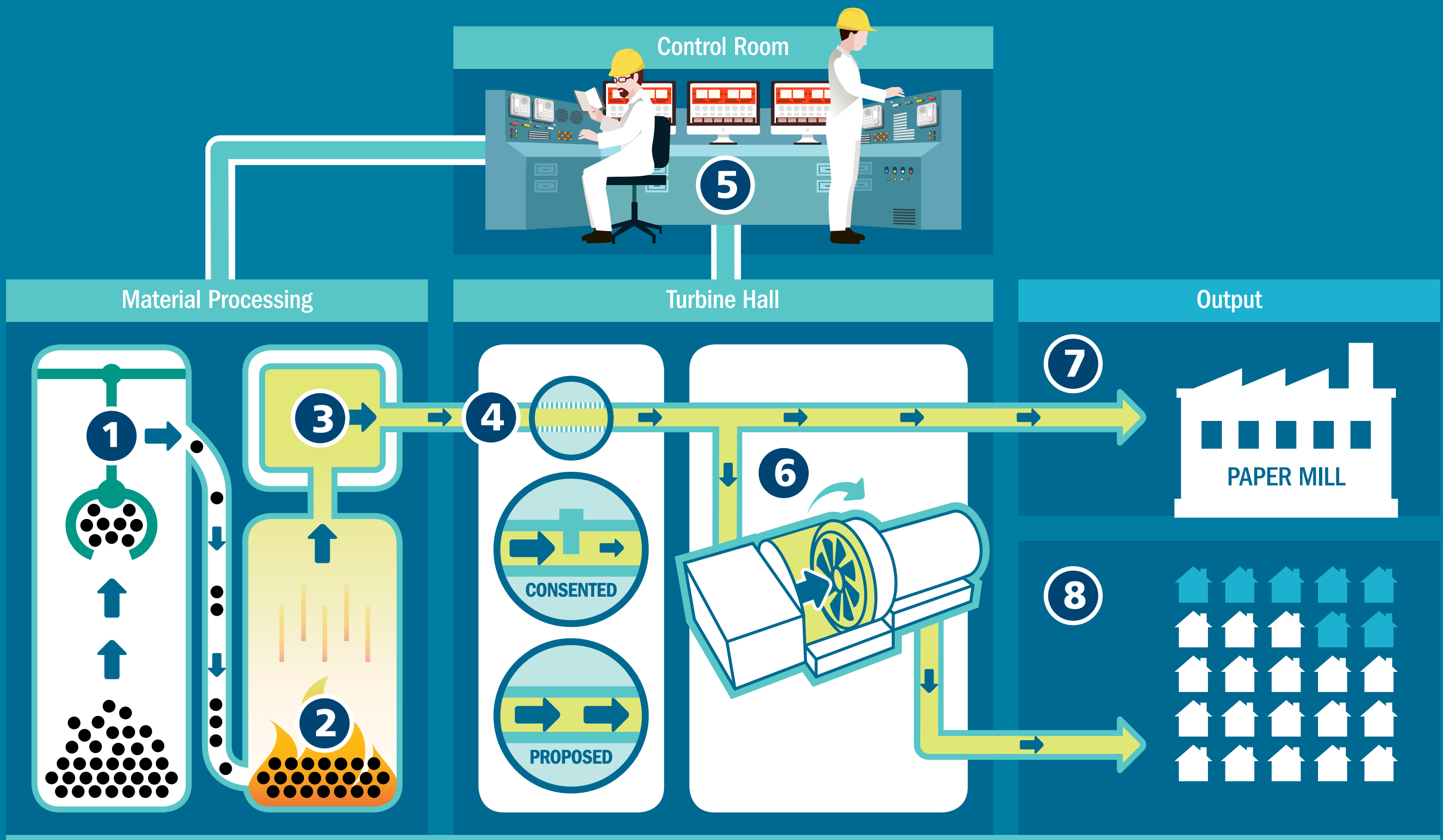
Crucially, the technical advances in plant efficiency won't lead to any change in the basic design, size or look of the facility or the amount of fuel the facility will need to manage.

This increased electrical generation will mean the Wheelabrator Kemsley Generating Station becomes classed as a Nationally Significant Infrastructure Project. Facilities of this type need a different type of planning permission, known as a Development Consent Order (DCO).

This pre-application consultation is part of our preparation for our DCO submission.



# OUR NEW PROPOSAL



**1** A crane places the residual waste into a feed hopper. The fuel then drops down a feed chute onto the grate

**2** The action of the moving grate turns the waste to allow it to burn fully

**3** Hot gases produced in the combustion process pass through a water boiler where they are cooled. The heated water is converted into steam

**4** If we receive permission to optimise the Wheelabrator Kemsley Generating Station we will then de-restrict the flow of that steam to our turbine

**5** We will also re-configure our central control systems so the facility can operate at its newly-optimised level

**6** The turbine we install will use the increased flow of steam to generate even more clean power

**7** Part of the steam we produce will then be piped directly for use by DS Smith, to help reduce the Mill's reliance on fossil fuels and reduce their overall carbon footprint

**8** The low carbon electricity we produce will be exported to homes and businesses via the National Grid distribution network

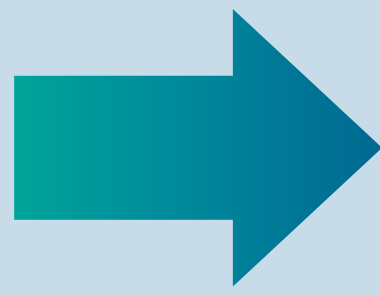
# WHAT WOULD WE LIKE TO CHANGE?



APPROXIMATELY

**97,000 homes**

Up to 49.9 MW (gross)



APPROXIMATELY

**138,000 homes**

Up to 75 MW (gross)

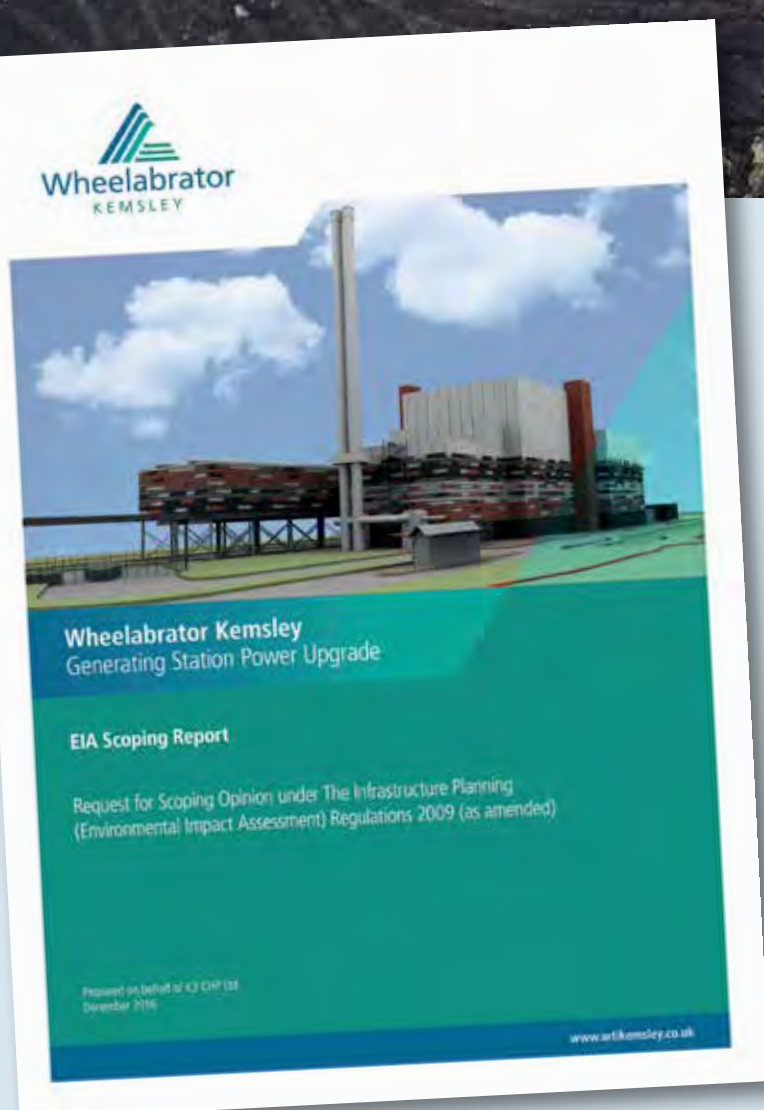
The technical advances we'd like to make to our plant's efficiency won't lead to any change in the basic design, size or look of the facility or the amount of fuel the facility will need to manage – but it will allow it to deliver an estimated electrical output of up to 75 MW (gross). This power upgrade is the only reason we need to apply for this new Development Consent Order.

If consented, the optimisation proposals will therefore increase the amount of power generated by our facility from the equivalent needs of 97,000 homes every year to the equivalent needs of 138,000 homes every year, without changing any other aspect.





# WHAT ISN'T CHANGING?



**When the Wheelabrator Kemsley Generating Station was given planning consent by Kent County Council in 2012, a full Environmental Impact Assessment (EIA) was completed as part of the application.**

At that time it was determined the development of the facility would not have any significant impacts.

This is unlikely to change as a result of our new proposals and our preliminary assessment shows that the proposed power upgrade of the Wheelabrator Kemsley Generating Station itself is still unlikely to have any significant effect on the environment or local area.

Every other aspect is therefore likely to remain consistent with our existing consent, including:

- ✓ The design
- ✓ The size
- ✓ Its visual appearance
- ✓ The amount of fuel needed
- ✓ The emissions
- ✓ The creation of around 50 new full-time jobs when operational
- ✓ No material change to ecology
- ✓ No material change on hydrology and flood risk
- ✓ No adverse change on health effects
- ✓ No material change in noise levels
- ✓ No material impacts on the A249, the A2 and the M2

## **APPENDIX 2.1**

### **S42 COVER LETTER - 2018**



Our ref: DHA/13141

30<sup>th</sup> November 2018

Dear Sir/Madam,

**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**

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 generating station and WKN waste-to-energy facility in Kemsley, Sittingbourne, Kent.

WTI are currently constructing K3, which is a waste-to-energy facility for which planning permission was granted in 2011, on land at Kemsley, to the north of Sittingbourne in Kent. K3 has consent to process up to 550,000 tonnes of waste per annum and has a consented generating capacity of 49.9MW. WTI are proposing to increase the generating capacity of K3 to 75MW, through internal alterations to optimise plant efficiency. They are also seeking consent to allow K3 to process an additional 107,000 tonnes of post-recycled waste per annum.

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. WKN would have a total 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.

Section 42 of The Act requires the applicant to consult various prescribed bodies, statutory undertakers and those with an interest in the land in question 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:

- An early draft of the **Development Consent Order**;

**planning transport design environment infrastructure**

**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

DHA Planning Ltd. Registered in England. Registered number: 2683290





- a draft of the **Environmental Statement** ("ES") which is being prepared to accompany the DCO application and which provides a full technical description of the proposed development;
- The **Preliminary Environmental Information Report**, which provides a non-technical summary of the ES for consultation purposes;
- A set of **draft Plans** to illustrate the location and extent of the proposed development
  - o Wider Site Location Plan
  - o DCO Site Boundary Plan
  - o Works Key Plan
  - o K3 Consented Layout
  - o WKN Works Plan
  - o WKN Illustrative layout plan
  - o K3/WKN expected CGI

The documents are also available to view and download 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.

As the proposed development requires Environmental Impact Assessment the applicant is required, by Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, 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 alongside this S42 consultation.

### **Responding to this Consultation**

Responses to this consultation 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. Any representations or responses received will be reported within the Consultation Report submitted as part of the DCO application. **All responses must be received by 5pm on Thursday 10<sup>th</sup> January 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,



David Harvey  
Director

## **APPENDIX 2.2**

### **S42 CONSULTEES - 2018**

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

**Statutory Consultation under S.42 of the Planning Act 2008**

**Project Reference: EN010083**

**Section 42 (a) Prescribed Bodies**

**(as per the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended by the Infrastructure Planning (Prescribed Consultees and Interested Parties etc.)(Amendment) Regulations 2013**

**With reference to the Annex to Advice Note 3 by the Planning inspectorate and Scoping Report**

	<b>Schedule 1 Description</b>	<b>Organisation</b>	<b>Address</b>	<b>Reason for including/excluding from consultations</b>	<b>Consulted by PINS at the EIA Scoping Stage</b>	<b>Consulted at S42</b>
-	Welsh Ministers	-	-	The application will not affect land in Wales	-	-
-	Scottish Executive	-	-	The application will not affect land in Scotland	-	-
-	Relevant Northern Ireland Department	-	-	The application would not affect land in Northern Ireland	-	-
1	Health and Safety Executive	Health and Safety Executive	Health and Safety Executive, NSIP Consultations, Building 1.2, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS	All cases	Yes	Yes
2	National Health Service Commissioning Board	NHS England	NHS England, NHS Commissioning Board, PO Box 16738 Redditch B97 9PT	Application will affect land in England	Yes	Yes

Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
3 The relevant clinical commissioning group	NHS Swale Clinical Commissioning Group	NHS Swale Clinical Commissioning Group Bramblefield Clinic, Grovehurst Road, Kemsley, Sittingbourne, Kent ME10 2ST	Application will affect land in England	Yes	Yes
- Relevant Health Board	-	-	The application would not affect land in Scotland		-
4 Natural England	Natural England	Natural England, Consultation Service, Hornbeam House, Electra Way, Crewe Business Park, Crewe, Cheshire, CW1 6GJ	All applications likely to affect land in England	Yes	Yes
5 The Historic Buildings and Monuments Commission for England	Historic England	Historic England South East Office Eastgate Court, 195-205 High Street, Guildford, GU1 3EH	All applications likely to affect land in England	Yes	Yes
6 Relevant Fire and Rescue Authority	Kent Fire and Rescue Service	Kent Fire and Rescue Service Headquarters The Godlands Straw Mill Hill Tovil, Maidstone ME15 6XB	All cases	Yes	Yes
7 The relevant police authority	Kent Police and Crime Commissioner	Office of the Kent Police and Crime Commissioner Kent Police HQ Sutton Road Maidstone ME15 9BZ	The application is in England and is outside of London and Wales	Yes	Yes

Schedule 1 Description		Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
8	Relevant Parish Council	Bapchild Parish Council	Ms E Cruise Bapchild Parish Council 18 Morris Court Close Bapchild Sittingbourne Kent ME9 9PL	A Parish Council which borders the location of the proposed development	No	Yes
9	Relevant Parish Council	Bobbing Parish Council	Ms L Fisher Bobbing Parish Council 53 Springvale, Iwade, Sittingbourne, Kent, ME9 8RX	A Parish Council which borders the location of the proposed development	No	Yes
10	Relevant Parish Council	Borden Parish Council	Ms J Miller, Borden Parish Council, 101 Beacon Avenue, Kings Hill, West Malling, Kent, ME19 4LH	A Parish Council which borders the location of the proposed development	No	Yes
11	Relevant Parish Council	Iwade Parish Council	Ms L Fisher Iwade Parish Council 53 Springvale, Iwade, Sittingbourne, Kent, ME9 8RX	A Parish Council which borders the location of the proposed development	No	Yes
12	Relevant Parish Council	Minster-on-Sea Parish Council	Ms T Hamilton Minster-on-Sea Parish Council Love Lane, Minster-on-Sea Sheerness, Kent ME12 2LP	A Parish Council which borders the location of the proposed development	No	Yes
13	Relevant Parish Council	Rodmersham Parish Council	Mrs Lena A Jordan Rodmersham Parish Council Waterside Highsted Valley Sittingbourne Kent ME9 0AD	A Parish Council which borders the location of the proposed development	No	Yes



Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
14 Relevant Parish Council	Tonge Parish Council	Ms M Mulley, Tonge Parish Council c/o Flat 6, The Oasts, London Road, Teynham, Sittingbourne, ME9 9PS	A Parish Council which borders the location of the proposed development	No	Yes
15 Relevant Parish Council	Tunstall Parish Council	Ms M Licence Tunstall Parish Council 14 Trapfield Close, Bearsted ME14 4HT	A Parish Council which borders the location of the proposed development	No	Yes
16 Environment Agency	Environment Agency	Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH	All applications likely to affect land in England	Yes	Yes
-	Scottish Environment Protection Agency	-	-	The application does not affect land in Scotland	-
-	The Equality and Human Rights Commission	-	-	This consultee is not included on the Schedule 1 list for England.	-
-	The Scottish Human Rights Commission	-	-	This consultee is not included on the Schedule 1 list for England.	-
-	Relevant AONB Conservation Boards	-	-	The proposal does not affect an AONB managed by a Conservation Board	-
-	Royal Commission on Ancient and Historical Monuments of Wales	-	-	The application will not affect the historic environment in Wales	-
-	The Natural Resources Body for Wales	-	-	The application will not affect land in Wales	-
-	The Homes and Communities Agency	-	-	This consultee is not included on the Schedule 1 list for England.	-

	Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
-	Joint Nature Conservation Committee	-	-	Proposal is not within the offshore area 12nm from the coastline		-
-	The Commission for Rural Communities			Abolished in 2013		
-	Scottish Natural Heritage	-	-	The application will not affect land in Scotland		-
17	Maritime and Coastguard Agency	Maritime and Coastguard Agency	Maritime and Coastguard Agency, Navigation Specialist Support, Bay 2/04, Spring Place, 105 Commercial Road, Southampton, Hants, SO15 1EG	Proximity of application to marine area	Yes	Yes
18	Marine Management Organisation	Marine Management Organisation	Marine Management Organisation, Licensing Support Team, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH	Proximity of application to marine area	Yes	Yes
-	Scottish Fisheries Protection Agency	Marine Scotland	-	The application will not affect the fisheries industry in Scotland		-
19	Civil Aviation Authority	Civil Aviation Authority	ORA5 Civil Aviation Authority Directorate of Airspace Policy CAA House 45-59 Kingsway London WC2B 6TE	Included for completeness as consulted by PINS at Scoping Stage/ statutory undertaker	Yes	Yes
-	The Highways Agency	Secretary of State for Transport		The SoS for Transport is not the highways authority for any roads in proximity to the site	No	-

Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
- Integrated Transport Authorities	-	-	The application will not affect transport within or to an integrated transport area within an ITA		-
- Passenger Transport Executives	-	-	The application will not affect transport within or to an integrated transport area within a PTE		-
20 Relevant Highways Authority	Kent County Council Highways	Kent County Council Highways County Hall Maidstone Kent ME14 1XQ	The application would impact on the volume of traffic in the vicinity of the proposal	Yes	Yes
21 The relevant strategic highways company	Highways England	Highways England Company Ltd Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ	The application would impact on the volume of traffic in the vicinity of the proposal, which includes the M2/A249	Yes	Yes
- Transport for London	-	-	The application will not affect transport within, to or from Greater London		-
- The Passenger Council (Transport Focus)	-	-	This consultee is not included on the Schedule 1 list for England.		-
- The Disabled Persons Transport Advisory Committee	-	-	This consultee is not included on the Schedule 1 list for England.		-
- Coal Authority	-	-	The application site does not lie within an area of past, present or future coal mining		-
- The Office Of Rail Regulation and approved operators	-	-	This consultee is not included on the Schedule 1 list for England.		-

Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
- The Gas and Electricity Markets Authority (OFGEM)	-	-	This consultee is not included on the Schedule 1 list for England.		-
- The Water Services Regulation Authority (OFWAT)	-	-	This consultee is not included on the Schedule 1 list for England.		-
- The Water Industry Commission of Scotland	-	-	This consultee is not included on the Schedule 1 list for England.		-
- The relevant waste regulation authority	-	-	This consultee is not included on the Schedule 1 list for England.		-
22 Relevant Internal Drainage Board	Lower Medway IDB	Lower Medway IDB 17 Albion Place Maidstone Kent ME14 5EQ	The proposal relates to an area of flood risk	No	Yes
- The British Waterways Board	The Canal and River Trust	-	The application would not affect inland waterways		-
23 Trinity House	Trinity House	Navigation Services Officer, Trinity House, Navigation Directorate, Tower Hill, London, EC3N 4DH	Including for completeness given EIA Scoping consultation	Yes	Yes
24 Public Health England, an executive agency of the Dept of Health	Public Health England	Public Health England Wellington House 133-155 Waterloo Road London SE1 8UG	Included for completeness given the nature of the proposals and as consulted at Scoping Stage	Yes	Yes
- The relevant local resilience forum	-	-	This consultee is not included on the Schedule 1 list for England.		-
25 Relevant Statutory Undertakers			Listed below in separate table		

Schedule 1 Description	Organisation	Address	Reason for including/excluding from consultations	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
26	Crown Estate Commissioners	The Crown Estate The Crown Estate 1 St James's Market London SW1Y 4AH	Included for completeness, as consulted at the EIA Scoping Stage	Yes	Yes
27	Forestry Commission	Forestry Commission Kent Office Bucks Horn Oak Farnham Surrey GU10 4LS	Included for completeness as consulted by PINS at Scoping Stage.	Yes	Yes
-	The Natural Resources Body for Wales	-	The application will not affect land in Wales	-	-
-	Relevant local Health Board	-	The application will not affect land in Wales	-	-
-	National Health Service Trust	-	Application will not affect land in Wales	-	-
28	Secretary of State for Defence	Ministry of Defence, Whitehall London SW1A 2HB	Included for completeness as the application is in England	Yes	Yes
-	Office for Nuclear Regulation	-	The application will not affect matters relevant to the ONR purposes	-	-

**Non - Prescribed Bodies Consulted by PINS**

	Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
29	Royal National Lifeboat Institution	RNLI West Quay Road Poole BH15 1HZ	Yes	Yes

## Relevant Statutory Undertakers

	Schedule 1 Description	Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
-	Relevant Clinical Commissioning Group	NHS Swale Clinical Commissioning Group	Already listed as a Prescribed body	Yes	Yes
-	The National Health Service Commissioning Board	NHS England	Already listed as a Prescribed Body	Yes	Yes
30	The relevant NHS Foundation trust	South East Coast Ambulance Service NHS Foundation Trust	South East Coast Ambulance Service Kent Office, Heath Road Coxheath, Maidstone Kent, ME17 4BG	Yes	Yes
31	Railways	Highways England Historical Railways Estate	Highways Agency Historical Railways Estate Hudson House Toft Green York, YO1 6HP	Yes	Yes
32	Railways	Network Rail Infrastructure Limited	National Rail 1 Eversholt Street London, NW1 2DN	Yes	Yes
32a	Transport Infrastructure	Department for Transport	Great Minster House 33 Horseferry Road London SW1P 4DR	No	Yes
-	Civil Aviation Authority	Civil Aviation Authority	Already listed as a Prescribed body	Yes	Yes
33	Licence Holder (Chapter 1 of Part 1 of Transport Act 2000)	NATS En-route (NERL) Safeguarding	NATS Safeguarding, Corporate & Technical Centre, 4000 Parkway, Whiteley, Fareham PO15 7FL	Yes	Yes
34	Universal Service Provider	Royal Mail Group	Royal Mail Group, 100 Victoria Embankment, London, EC4Y 0HQ	Yes	Yes
35	Homes England	Homes England	Homes England, 50 Victoria Street, Westminster London, SW1H 0TL	Yes	Yes

Schedule 1 Description		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
-	Relevant Environment Agency	The Environment Agency	Environment Agency already consulted as a specified Prescribed body	Yes	Yes
36	The Relevant water and sewage undertaker	Southern Water	Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX.	Yes	Yes
37	The Relevant water and sewage undertaker	Thames Water Utilities Limited	Thames Water Utilities Limited Clearwater Court, Vastern Road, Reading, RG1 8DB	No	Yes
38	Public Gas Transporters	Cadent Gas Limited	Cadent Gas Limited, Ashbrook Court, Central Boulevard, Prologis Park, Coventry, CV7 8PE	Yes	Yes
39	Public Gas Transporters	Energetics Gas Limited	Energetics Gas Limited International House, Stanley Boulevard, Hamilton International Technology Park, Glasgow, South Lanarkshire, Scotland, G72 0BN	Yes	Yes
40	Public Gas Transporters	Energy Assets Pipelines Limited	Energy Assets Pipelines Limited, Ship Canal House, 98 Kings Street, Manchester M2 4WU	Yes	Yes
41	Public Gas Transporters	ES Pipelines Ltd	Mr A Slee, ES Pipelines Ltd, ESP Utilities Group Ltd Bluebird House, Mole Business Park, Leatherhead, Surrey KT22 7BA	Yes	Yes
42	Public Gas Transporters	ESP Connections Ltd	Mr A Slee, ESP Connections Ltd, Bluebird House, Mole Business Park, Leatherhead, Surrey KT22 7BA	Yes	Yes



Schedule 1 Description		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
43	Public Gas Transporters	ESP Networks Ltd	Mr A Slee, ESP Networks Ltd, Bluebird House, Mole Business Park, Leatherhead, Surrey KT22 7BA	Yes	Yes
44	Public Gas Transporters	ESP Pipelines Ltd	Mr A Slee, ESP Pipelines Ltd, Bluebird House, Mole Business Park, Leatherhead, Surrey KT22 7BA	Yes	Yes
45	Public Gas Transporters	Fulcrum Pipelines Ltd	Fulcrum Pipelines, 2 Europa View, Sheffield Business Park, Sheffield, S9 1XH	Yes	Yes
46	Public Gas Transporters	GTC Pipelines Ltd	GTC Pipelines Ltd , Energy House, Woolpit Business Park Woolpit, Bury St Edmunds, Suffolk IP30 9UP	Yes	Yes
47	Public Gas Transporters	Independent Pipelines Ltd	Independent Pipelines Ltd Energy House Woolpit Business Park, Windmill Avenue, Woolpit, Bury St. Edmunds, Suffolk, IP30 9UP	Yes	Yes
48	Public Gas Transporters	Indigo Pipelines Ltd	Indigo Pipelines Limited 1 London Wall London EC2Y 5AB	Yes	Yes
49	Public Gas Transporters	Quadrant Pipelines Limited	Quadrant Pipelines Ltd Energy House Woolpit Business Park, Windmill Avenue, Woolpit, Bury St. Edmunds, Suffolk, IP30 9UP	Yes	Yes
50	Public Gas Transporters	National Grid Gas Plc	Asset Protection, Land and Development, National Grid, 1-3 Strand, London, WC2N 5EH	Yes	Yes

Schedule 1 Description		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
51	Public Gas Transporters	Scotland Gas Networks Plc	Scotland Gas Networks Plc , Axis House 5 Lonehead Drive, Newbridge, Edinburgh, Scotland, EH28 8TG	Yes	Yes
52	Public Gas Transporters	Southern Gas Networks Plc	Southern Gas Networks PLC, St Lawrence House, Station Approach, Horley, Surrey, RH6 9HJ	Yes	Yes
53	Public Gas Transporters	Wales and West Utilities Ltd	Wales and West Utilities Ltd Wales and West House Spooner Close, Celtic Springs Newport, NP10 8FZ	Yes	Yes
54	Electricity Distributors with CPO Powers	Energetics Electricity Limited	Energetics Electricity Limited, International House, Stanley Boulevard, Hamilton International Technology Park, Glasgow, South Lanarkshire, Scotland, G72 0BN	Yes	Yes
55	Electricity Distributors with CPO Powers	Energy Assets Network Limited	EA Networks 12 Sketty Close Brackmills Ind. Est Northampton, NN4 7PL	Yes	Yes
56	Electricity Distributors with CPO Powers	Energy Assets Power Networks	Energy Assets, 6 Almondvale Business Park, Almondvale Way, Livingston, Scotland, EH54 6GA	Yes	Yes
57	Electricity Distributors with CPO Powers	ESP Electricity Limited	MR A Slee, ESP Electricity Limited, Bluebird House, Mole Business Park, Leatherhead, Surrey KT22 7BA	Yes	Yes
58	Electricity Distributors with CPO Powers	Fulcrum Electricity Assets Limited	Fulcrum Electricity Assets Limited 2 Europa View, Sheffield Business Park, Sheffield, S9 1XH	Yes	Yes

Schedule 1 Description		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
59	Electricity Distributors with CPO Powers	G2 Energy IDNO Limited	G2 Energy IDNO Limited 25 Olney Office Park, 25 Osier Way, Olney, Buckinghamshire, England, MK46 5FP	Yes	Yes
60	Electricity Distributors with CPO Powers	Harlaxton Energy Networks Limited	Harlaxton Energy Networks Limited Toll Bar Road, Marston Grantham, Lincs NG32 2HT	Yes	Yes
61	Electricity Distributors with CPO Powers	Independent Power Networks Limited	Independent Power Networks Limited Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds Suffolk, IP30 9UP	Yes	Yes
62	Electricity Distributors with CPO Powers	Leep Electricity Networks Limited	Leep Electricity Networks Limited The Greenhouse, Mediacityuk, Salford, United Kingdom, M50 2EQ	Yes	Yes
63	Electricity Distributors with CPO Powers	Murphy Power Distribution Limited	Murphy Power Distribution Limited Hiview House, Highgate Road London, United Kingdom NW5 1TN	Yes	Yes
64	Electricity Distributors with CPO Powers	The Electricity Network Company Limited	Independent Power Networks Limited Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds Suffolk, IP30 9UP	Yes	Yes
65	Electricity Distributors with CPO Powers	UK Power Distribution Limited	UK Power Distribution Limited 22-26 King Street Kings Lynn, Norfolk PE30 1HJ	Yes	Yes
66	Electricity Distributors with CPO Powers	Utility Assets Limited	Utility Assets Limited, 53 High Street, Cheveley, Newmarket, Suffolk, CB8 9DQ	Yes	Yes

Schedule 1 Description		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
67	Electricity Distributors with CPO Powers	Utility Distribution Networks Limited	Utility Distribution Networks Limited Ship Canal House, 98 King Street Manchester, M2 4WU	Yes	Yes
68	Electricity Distributors with CPO Powers	UK Power Networks Limited	UK Power Networks Limited Newington House 237 Southwark Bridge Road London, SE1 6NP	Yes	Yes
69	Electricity Distributors with CPO Powers	Vattenfall Networks Limited	Vatternfall Networks Limited First floor, 1 Tudor Street London, EC4Y 0AH	Yes	Yes
70	Electricity Distributors with CPO Powers	National Grid Electricity Transmission PLC	Asset Protection, Land and Development, National Grid, 1-3 Strand, London, WC2N 5EH	Yes	Yes
71	Telecoms	British Telecommunications Plc	BT Group plc, BT Centre, 81 Newgate Street, London EC1A 7AJ	No	Yes
72	Telecoms	EE Limited	EE Limited, Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW	No	Yes
73	Telecoms	Virgin Media Communications Limited	Virgin Media Communications Limited, Media House, Bartley Wood Business Park, Hook, Hampshire, RG27 9UP	No	Yes
74	Telecoms	O2 Limited	O2 Limited 260 Bath Road, Slough, Berkshire, SL1 4DX	No	Yes
75	Telecoms	Cornerstone Telecommunications Infrastructure Limited	Cornerstone Telecommunications Infrastructure Limited, The Exchange Building 1330, Arlington Business Park, Theale, Berkshire, RG7 4SA	No	Yes

**Section 42 (b) Local Authorities within Section 43**

Category		Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
76	B	Swale Borough Council	Mr R McCardle, Swale Borough Council, Swale House East Street, Sittingbourne, Kent ME10 3HT	Yes	Yes
77	D	Medway Council	Head of Planning, Medway Council, Gun Wharf, Dock Road, Chatham ME4 4TR	Yes	Yes
78	A	Ashford Borough Council	Head of Planning, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford TN23 1PL	Yes	Yes
79	A	Canterbury City Council	Head of Planning, Canterbury City Council, Military Road, Canterbury CT1 1YW	Yes	Yes
80	A	Maidstone Borough Council	Head of Planning, Maidstone Borough Council, Maidstone House, King Street Maidstone, Kent ME15 6JQ	Yes	Yes
81	D	Thurrock Council	Head of Planning, Thurrock Council, Civic Offices New Road, Grays, RM17 6SL	Yes	Yes
82	C	Kent County Council	Strategic Planning and Infrastructure, Kent County Council, Invicta House, Maidstone, Kent, ME14 1XX	Yes	Yes
83	D	East Sussex County Council	Head of Planning, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE	Yes	Yes

	Category	Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
84	D	Surrey County Council	Head of Planning, Surrey County Council, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2DW	Yes	Yes
85	D	London Borough of Bexley	Head of Planning, London Borough of Bexley, Civic Offices, 2 Watling Street, Bexleyheath Kent, DA6 7AT	Yes	Yes
86	D	London Borough of Bromley	Head of Planning, Bromley Council, Civic Centre, Stockwell Close, Bromley BR1 3UH	Yes	Yes

#### Section 44 – Owner, Lessee, Tenant, Occupier

	Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
87	DS Smith Paper Limited	c/o Mr P Thompson, DS Smith Paper Limited, 7 <sup>th</sup> Floor, 350 Euston Road, London, NW1 3AX	No	Yes
88	Grovehurst Energy Limited	Mr S Parish, Grovehurst Energy Limited, 350 Euston Road, London, NW1 3AX	No	Yes
89	South Eastern Power Networks	South Eastern Power Networks PLC, Newington House, 237 Southwark Bridge Road, London, SE1 6NP	No	Yes
-	Southern Gas Networks	Already listed as a statutory undertaker	Yes	Yes
90	MUFG Bank Ltd	MUFG Bank Ltd, Ropemaker Place, 25 Ropemaker Street, London, EC2Y 9AN	No	Yes
91	Fletcher Challenge Forest Industries Limited	Fletcher Challenge Forest Industries Limited, c/o Furley Page LLP 39 St Margarets Street Canterbury Kent CT1 2TX	No	Yes
92	Knauf (UK) GmbH	Knauf (UK) GmbH Kemsley Fields Business Park Sittingbourne Kent ME9 8SR	No	Yes
93	Port of Sheerness	Port of Sheerness Limited Maritime Centre Port of Liverpool L21 1LA	No	Yes

Organisation	Address	Consulted by PINS at the EIA Scoping Stage	Consulted at S42
94	Peel Land and Property Group Management Ltd	Mr S Moore, Asset Manager, Peel Land and Property Group Management Limited Peel Dome Intu Trafford Centre Manchester Trafford City ME17 8PL	No       Yes
95	SRP New Thames Limited	SRP New Thames Limited 350 Euston Road London NW1 3AX	No       Yes



## **APPENDIX 3.1**

# S42 RESPONSES – PRESCRIBED BODIES - 2018

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)

DHA Planning Ltd  
By email only

Dear DHA Planning Ltd,

07 Jan 2019

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

Thank you for your letter of the 30<sup>th</sup> Nov 2018 regarding the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility.

**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 major accident hazard pipelines within the DCO application boundary of the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility.

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 as amended.

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" and the construction does not appear to be of a type that would not attract reduced "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

Date: 10 January 2019  
Our ref: 266532  
Your ref: DHA/13141



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL 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:

- An early draft of the Development Consent Order;
- A draft of the Environmental Statement;
- The Preliminary Environmental Information Report;
- A set of draft Plans to illustrate the location and extent of the proposed development.

Natural England has considered the 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. We may have further or additional points to make as further information about the project becomes available. This letter does not contain an exhaustive appraisal of all matters relating to biodiversity, and a lack of comments on matters relating to biodiversity should not be taken to mean that there are no other impacts.

We note that analysis of the K3 development focuses only on this current application to seek consent for increased generating capacity. We note that no further construction works are required above those consented for the K3 facility. As such, our comments on the K3 development focus purely on impacts of the power upgrade both independently and in combination with all other relevant developments, including the consented K3 development.

All aspects of the WKN development have been considered against Natural England's priorities both alone and in combination with all other relevant developments.

**Air quality – operations emissions**

Appendix 5.4 sets out an 'Air Quality Assessment of Impacts on Ecological Receptors' for both WKN and the increase in K3. It is Natural England's understanding that this assessment only takes account of the increase in generating capacity of K3 above that which has already been consented.

It is noted that supporting habitats of the relevant SPAs and Ramsar sites have been included in Table 5.4.4.

Page 12 of Appendix 5.4 states “*Cumulative Impacts - For the cumulative impacts across the grid, only interest features where the PC as a % of the CL exceeds 1% are considered further. Where the PC does not exceed 1% of the CL, the cumulative impacts are considered to be insignificant.*” This method of determining which interest features should be subject to an in-combination assessment is not in accordance with the Habitats Regulations or the Wealden Judgement<sup>1</sup>. The Habitats Regulations require that where a plan or project is “*likely to have a significant effect on any European site either **alone or in combination** with other plans or projects*” then an appropriate assessment is required. Therefore, in order to be compliant with the Habitats Regulations, all interest features, including those which do not have a likely significant effect alone, should be subject to an in-combination assessment from the outset and the significance of effects should be determined accordingly.

It is generally well-established that the scope of an in-combination assessment is restricted to plans and projects which are ‘live’ at the same time as the assessment being undertaken. These can potentially include:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started.
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review
- Any draft plans being prepared by any public body
- Any proposed plans or projects that are reasonably foreseeable and/or published for consultation prior to application

Natural England have concerns that the consented K3 development has been included in the baseline (ambient concentration (AC)). It is our understanding that the consented K3 development is still being constructed and is not yet operational. As such, the consented K3 development should not be included in the baseline and should instead be assessed in combination with other plans and projects (in line with the above list of plans and projects to include in an in-combination assessment). In combination assessments should also include transport movements as a result of operation of the proposals.

#### **Air quality – construction (traffic and dust)**

During construction of the WKN development, further air quality impacts could potentially arise from HGV emissions and dust from construction.

Appendix 4.1 concludes that the construction of the WKN Proposed Development will generate a maximum of 90 HGV movements per day. It is Natural England’s view that as the number of HGV movements per day will not exceed 200, which is the threshold set for significant change, that emissions from HGVs is unlikely to pose a threat to designated sites. We understand that construction activities for K3 and WKN are not expected to overlap so there is unlikely to be a cumulative effect however if that is not the case then further assessment of the short term impacts from construction traffic will be required.

Natural England agrees that provided best practice construction measures are followed, as detailed within a Construction Management Plan, adverse effects from construction related dust on The Swale SPA and Ramsar site can be avoided.

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<sup>1</sup> CO/3943/2016 *Wealden District Council v Secretary Of State For Communities And Local Government* <http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>.

### **Air quality – operations traffic**

Appendix 4.1 concludes that, when operational, the WKN Proposed Development will generate approximately 250 HGV movements per day. Natural England notes that the HRA specifies that further analysis on the impacts of air quality associated operational traffic with respect to designated sites is being undertaken and will be reported in the final ES. As increasing inputs and outputs of K3 will also result in an increase of 68 HGV movements per day, the analysis will need to be on the cumulative impacts. As such, Natural England cannot comment on such impacts until this further information is provided.

As detailed above for 'air quality – operations emissions', in order to be compliant with the Habitats Regulations and the Wealden Judgement, air quality impacts arising from traffic should be assessed in combination with other projects and in combination with the operational emissions from the new proposals.

### **Habitat loss**

Natural England note that the WKN development will not result in direct loss of any designated habitat within any designated site or functionally linked land.

### **Water quality (ground conditions – Chapter 9) and Hydrological changes**

Natural England is satisfied that the K3 proposed development will have no effect on K3 site drainage or flood risk.

The following will discuss the WKN development. There is a risk of pollution to surface water during construction and therefore due to the close proximity of The Swale SPA and Ramsar site there is potential for contaminated water to be discharged into the designated site. Natural England agrees that the implementation of "general industry guidelines and best practice measures", which will be detailed within the CEMP, are sufficient to avoid adverse effects on The Swale SPA/Ramsar site. We note that during operation, process water from WKN will be discharged to The Swale via a separate outfall pipe to that used by K3. We note that this outfall pipe is set to be constructed under the previously granted Marine Licence (MMO Ref: L/2017/00/482/1) which allows for the construction of two discharge pipes. It is not clear if this permit was issued before or after The Swale Estuary MCZ was designated. In addition, it is not clear that the license issued for the IBA plant is sufficient for the WKN development i.e. it should be confirmed that using the outfall for a different purpose won't have further impacts. Natural England recommend that clarity is sought as to whether the change of use of facility for which the outfall is used will result in further impacts. Further, Natural England recommends that an MCZ assessment of the discharge of WKN may be required, in accordance with the Marine and Coastal Access Act 2009.

### **Disturbance**

#### **Visual**

Visual disturbance of birds for which the SPA is designated has been assessed. A number of qualifying species were identified as being potentially susceptible to visual disturbance from the WKN site. Natural England advises that the erection of a visual screen along the periphery of the WKN Site is sufficient to reduce visual disturbance to birds for which The Swale SPA and Ramsar is designated.

#### **Noise**

Traffic modelling for the K3 Proposed Development indicates that there will be a relatively small increase in AADT (Annual Average Daily Traffic) associated with the operational development. It is our assumption that the baseline figure of 2569 AADT includes HGVs associated with the consented K3 development, therefore taking account the combined impacts of both K3 developments. Please highlight if this is not the case. Due to the small increase in AADT and distance of designated sites from the roads, Natural England are satisfied that noise disturbance due to operational traffic increases can be screened out as no likely significant effect on qualifying features of Ramsar sites / SPAs.

Construction activities listed include (1) Site preparation and ground excavations, (2) Driving pre-

case concrete piles, (3) 24-hour concrete pours for foundations, and (4) General building construction. Of these construction activities, piling is likely to have the greatest impact on the birds for which The Swale SPA, Ramsar and SSSI are designated. These birds are most susceptible to loud intermittent noise, for example percussive piling. Noise modelling the worst case scenario estimated that the maximum noise experienced at The Swale SPA and Ramsar will be 61.5 dB LA<sub>max</sub>. Noise disturbance of this level is likely to impact upon the birds for which The Swale SPA and Ramsar are designated and as such mitigation measures required to prevent an adverse effect on integrity. Natural England is satisfied that the measures detailed in paragraph 11.9.21 of the Ecology report are sufficient to avoid an adverse effect on the integrity of The Swale SPA and Ramsar.

It is noted that noise disturbance from construction traffic has not been assessed. The Traffic and Transport Chapter (Chapter 4) specifies that 405 vehicle two way movements (including 50 HGVs) will access the WKN site during construction. Whilst it has been concluded in Chapter 7 that there will be no impacts of construction traffic on residential receptors, it does not appear that ecological receptors have been assessed. Natural England advise that such noise modelling should be conducted to ascertain if there will be a likely significant effect on designated sites.

Operational noise modelling has been carried out for the WKN development. 11.9.78 of Chapter 11 Ecology states that this modelling is demonstrated in Figures 7.3 and 7.5. It is noted that the title of Figure 7.3 is "K3 Operational Noise – additional HGVs" and therefore does not seem to relate to the WKN Proposed Development. Further, Figure 3 is reference in 7.6.4 in relation to the increase in HGVs in the K3 Proposed Development. Natural England advises that a noise contour map is produced to demonstrate the impact of HGV movements from the operational WKN site. Figure 7.5 supports the conclusion that noise from standard operation activities will not have a likely significant impact on The Swale SPA and Ramsar site.

In addition, it is noted that marsh harrier which breed in reedbeds to the north of the WKN site will be subject to increased noise disturbance during construction and operation of the WKN proposed Development. The reedbeds are not designated but the marsh harrier is part of The Swale SPA breeding bird assemblage and therefore the reedbeds can be considered functionally linked land. Natural England agrees with the conclusion that the marsh harriers appear to be habituated and are unlikely to be disturbed during construction or operation.

#### Recreation

It is not anticipated that impacts from construction or operational staff accessing the SPA / Ramsar will have an adverse effect on the integrity on The Swale SPA and Ramsar site.

#### Light

Given the distance of the WKN site from the Swale SPA and Ramsar site, the existing developments in the area and the use of industry best practice standards to ensure no additional light spill above the current situation, Natural England agrees that lighting is unlikely to lead to adverse effects on the designated sites.

**For further information on any of the points raised in this letter please contact my colleague Nicky Britton-Williams on 02080266023 or [nicky.britton-williams@naturalengland.org.uk](mailto:nicky.britton-williams@naturalengland.org.uk).**

Yours sincerely,

**Alison Giacomelli  
Sussex and Kent Area Team  
Natural England**



Historic England

SOUTH EAST OFFICE

Sir/Madam Wheelabrator Kemsley  
Wheelabrator Kemsley

Direct Dial: 01483 252043

Our ref: PL00517268  
13 December 2018

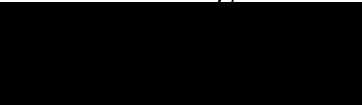
Dear Sir/Madam

**The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility, Sittingbourne, Kent**

Thank you for your letter of 30 November 2018 regarding the above site. On the basis of the information available to date we do not wish to offer any comments. We suggest that you seek the view of the specialist conservation officer or archaeology department at your local authority.

It is not necessary for us to be consulted again on this application unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely,



Maria Buczak  
Assistant Inspector of Ancient Monuments  
maria.buczak@HistoricEngland.org.uk



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020  
HistoricEngland.org.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 Greg Clark M.P.  
Secretary of State for Business, Energy and Industrial Strategy, Department for Business,  
Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Dated : 8<sup>th</sup> January 2019

Dear Mr Clark

**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**

Minster-on-Sea Parish Council based 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. Due to its serious concerns about a matter of great public importance, the Parish Council has asked me to share with you important information about the above proposals in the hope that you will recommend a refusal of Wheelabrator Technologies Inc.'s application for a Development Consent Order (DCO). In brief, although Minster-on-Sea Parish Council acknowledges that there are some benefits to the creation of more waste-to energy facilities , it has no choice but to strongly oppose the application on the following grounds: -

- The impact on the highway network particularly on the dumbbell Grovehurst Roundabout will be substantial. It 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 tonnes of waste will be carried by approximately 100,000 additional heavy goods vehicles (HGVs) 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” as is the case here. 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. Consideration should also be given to transporting the waste by barge via Ridham Dock as is undertaken by other plants of this type. 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.

- There is concern 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.

The Parish Council would welcome clarification as to whether the Wheelabrator K3 CHP was designed and constructed with a 75MW capacity or a 49.9MW capacity from the onset. If it is confirmed to be the former [75MW], it constitutes a Nationally Significant Infrastructure Project (NSIP) and an application for a DCO is required in keeping with the principles of the Planning Act 2008 and national planning policy for renewable energy infrastructure. It would also be beneficial to point out that the current application for a 25.1 MW additional output does not take into consideration the culminative effect of the plant/s.

To conclude, whilst bearing the above in mind, it appears that the applicant has not shown due diligence in understanding the impact of the proposal on the highway network and no consideration has been given to the required solutions. For these reasons and more Minster-on-Sea Parish Council asks you to refuse permission of the DCO. It suggests that the applicant seeks a solution that does not have a negative effect on the highway network. As it stands, the Parish Council believes Wheelabrator’s proposal is similar to the Grovehurst Roundabout in that it is not fit for purpose. I hope this clarifies Minster-on-Sea Parish Council’s position. Please do not hesitate to contact me if you have any questions or need any further information.

Yours sincerely

Trish Hamilton  
Parish Clerk

**SENT UNSIGNED TO AVOID DELAY**

Distribution List:

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

Mr David Harvey  
DHA PLANNING  
Eclipse House (Eclipse Park)  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

**Our ref:** KT/2018/125075/01-L01  
**Your ref:** DHA/13141  
**Date:** 18 January 2019

Dear Mr Harvey

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

**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**

Thank you for consulting us on the above. We have the following comments to make.

### **Flood Risk**

We are satisfied with the submitted Flood Risk Assessment and location of proposed buildings in relation to flood risk. The proposed buildings are shown to be raised above the 1 in 200 year (2115) flood level.

The proposed surface water outfall to the Swale will require a Flood Risk Activity Permit. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Groundwater and Contaminated Land**

We understand this application is to combine two previous applications.

On the understanding that there is no further significant construction on the K3 site, but only internal re-configuration we have no comments or requirements for the K3 site over and above our previous recommendations.

Environmental pollution control in the operational phase will be covered by the environmental permit.

On the additional WK site we would ask for similar requirements as have been previously agreed. Of particular concern would be the piling proposed and potential

Environment Agency

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[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



effects in the shallow secondary aquifer and associated surface waters and habitats. A piling risk assessment is required to be approved by the planning authority with consultation with us. Relevant groundwater monitoring should be undertaken before, during and after piling to indicate that preliminary risk assessments are valid and no additional actions or measures are required to address risks to surface waters connected to the secondary aquifer. The key concern is migration of perched waters in the made ground or landfill materials transmitting down installed piling through areas with thinner clay horizons into the secondary aquifer.

A requirements for a CEMP which covers all pollution management during construction should be put in place for any permission granted.

### **Installations Permitting**

We are aware of the proposals for the Wheelabrator Kemsley North Incinerator which will require a Permit under the Environmental Permitting Regulation 2016 (EPR). The Environment Agency does not propose to directly comment on the issues covered by the Environmental Permit Application. In particular, impacts to Air Quality, Habitats and Noise are subject to detailed audits during a permit application, which when complete, could be released to the inspectorate if required.

At this time, no application under EPR has been made. Initial discussions with the applicant have not identified any significant concerns over the proposal. The plant would be considered to be “new plant” and required to comply with the limits for new plant specified under the EU Best Available Technology (BAT) Conclusions document following publication of the BREF. We note the operator proposes a Stack Height of 90m but would reserve judgement as to whether this is suitable to our determination of the Permit Application when we will examine predicted ground level contributions.

Assessments on impact should be made in-combination of existing and proposed operations at the Kemsley Mill Installation. It is notable that background concentration will not include emissions from the K3 Incinerator (Wheelabrator) but will include those of the K2 Incinerator (E.On / DS Smith) which has ceased operating, and the K1 CHP Plant, emissions from which are anticipated to be lower when replaced by the K4 CHP proposals (insert DCO Application Number).

We hope you find our useful. If you have any queries please do not hesitate to contact me.

Yours sincerely

**Ms Jennifer Wilson**  
**Planning Specialist**

Direct dial 0208 474 6711

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

## David Harvey

---

**From:** Thomas Bulpit <Thomas.Bulpit@mcga.gov.uk>  
**Sent:** 30 January 2019 15:13  
**To:** 'info@wtikemsley.co.uk'  
**Cc:** navigation safety  
**Subject:** DHA/13141: Kemsley K3 Generating Station & Waste-to-Energy Facility - DCO Application

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Dear DHA Planning,

Thank you for your letter dated 30th November informing us of the proposed above application for a Development Consent Order. We note the original deadline of 10<sup>th</sup> January; regrettably due to existing workload MCA were unable to submit a response in time.

The MCA Navigation Safety Branch's remit is to consider potential impacts to the safety of navigation posed by proposed developments below the Mean High Water Springs (MHWS), and to advise suitable risk mitigation measures where appropriate.

Having reviewed the plans on the project website, we note that the works will border the River Swale, which is utilised by a number of recreational craft. In addition some larger vessels in the vicinity include users of the Hanson aggregate site to the North of the proposed development site.

MCA will wish to be consulted during the Planning Inspectorate Process, and intend to register as an interested party should PINS accept the application for examination. At that stage we will consider the proposed development in more detail. We would suggest that the developer includes a short section within the revised DCO commenting on any intent to use equipment or transport heavy material from the River both during and post construction.

Should you have any questions please feel free to contact us directly.

Best Regards,

Tom

**Thomas Bulpit, Marine Licencing Lead**

Navigation Safety Branch, DMSS  
Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
Direct: 020381 72418 | Mobile: 07825 792138  
Email: [Thomas.bulpit@mcga.gov.uk](mailto:Thomas.bulpit@mcga.gov.uk)



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

Your reference: **DHA/13141**  
Our reference: **DCO/2018/00017**

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

**By email only**  
14 December 2018

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**

Thank you for your letter to the Marine Management Organisation (the “MMO”) dated 30 November 2018, requesting consultation under Section 42 of The Planning Act 2008 for the proposed application by Wheelabrator Technologies Inc. for an Order granting Development Consent relating to the Wheelabrator Kemsley K3 generating station and Wheelabrator Kemsley North Waste-to-Energy facility.

**The MMO’s role in Nationally Significant Infrastructure Projects**

The MMO was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and Northern Irish offshore waters by way of a marine licence<sup>1</sup>.

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<sup>1</sup> Under Part 4 of the 2009 Act



In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the 2008 Act enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences<sup>2</sup>.

As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations.

Further information on licensable activities can be found on the MMO’s website<sup>3</sup>. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note<sup>4</sup>.

### **Kemsley K3 Combined Heat and Power (K3 CHP)**

The MMO is aware that planning permission for the Kemsley K3 Combined Heat and Power plant (K3 CHP) was first granted on 06 March 2012 by Kent County Council under reference KCC/SW/10/444 and has been subject to several amendments since that date. The current DCO proposal seeks to permit the K3 facility to operate to an upgraded power generation level of 75MW and to process an additional 107,000 tonnes of waste per annum.

On 21 December 2017 the MMO issued a marine licence (ref: L/2017/00482/1) for the construction and operation of an outfall to discharge clean surface water, via an attenuation pond, from the K3 CHP plant into the intertidal area of the Swale Estuary.

On 20 September 2018 the MMO submitted a response to a Scoping Opinion consultation request from The Planning Inspectorate, which concluded that the proposals to upgrade the K3 facility capacity did not fall within the legislative remit of the MMO, as the proposals are outside of the UK Marine Area as defined by Section 42 of The 2009 Act. Specifically, Appendix I of the ‘Request for a Scoping Opinion for Wheelabrator Technologies Inc.’ (‘Scoping Opinion’) illustrated that the application boundary is located entirely above Mean High Water Spring (MHWS) and the proposed power upgrade and throughput increase does not appear to impact upon L/2017/00482/1.

‘S42 Site Location Plan’ within this Section 42 consultation appears to support the conclusion of the Scoping Opinion consultation response with the K3 site, (Works Area 1 as illustrated on ‘S42 Works Plan’), shown as entirely above MHWS.

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<sup>2</sup> Section 149A of the 2008 Act

<sup>3</sup> <https://www.gov.uk/planning-development/marine-licences>

<sup>4</sup> <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>



## **Wheelabrator Kemsley North (WKN)**

The proposed application also seeks Development Consent to construct and operate a new waste-to-energy plant, Wheelabrator Kemsley North (WKN). The facility would comprise a single 125MWth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of up to 42MW.

The Scoping Opinion consultation response submitted by the MMO on 20 September 2018 also concluded that the application boundary for WKN was located entirely above MHWS. Furthermore, the scoping report contained no reference to any additional infrastructure, such as an outfall pipe, which may extend below MHWS.

Again, 'S42 Site Location Plan' within this Section 42 consultation request appears to support this conclusion with relation to the WKN site, (Works Area 2 as illustrated on 'S42 Works Plan'), shown as entirely above MHWS.

However, 'Appendix 10.2 Drainage Design Philosophy', submitted with the S42 documents, states at paragraph 2.7 that '*Surface water will be discharged offsite from the attenuation pond into the Swale Estuary to the east of the WKN Site*' and that '*Surface water will therefore be discharge un-attenuated via a new headwall adjacent to the existing headwall serving the neighbouring site.*'

'S42 Works Plan' within this Section 42 consultation identifies Work Area 7, which appears to correspond with the outfall licence area for L/2017/00482/1, and, from the plans submitted, is the only area of works which appears to fall below MHWS and therefore within the MMO's remit. However, there appears to be no further reference to this Work Area within the submitted S42 documents.

The MMO is aware of a recent Enquiry (ENQ/2018/00192) submitted to the MMO on 01 October 2018 in regard to the potential scope of a variation to Marine Licence L/2017/00482/1 (Kemsley Generating Outfall). It is not clear from the information provided whether the proposed outfall works will be carried out under marine licence or development consent.

'Appendix 11.2 Habitats Regulations Assessment Report' briefly references, at paragraph 6.20, the potential for noise disturbance during construction of the outfall and at paragraph 6.146 states that '*Construction of the new outfall will follow the same avoidance methods as for the first outfall, i.e. will only take place between 1st April and 31st September*' and that '*This avoidance measure will be secured via the Marine Licence.*'

It is understood that a new foul water drainage system for WKN will discharge offsite to the D.S. Smith waste treatment facility to the north of the WKN Site, via third party assets, and will not discharge to the Swale Estuary. The MMO has therefore concluded that the foul water drainage system and pumping station is located entirely above MHWS and is outside the legislative remit of the MMO.

## **Conclusion**

Clarification is required as to whether works in relation to the proposed outfall and new headwall for WKN will be carried out under marine licence (i.e. variation to L/2017/00482/1), under a new marine licence application, or via deemed marine licence incorporated into the current DCO application.

The undertaker for this DCO should contact the MMO to discuss licensing requirements should any additional works be required which are outside of the parameters of marine licence L/2017/00482/1.

Any works associated with Works Area 7 and falling below MHWS, (i.e. proposed outfall and new headwall) must be fully assessed in terms of potential impacts on the designated features of the Swale Estuary.

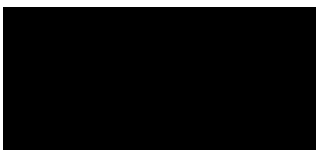
Please note that this response constitutes the MMO's initial comments, and that the MMO reserves the right to make further comments on this project throughout the determination process, and to modify its present advice or opinion in view of any additional information that may come to its attention.

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If you require any further information please do not hesitate to contact me using the details provided below.

Yours Sincerely,



Kathleen Mongan  
Marine Licensing Case Officer  
T: 020802 65326  
E: [kathleen.mongan@marinemanagement.org.uk](mailto:kathleen.mongan@marinemanagement.org.uk)

## David Harvey

---

**From:** Bowie, David <David.Bowie@highwaysengland.co.uk>  
**Sent:** 10 January 2019 08:44  
**To:** info@wtikemsley.co.uk  
**Cc:** Planning SE; Bradley, Alistair; Chaney, Kevin; Fisher, Rachael  
**Subject:** 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

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**For the attention of:** David Harvey

**Consultation:** 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

**Highways England Ref:** 6432

Dear David

Thank you for your letter dated 30 November 2018, inviting Highways England to comment on the above consultation and indicating that a response was required by 10 January 2018.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case particularly the A249 and the M2 in the vicinity of Sittingbourne.

Having reviewed the Transport Assessment (TA) (ES Appendix 4.1 dated 20 November 2018) we have the following comments:

### *General*

- The TA provided includes no appendixes or figures verification of some of the key assumptions and impacts is not possible at this stage.
- Para 1.9 states that “TA has been prepared in accordance with discussions and agreements with Highway Officers at KCC and Highways England.....” records of any agreements should be included within the TA appendices.
- Para 2.26 refers to June 2017 data for the M2 links east and west of the A249 and the links north and south of the Grovehurst junction being obtained from Highways England. This data should be fully referenced and appended.
- Para 2.27 to 2.30 – the analysis contains no listing / analysis or plot of the latest STATS 19 collision data, neither is this data referred to as being in an appendix. Without this the existing conditions and the potential impact on the SRN cannot be considered a this stage.

### *Future Year Traffic Flows*

- Para 5.1 states that discussion with HE have informed the future year assessment of 2031 – any scoping discussions should be detailed in Appendices.
- Section 5.3 to 5.5 states that, for 2021, 2024 and 2031 “*No TEMPRO growth rates have been applied to the base traffic flows as the quantity of development associated with the committed development exceeds the assumptions for projected development within TEMPRO*”. A comparison should be made to demonstrate that the assumptions made are robust and that they are comparable to TEMPRO.
- Para 5.24 – identifies developments that have been considered for the cumulative assessment: it is not 100% clear what constitutes the “cumulative assessment” and what it represents. For example how does it align with the Local plan to 2031 and does the assessment align with Webtag’s definition of uncertainty ?
- It is not clear how trip rates have been calculated and included for the future year developments – for example para. 5.33 states that “*MU3 allocation for residential – no application to date. Traffic flows associated with full occupation are included in the 2031 cumulative assessment. Traffic flows associated with construction are included in the 2024 assessment*” A table of what developments are included within each junction model scenario would help to clarify assumptions made.

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

#### *Construction*

- Para 6.19 states that based on original K3 assumptions, 75% of the movements assumed for the previous K3 application have been used as the WKN is a single line facility and K3 double - further evidence should be provided to explain this.
- Para 3.18 and 6.21 – peak construction outline a maximum of 45 HGVs per day and 482 workforce – there is no evidence of how this has been calculated.

#### *Operation*

- The HGV numbers quoted in section 3 for WKN (125 HGVs per day / 250 movements from 390k tonnes waste) and K3 (34 HGVs per day / 68 movements from 107k tonnes waste) are not evidenced. Details of how these numbers have been calculated should be provided. For example Para. 3.1 to 3.3 refer to the waste products being imported to the site but there is no mention of any exports from the site as per the 2010 application which included aggregates. Are these aggregates included in the daily movements quoted ?
- Para 6.50 - Staff arrivals and departures have been based on the K3 shift pattern. However section 4.1.7 of the 2010 application contradicts this stating that shifts are expected to be 07:00 to 14:00, 14:00 to 22:00 and 22:00 to 07:00. Is a different shift pattern now proposed ? It is not clear how the numbers presented in para 6.50 translate to table 6.4. For example the table indicates that 5 cars are expected to arrive at 21:00 whilst the text suggests that the shift starts at 19:00.
- Whilst the policy section refers to the need for a travel plan the TA does not mention that one will be produced. A Travel Plan should be prepared and agreed with the Highways Authorities in order to manage operational HGV and staff movements and minimise impact in peak hours.
- Para 6.6 and 6.48 states that “*HGV movements would be generated throughout the day and would typically be spread fairly equally in terms of hourly movements according to the percentages set out above,*” It is not clear where these percentages are set out. Therefore the figures in table 6.1 (and 6.4) cannot be verified.
- Para 6.12 and para 6.57 outlines assumptions regarding distribution of deliveries however it is not clear how these proportions have been determined and how they compare with assumptions in the 2010 TA for K3.

### *Transport Assessment*

- A Construction Traffic Management Plan should be prepared and agreed with the Highways Authorities that includes details of AILs required, travel plan for construction workers, optimising deliveries outside of the peak hours (08:00 to 09:00 and 17:00 to 18:00). It should also minimise conflict with other construction activities in the local and wider area such as for K4 to minimise disruption caused.
- In Tables 7.1 to 7.12 it would be useful to include numbers as well as percentages to help understand impact.
- Notwithstanding the comments above regarding definition of scenarios, Table 7.16 does not present a scenario of the “2031 base + cumulative development” traffic flows – therefore it is not easy to readily identify the impact of the proposed developments on junction performance.

### *Summary and conclusions*

- Para 8.3 states that “*the principle of up to eight movements in a peak hour is unlikely to have a significant impact.*” The overall trip generation on the A249 Grovehurst junction and the wider SRN in peak hours is not specified in the current TA however the numbers presented in the analysis suggest the overall impact is greater than 8 trips ?
- Para 8.6 states that the K3 and WKN proposals “*would not result in a severe impact upon the operation of the highway network.*” However, considering the comments above we do not currently have sufficient information to assess the potential transport impact of the development on the SRN and therefore cannot determine if the proposal will materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out in Department for Transport Circular C2/13, particularly para’s 9 & 10, and DCLG NPPF, particularly para 109.

The A249 and M2 Junction 5 experience congestion and are sensitive to increases in traffic at peak times; indeed Para 4.44 of the TA acknowledges that “congestion at M2 junction 5 is a barrier to development on Swale and capacity improvements required at A249 Key Street and Grovehurst”. Accordingly, in addition to the above, Highways England require a breakdown of the numbers of HGVs and cars in the AM and PM peak during construction and operation scenarios, as a minimum at these locations on the SRN. This is to ensure that the additional traffic from the development can be accommodated on the SRN without additional queues and delays.

It is also requested that the number of vehicle movements during peak hours (08:00 – 09:00 and 17:00 – 18:00) be avoided where possible / practicable and that this should be encouraged through a Construction Traffic Management Plan during construction and a Travel Plan during operation, particularly in the period prior to an improvement at the M2 Junction 5 being completed and opened to traffic

Considering growth in the wider area, it is understood that Swale Borough Council adopted the Local Plan ‘Bearing Fruits 2031’ with a number of Major Modifications as recommended by the Inspector following June 2017’s examination in public. One such modification related to the Plan being reviewed in detail at 5 years and that there was a requirement to determine the implications of the Local Plan on the operation of both the Strategic and Local Road networks and address any necessary requirements i.e. highway mitigations required to the end of the Local Plan period (2031) and at 2022 which covers the accepted 5 years.

This DCO application would fall outside of the Local Plan proposals which must now be considered as committed development. The highway mitigations sought on both the Local and Strategic Road networks will be designed to ensure that the traffic situation is no worse than currently experienced with the addition of the strategic developments i.e ‘a nil detriment’. Accordingly, the implications of the traffic impacts of the DCO proposals will need to be considered in the same way assuming full buildout of the Local Plan proposals. Accordingly

any worsening of traffic conditions resulting from the DCO proposals will require highway mitigation to ensure at least 'nil detriment' is achieved at full operation.

Without an understanding of what mitigations are required and a managed approach to the funding of such, there is insufficient information for us to be satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set in Department for Transport Circular C2/13, particularly para's 9 & 10, and DCLG NPPF, particularly para 109. ). Accordingly, based on the information presented, Highways England would be recommending that the application be refused.

Thank you again for consulting with Highways England. Please continue to consult us via our planning inbox: [PlanningSE@highwaysengland.co.uk](mailto:PlanningSE@highwaysengland.co.uk), as the application progresses.

Kind regards

**David**

**David Bowie**

**Area 4 Spatial Planning Team**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

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## David Harvey

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**From:** Stephen Vanstone <Stephen.Vanstone@thls.org>  
**Sent:** 10 January 2019 08:52  
**To:** info@wtikemsley.co.uk  
**Cc:** Trevor Harris; Russell Dunham  
**Subject:** The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility  
**Attachments:** Letter dated 30.11.18.pdf; RE: Proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility - EIA Scoping Notification and Consultation

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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  
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<https://www.trinityhouse.co.uk/legal-notice>

## David Harvey

---

**From:** Stephen Vanstone <Stephen.Vanstone@thls.org>  
**Sent:** 05 October 2018 12:02  
**To:** wheelabratorkemsley@pins.gsi.gov.uk  
**Cc:** Trevor Harris; Mariam Nagdi  
**Subject:** RE: Proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility - EIA Scoping Notification and Consultation  
**Attachments:** WKN - Statutory Consultation Letter\_.pdf

Good morning Alison,

With reference to your attached letter, as it appears there are no expected works to be carried out below the high water mark, Trinity House has no comments to make. However, should this change or not be the case, such works should be discussed with Peel Ports Medway in the first instance.

Kindest regards,

Steve Vanstone  
Navigation Services Officer  
Trinity House

---

**From:** Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN)  
[<mailto:WheelabratorKemsley@pins.gsi.gov.uk>]  
**Sent:** 07 September 2018 15:58  
**To:** Navigation  
**Cc:** Thomas Arculus  
**Subject:** Proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see the attached correspondence about the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility.

Please note that the deadline for consultation responses is **5 October 2018** and is a statutory requirement that cannot be extended.

Kind regards.

Alison

Alison Down  
EIA and Land Rights Advisor – Environmental Services Team  
Major Casework Directorate  
The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol BS1 6PN  
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Helpline: 0303 444 5000  
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## **APPENDIX 3.2**

### **S42 RESPONSES – STATUTORY UNDERTAKERS - 2018**



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NW1 2DN

T: 07710959611

E: [ben.medlock@networkrail.co.uk](mailto:ben.medlock@networkrail.co.uk)

Wheelabrator Technologies  
Portland House,  
(8th Floor),  
Bressenden Place,  
London SW1E 5BH

Your reference: DHA/13141  
Dated letter 30 November 2018

9<sup>th</sup> of January

Dear Sir/Madam

**R.E PROPOSED APPLICATION BY WHEELABRATOR TECHNOLOGIES INC. FOR A DEVELOPEMNT 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**

I refer to your letter in respect of the consultation under Section 42 of the Planning Act 2008 on Wheelabrator Technologies who intend to apply to the Secretary of State under Section 37 of the Planning Act 2008 for the Development Consent Order relating to the K3 generating station and WKN waste-to-energy facility in Kemsley Sittingbourne, Kent.

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

### **Impact on Network Rail Infrastructure**

Network Rail has been reviewing the information to date and at this stage it is not sufficiently detailed to fully assess potential impacts of the scheme on the railway and further information will be required to properly respond on the likely impacts of the proposed scheme.

Network Rail reserve the right to produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available.

Network Rail will be seeking protection from the exercise of compulsory purchase powers over operational land either for permanent or temporary purposes. In addition, Network Rail will wish to agree protection for the railway during the course of the construction works and otherwise to protect our undertaking and land interests. Network Rail reserve the right to

produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available. In addition, any rights for power or other lines under, over or alongside the railway line will require appropriate asset protection measures deemed necessary by Network Rail to protect the operational railway and stations. We have standard protective provisions which will need to be included in the DCO as a minimum therefore contact should be made to Janie Thorn, email: [Janie.Thorn@networkrail.co.uk](mailto:Janie.Thorn@networkrail.co.uk) to obtain a copy of the relevant wording, in addition, other agreements will need to be entered into with Network Rail. A number of legal and commercial agreements will need to be entered into, for example, [asset protection agreements, asset protections agreements, method statements, connection agreements, property agreements and all other relevant legal and commercial agreements]. This list is not exhaustive and will need to be reviewed once more details of the scheme are discussed between the parties.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land. In addition, security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk)

Network Rail is prepared to discuss the inclusion of Network Rail land or rights over land subject to there being no impact on the operational railway, all regulatory and other required consents being in place and appropriate commercial and other terms having been agreed between the parties and approved by Network Rail's board.

Network Rail also reserves the right to make additional comments once we have evaluated the proposals in more detail.

## **Summary**

NR would be grateful if the comments and points detailed within this consultation response are considered by Wheelabrator Technologies Inc.

NR would welcome further discussion and negotiation with Wheelabrator in relation to the proposed development.

If you have any questions or require more information in relation to letter please let me know.

Yours sincerely

Benjamin Medlock

**Town Planning Technician**

## David Harvey

---

**From:** Graham Buckley <Graham.Buckley@dft.gov.uk>  
**Sent:** 10 January 2019 17:03  
**To:** info@wtikemsley.co.uk  
**Cc:** Sarah Lomax; David Sexton; Network Services Briefing; sandra.palmer@networkrail.com; Graham Buckley  
**Subject:** FYI: Advance Notice of CPO/DCO Powers - industry notification - Kemsley Wheelabrator

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

Good afternoon

The Department for Transport is grateful for the opportunity to comment on this application. Whilst the Department does not object to the application, we are seeking further information regarding what land is planned to be compulsory purchased and whether this is in connection with the proposed enlargement of the site or the original scheme. We would be keen to see evidence that the scheme developers and the local authorities have considered with Network Rail what potential exists for a rail solution for the waste flows to the site? The Department notes a second waste to power plant, Kemsley North, at 42MW, is also proposed. The increase from 49.9MW to 75MW generating capability causes an application for an extra 107,000 tons of waste to be processed, from 550,000 to 657,000. The addition of a further 42MW generating capability adds a further 390,000 tons, taking the total annual waste processing capability to 947,000 tons, or around 2,600 tons each day. As the maximum load for a lorry would be in the region of 30 tons, an average of around 90-100 lorry movements a day into and out of the sites if the full generating capability is used is implied. In rail terms, this equates to two full containerised compacted waste trains. This is a large volume of material being moved and the Department notes that the environmental statement for the original 2012 scheme shows that all the waste material movements are expected to be by road. The Department would like to understand whether this assumption remains the same for this larger scheme. We would be grateful for further information in response to these points, as well as information on engagement with Network Rail as part of this process.

Regards  
Graham Buckley

**Graham Buckley | Briefing and Correspondence Manager, Rail Infrastructure South Directorate, Southeast, Anglia and Enhancements Portfolio, Department for Transport**  
3/23 | 0207 944 2167 | 07766 133561

---

**From:** Palmer Sandra [<mailto:Sandra.PALMER@networkrail.co.uk>]  
**Sent:** 14 December 2018 14:09  
**To:** [Nina.Johnston-Petrou@southeasternrailway.co.uk](mailto:Nina.Johnston-Petrou@southeasternrailway.co.uk); [donna.dowman@colasrail.com](mailto:donna.dowman@colasrail.com); [DBCargoConsultations@deutschebahn.com](mailto:DBCargoConsultations@deutschebahn.com); [procurement@drsl.co.uk](mailto:procurement@drsl.co.uk); [edejong@fta.co.uk](mailto:edejong@fta.co.uk); [hillm@freightliner.co.uk](mailto:hillm@freightliner.co.uk); EXTL: Ian Kapur <[Ian.Kapur@gbrailfreight.com](mailto:Ian.Kapur@gbrailfreight.com)>; [maggie@rfg.org.uk](mailto:maggie@rfg.org.uk); [brian@acorp.uk.com](mailto:brian@acorp.uk.com); [Design-OutCrime@btp.pnn.police.uk](mailto:Design-OutCrime@btp.pnn.police.uk); Network Services Briefing <[NetworkServicesBriefing@dft.gov.uk](mailto:NetworkServicesBriefing@dft.gov.uk)>; [John.Sears@Transportfocus.org.uk](mailto:John.Sears@Transportfocus.org.uk)  
**Cc:** Sprei Stephen <[Stephen.SPREI@networkrail.co.uk](mailto:Stephen.SPREI@networkrail.co.uk)>; Land Disposal (ORR) <[land.disposal@orr.gsi.gov.uk](mailto:land.disposal@orr.gsi.gov.uk)>  
**Subject:** Advance Notice of CPO/DCO Powers - industry notification - Kemsley Wheelabrator

Dear Customer/ Stakeholder

With a view to ensuring that our customers and stakeholders are kept informed as regards possible compulsory acquisition of our property, Network Rail would like to inform you of the following potential compulsory purchase order (CPO).

The details are as follows:

- 1) Acquiring Council/ Authority: Wheelabrator Technologies
- 2) Location/Description: Waste to Energy Facility, Sittingbourne, Kent
- 3) Contact Details: David Harvery Tel: 01622 776226 or [info@dhaplanning.co.uk](mailto:info@dhaplanning.co.uk)

Attached to this e-mail are the following

Section 42

Further information can be found at: [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)

For further enquiries Tel: 0800 062 2982.

We recognise that CPOs may reflect proposals that are consistent with, or beneficial to, the operation of the railway; but alternatively may afford constraints in respect of the future use or development of the railway. This information is provided on a preliminary basis in order that you may consider whether you are likely to have any interest that you would wish to pursue direct with the prospective acquiring authority (in which case we would be grateful if you will copy in Network Rail).

If you have any comments, could you please send them no later than 5pm on Thursday 10<sup>th</sup> January 2019 to Freepost Wheelabrator Kemsley or [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk). Could you please also copy in Network Rail.

Network Rail will in the meantime be considering its position on the potential CPO/DCO.

Regards

**Landinformation**

Onsite | Office | Online



**Sandra Palmer**

Clearance Administrator | Property | Network Rail

Land Clearance Team

Desk 47 | One Eversholt St | London | NW1 2DN

**Telephone:** 020 7904 7253 **Mobile:** 07880 503935

**Email:** [Sandra.palmer@networkrail.co.uk](mailto:Sandra.palmer@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

**Advance Notice: I am on leave Monday 10<sup>th</sup> December and Monday 17<sup>th</sup> December 2018**

**Please note: Any Land Clearances submitted will now be circulated w/c 7<sup>th</sup> January 2019**

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## David Harvey

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

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

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

# NATS

**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)



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**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](https://twitter.com/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 30 November 2018 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.

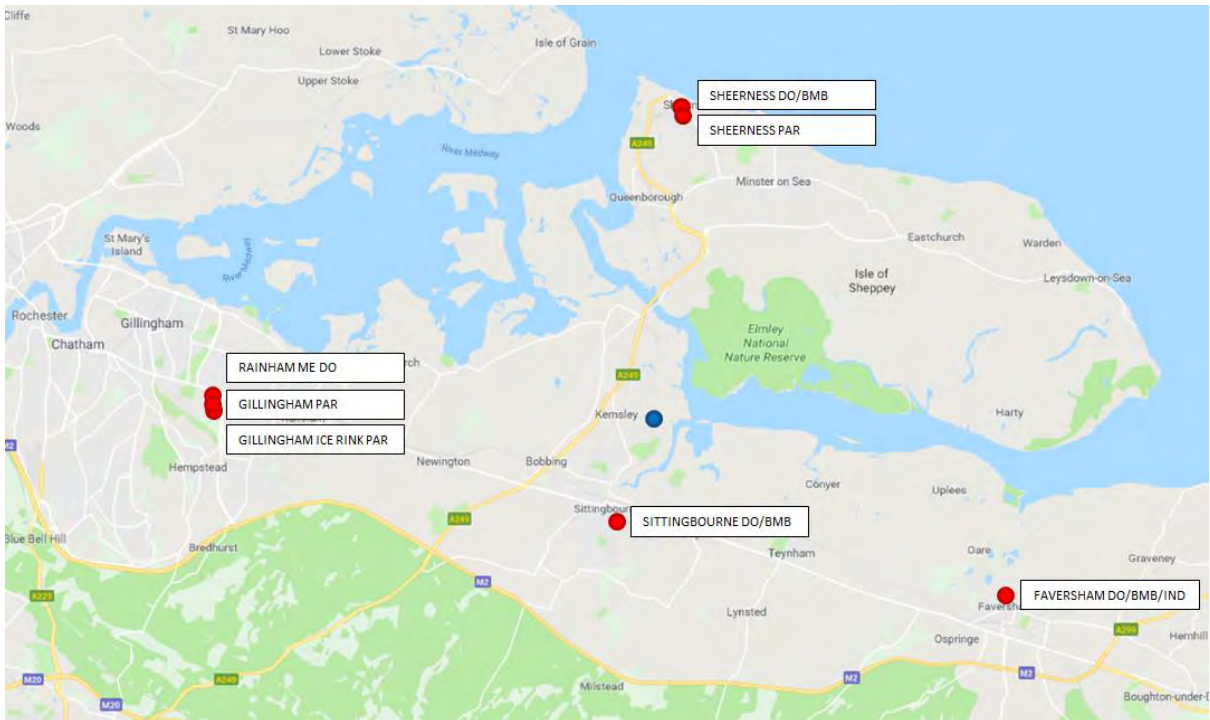
Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk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



Wheelabrator Kemsely  
Portland House (8th Floor),  
Bressenden Place, London  
SW1E 5BH

Developer Services  
Southern Water  
Sparrowgrove House  
Sparrowgrove  
Otterbourne  
Hampshire  
SO21 2SW

Tel: 0330 303 0119

Email: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

Your Ref

DHA/13141

Our Ref

Wheelabrator Kemsely

-24-12-2018

Date

03/01/2019

Dear Sirs,

**Development Consent Order-The Wheelabrator Kemsely K3 Generating Station and WKN Waste-to-Energy Facility, Sittingbourne, Kent**

**Protection of Southern Water Assets**

SWS is the statutory sewerage undertaker for the area of the proposed development. SWS has apparatus and interests in land which is the subject of the proposed application.

I enclose a spreadsheet listing the SWS's assets/easements in proximity to the proposed works, including approximate Grid references. You will need to obtain copies of SWS's records to ascertain the full extent of plant affected.

Please note: This is sensitive data and should not be placed on the public record. The information and data contained on these drawings are copyright to SWS and are provided as a guide to the approximate position and details of the assets listed in the documents accompanying this letter. SWS accepts no responsibility in the event of inaccuracy. The actual positions and details will need to be determined on site in all cases.

Appropriate protective provisions will be required to ensure the protection of SWS's assets and ensure that necessary provisions are in place to ensure that the apparatus can be maintained in perpetuity. Without such provisions the proposed application will have an unacceptable impact on SWS's assets.

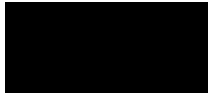
We look forward to hearing from you in due course, ideally to agree protective provisions in advance of the submission of your application for a Development Consent Order. Correspondence relating to this response should be sent to Stuart Ward at the above address.

The information and data contained on these drawings or supplied by any other means are copyright to Southern Water Services Ltd. and are provided as a guide to the approximated position and details of Southern Water Assets as listed above, but Southern Water Services Ltd. accepts no responsibility in the event of inaccuracy. This information must be treated with caution and the actual positions and details should be determined on site, in all cases.

Southern Water Services Ltd. records will not necessarily record the location or show information associated with private sewers which may have become public sewers under the transfer of private sewers.

Any sewers shown coloured yellow on the plans may be public highway drainage, culverted watercourses or private sewers and should be subject to Site Investigation to establish their ownership and function.

Yours faithfully



Claire Smith  
Developer Services

Tel 0330 303 0119

E mail [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)





Ref	Easting	Northing	Asset
Scale 1:826	592075	166324	Private communication pipe - unknown material
Scale 1:826	592098	166318	Operational foul sewer - 225mm vitrified clay
Scale 1:826	592075	166313	Operational foul manhole - node reference 0301
Scale 1:826	592048	166295	Operational foul sewer - 225mm vitrified clay
Scale 1:826	592024	166275	Operational foul manhole - node reference 0201
Scale 1:826	591993	166251	Operational foul sewer - 225mm vitrified clay
Scale 1:826	591969	166229	Operational foul manhole - node reference 9201
Scale 1:826	591922	166217	Operational foul sewer - 225mm vitrified clay

**Referred Drawing** <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010090/EN010090-000464-Applicant%20Submission%204.3%20-%2010392-0024-006%20-%20Land%20Plan%20D1.pdf>

# SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

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O.S. REF: TQ9266NW

Scale: 1:4079

Screen Print

**WARNING: BAC pipes are constructed of Bonded Asbestos Cement**

**WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement**



Printed By: kishoku

Date: 31-12-2018

Southern Water MapGuide Browser

Requested By:



## David Harvey

---

**From:** ESP Utilities Group Ltd <donotreply@espug.com>  
**Sent:** 13 December 2018 14:33  
**To:** info@wtikemsley.co.uk  
**Subject:** Your Reference: DHA/13141 Our Reference: PE137635. Plant Not Affected Notice from ES Pipelines

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David Harvey  
DHA Planning

13 December 2018

Reference: DHA/13141

Dear Sir/Madam,

Thank you for your recent plant enquiry at: (DHA/13141).

I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP Utilities Group Ltd are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

### **Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espug.com](mailto:PlantResponses@espug.com)

Yours faithfully,

Plant Protection Team  
**ESP Utilities Group Ltd**



Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA

 01372 587500  01372 377996

<http://www.espug.com>

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## David Harvey

---

**From:** Sophie Dawkins <Sophie.Dawkins@wwutilities.co.uk>  
**Sent:** 10 December 2018 15:15  
**To:** info@wtikemsley.co.uk  
**Subject:** FW: DHA/13141

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Good Afternoon,

With regards to your below request, this is not Wales & West Utilities area. This falls within Cadent's area, contact details for them below:

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)  
Telephone: 0800 688588

If you have any further questions please don't hesitate to contact me.

Many Thanks

Sophie

Sophie Dawkins  
Administrative Assistant  
Plant Protection Team  
Wales & West Utilities Ltd  
Wales & West House  
Spoooner Close  
Coedkernew  
Newport  
NP10 8FZ  
Tel: 02920 278912  
Email: [Sophie.dawkins@wwutilities.co.uk](mailto:Sophie.dawkins@wwutilities.co.uk)





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## David Harvey

---

**From:** Karen Thorpe <karen@harlaxton.com>  
**Sent:** 11 December 2018 09:28  
**To:** info@wtikemsley.co.uk  
**Subject:** The Wheelabrator Kemsley K3 Generating Station and WKN Waste-to-Energy Facility

[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 relevant information and material regarding The Wheelabrator Kemsley K3 Generating Station 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 has no comment to make on this project.

Kind Regards

Karen Thorpe  
Distribution Administrator  
0844 800 1813

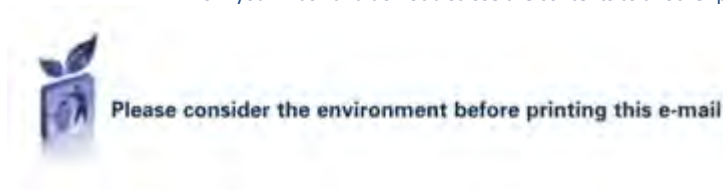


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Toll Bar Road, Marston, Grantham, Lincolnshire, NG32 2HT  
Registered Company Number : 7330883

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- 1 FEB 2019

**DHA Planning Ltd**  
Eclipse House, Eclipse Park,  
Sittingbourne Road,  
Maidstone, Kent  
ME14 3EN

Attn: **David Harvey**  
28<sup>th</sup> January 2019

Our ref:  
BQRA15/D19/811618/TR  
Your ref:

Dear Sirs,

**The Electronic Communications Code ("The 2017 Code"), Schedule 3A of the Communications Act 2003 as amended by the Digital Economy Act 2017.**

**Ref :- Openreach Diversions: K3 Generating Station, Kemsley, Sittingbourne, Kent ME10 2TD.**

Thank you for your letter and site details dated 2<sup>nd</sup> January 2019, regarding possible diversionary works. Please note that this enquiry has been dealt with by the Dartford Repayments Team due to a high volume of work in the Gillingham Office.

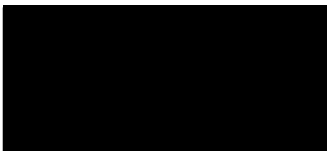
I enclose a plan / plans showing the approximate position of Openreach apparatus within your area of interest. Openreach records indicate that either no apparatus either exists or would be affected within the immediate area of your proposed works. Providing your proposed works does not involve alterations to the existing lines and levels, diversionary costs should not be incurred. Please note that a site survey has not been carried out at this stage, and therefore, if any Openreach apparatus is subsequently affected by your works, please contact us so that we can provide you with the necessary Estimate of Costs for alteration / diversion.

It should be noted our network is being enhanced on a daily basis. Therefore, to make absolutely certain no apparatus exists, we recommend you obtain on-site advice and confirmation of the location of Openreach apparatus by contacting: [cbyd@openreach.co.uk](mailto:cbyd@openreach.co.uk)

This service is free of charge, but please note that thirty working days notice is required for these services.

If you wish to discuss your proposal further, please do not hesitate to contact me.

Yours faithfully



## Legend

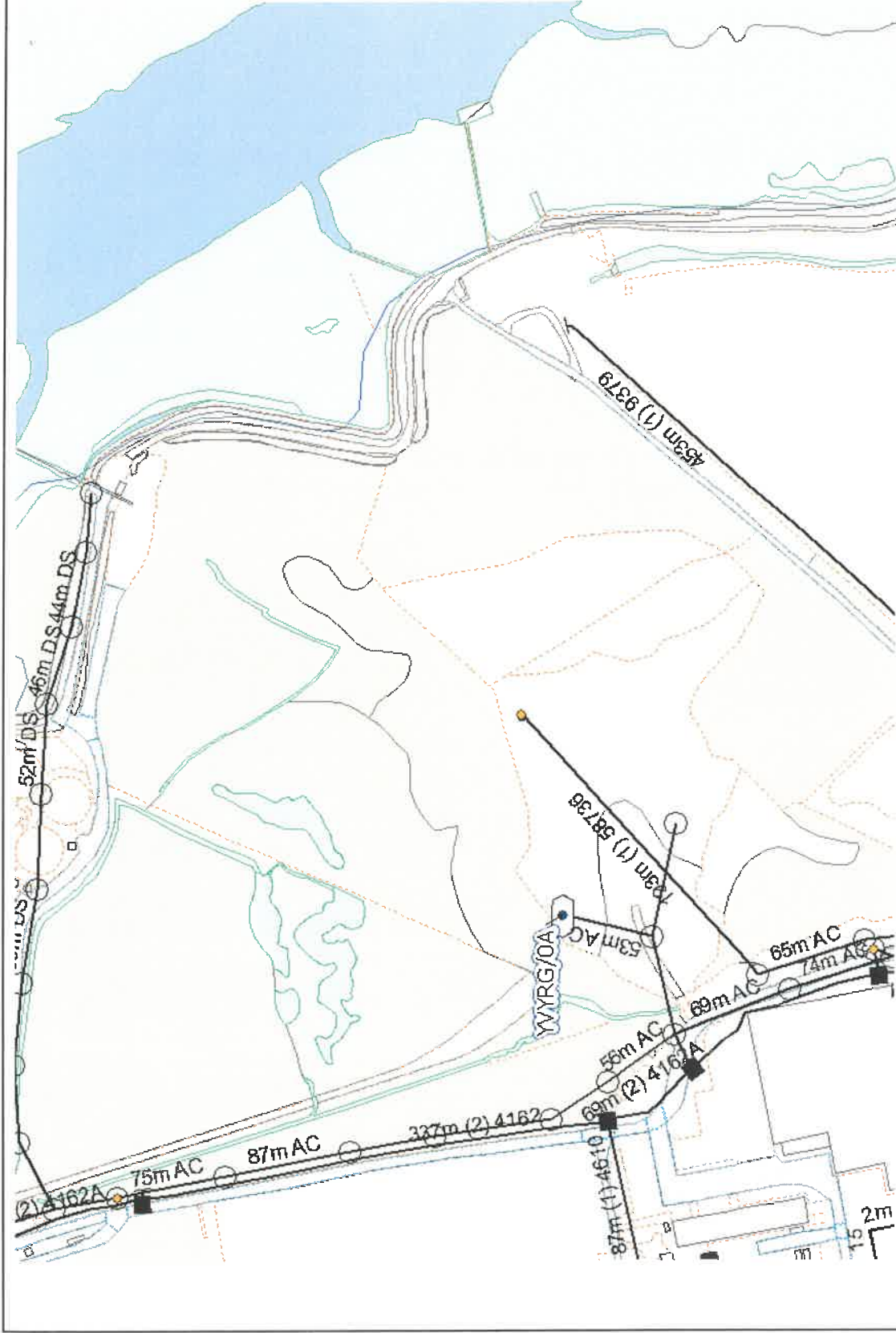
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- DUCT**  
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 TUNNEL  
 DUCT
- PROPOSED**  
 AERIAL  
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- STRUCTURE**  
 YCODE  
 CABINET SHELL  
 SPLIT COUPLING  
 POLE  
 KIOSK  
 MANHOLE  
 JOINTBOX  
 CHANGE OF STATE  
 DUCT TEE
- PROPOSED**  
 MANHOLE  
 JOINTBOX  
 DUCT TEE

Other proposed plant is shown using dashed lines.

BT symbols not listed above may be disregarded.

## IMPORTANT WARNING

Information regarding the location of OR apparatus is given for your assistance and is intended for general guidance only. No guarantee is given of its accuracy. It should not be relied upon in the event of excavations or other works being made near to OR apparatus, which may exist at various depths and may deviate from the marked route.



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Please quote Reference Number in all communications to this office

BT Reference No: BQRA15/D19/811618/TR Appendix A

Address: OS Ref: 592089166761

K3 Generating Station, Kemsley, Sittingbourne, Kent ME10 2TD

Exchange Area: Sittingbourne

Date: 28 January, 2019

openreach

## **APPENDIX 3.3**

### **S42 RESPONSES – LOCAL AUTHORITIES – 2018**

## **Decision Notice**

MC/18/3492



Wheelabrator Technologies Inc  
Wheelabrator Technologies Inc  
Portland House (8th Floor)  
Brassenden Place  
London  
SW1E 5BH

**Applicant Name:**  
Wheelabrator Technologies Inc

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR  
01634 331700  
01634 331195

Planning.representations@medway.gov.uk

### **Town and Country Planning Act 1990**

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**Location:** Wheelabrator Kemsley Generating Station,

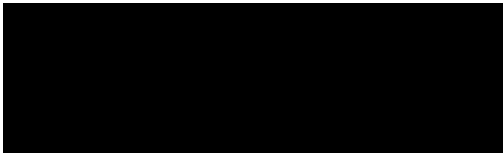
**Proposal:** Consultation under section 42 of the Planning Act 2008 (as amended) for a development consent order for the Wheelabrator Kemsley generating station and waste to energy facility

I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

- 1 Medway Council raise no objections to the proposed Development Consent Order application on the basis that the development would be unlikely to have direct or significant impact on the Medway Council administrative area.

### **Your attention is drawn to the following informative(s) :-**

- 1 This comment relates to the letter dated 30 Novemver 2018 from David Harvey at DHA Planning Ltd.

  
David Harris  
Head of Planning  
Date of Notice 10 January 2019

# TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

## TOWN AND COUNTRY PLANNING ACT 1990

### *Appeals to the Secretary of State*

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
  - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
    - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
    - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
  - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

[https://www.planningportal.co.uk/info/200207/appeals/110/making\\_an\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal)

### **Commercial Appeals Service**

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

### **All other Minor and Major Applications**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

### ***Purchase Notes***

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Case Officer: Alastair Curran  
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 December 2018



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

Dear Mr Harvey

**TOWN AND COUNTRY PLANNING ACT 1990  
PRE-APPLICATION ENQUIRY**

**Our Ref:** PRE18/00439  
**Proposal:** Proposed power upgrade to Wheelabrator.  
**Location:** Wheelabrator Kemsley Generating Station Power Upgrade, land east of Kemsley Paper Mill, Sittingbourne

Following your letters dated 30th November and 12th December regarding Wheelabrator Kemsley North and the increased gas turbine building height. I am writing to advise that Canterbury City Council have no comments to make at this time.

Yours sincerely

Alastair Curran  
Planning Services



DHA  
David Hervey  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

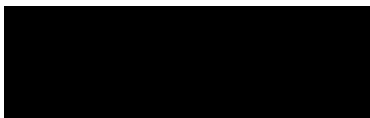
29 January 2019

Dear Sir or Madam

<b>APPLICANT:</b>	<b>DHA</b>
<b>DEVELOPMENT TYPE:</b>	<b>N/A</b>
<b>APPLICATION No:</b>	<b>18/506307/ADJ</b>
<b>PROPOSAL:</b>	<b>Adjoining Authority Consultation. Development Consent Order in for the construction and operation of a new waste-to-energy facility</b>
<b>ADDRESS:</b>	<b>Miscellaneous Kemsley Mill Ridham Avenue Sittingbourne Kent</b>

The Local Planning Authority has considered your proposals and we have raised NO OBJECTION.

Please refer to the report on this application which sets out in detail the appraisal and comments on the proposal <http://pa.midkent.gov.uk/online-applications>. Please refer to this in any further correspondence.



**Rob Jarman**  
**Head of Planning Services**  
**Maidstone Borough Council**

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**MKPS – Working in Partnership with:** Maidstone Borough Council  
**Please Note:** All planning related correspondence for MBC should be sent to:  
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ  
Email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)  
Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via  
[www.planningportal.gov.uk](http://www.planningportal.gov.uk)





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

## 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

### BY EMAIL ONLY

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



**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

**SW/10/444** - Development of a sustainable energy plant to serve Kemsley Paper Mill, comprising pre-treated waste fuel reception, moving grate technology, power generation and export facility, air cooled condenser, 2 no. stacks (90 metres high), transformer, bottom ash facility, steam pipe connection, office accommodation, vehicle parking, landscaping, drainage and access at Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

GRANTED – 6 March 2012

**SW/12/1001** - Formation of improved access road and associated development to serve Kemsley Sustainable Energy Plant at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

GRANTED – 5 November 2012

**SW/10/444/RVAR** - Details pursuant to conditions 6 (Rail Strategy), 10 (Contamination Risk), 11 (Buffer Management Zone), 12 (Environmental Management Plan), 13 (Archaeology), 14 (Landscaping) and 20 (Details of the Waste Bunker) of planning permission SW/10/444 at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 23 September 2013

**SW/10/444/R** - Application for a non-material amendment to the site layout at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 2 September 2013

**SW/13/1257** - Variation of condition 6 to provide the formation of improved access road and associated development to serve Kemsley sustainable Energy Plant (SW/12/1001) at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

GRANTED – 4 February 2014

**SW/14/506680** - Section 73 application to vary conditions 2 & 4 of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

GRANTED – 21 April 2015

**SW/10/444/RA** - Non-material amendment to building footprint and elevation and site layout as shown on amended plans at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 18 December 2015

**SW/10/444/RB** - Non-material amendments to site layout, building footprints, elevations and appearance of planning permission SW/10/444 at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 27 March 2017

**SW/10/444/RVAR** - Details of Rail Strategy (Condition 6), Buffer Zone alongside the Western Ditch (Condition 11), Environmental Monitoring & Mitigation Plan (Condition 12), Landscaping Scheme (Condition 14) and details of Storage Bunkers (Condition 20) pursuant to planning permission SW/10/444 at Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 27 June 2017

**SW/16/507687** - The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant at Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

GRANTED – 9 Feb 2017

**SW/17/502996** - Section 73 application to vary the wording of condition 16 of planning permission SW/10/444 (as amended by SW/14/506680) to allow an amended surface water management scheme at the Sustainable Energy Plant to serve Kemsley Paper Mill at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

GRANTED - 23 August 2017

**SW/18/503317** - Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

GRANTED – 11 October 2018

**SW/13/1257/R** - Application for non-material amendment relating to access road layout to serve Kemsley Sustainable Energy Plant at Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD

APPROVED – 21 December 2018

**SW/18/503317/R (INITIALLY SUBMITTED UNDER SW/10/444/R)** - Application for non-material amendments relating to built elevations, appearance and site layout at Kemsley Sustainable Energy Plant, Land North East of Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD

DETAILS APPROVED – 21 December 2018

(0113) 243 9161

Item C3

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent.**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 April 2011.

SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill, comprising Waste Fuel Reception, Moving Grate technology, Power Generation and Export Facility, Air Cooled Condensers, Transformer, Bottom Ash Handling Facility, Office Accommodation, Vehicle Parking, Landscaping Drainage and Access. Land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent. St Regis Paper Company Ltd and E. ON Energy From Waste Ltd. (MR. 922 665 )

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mr. M. Whiting and Mr. A. Willicombe

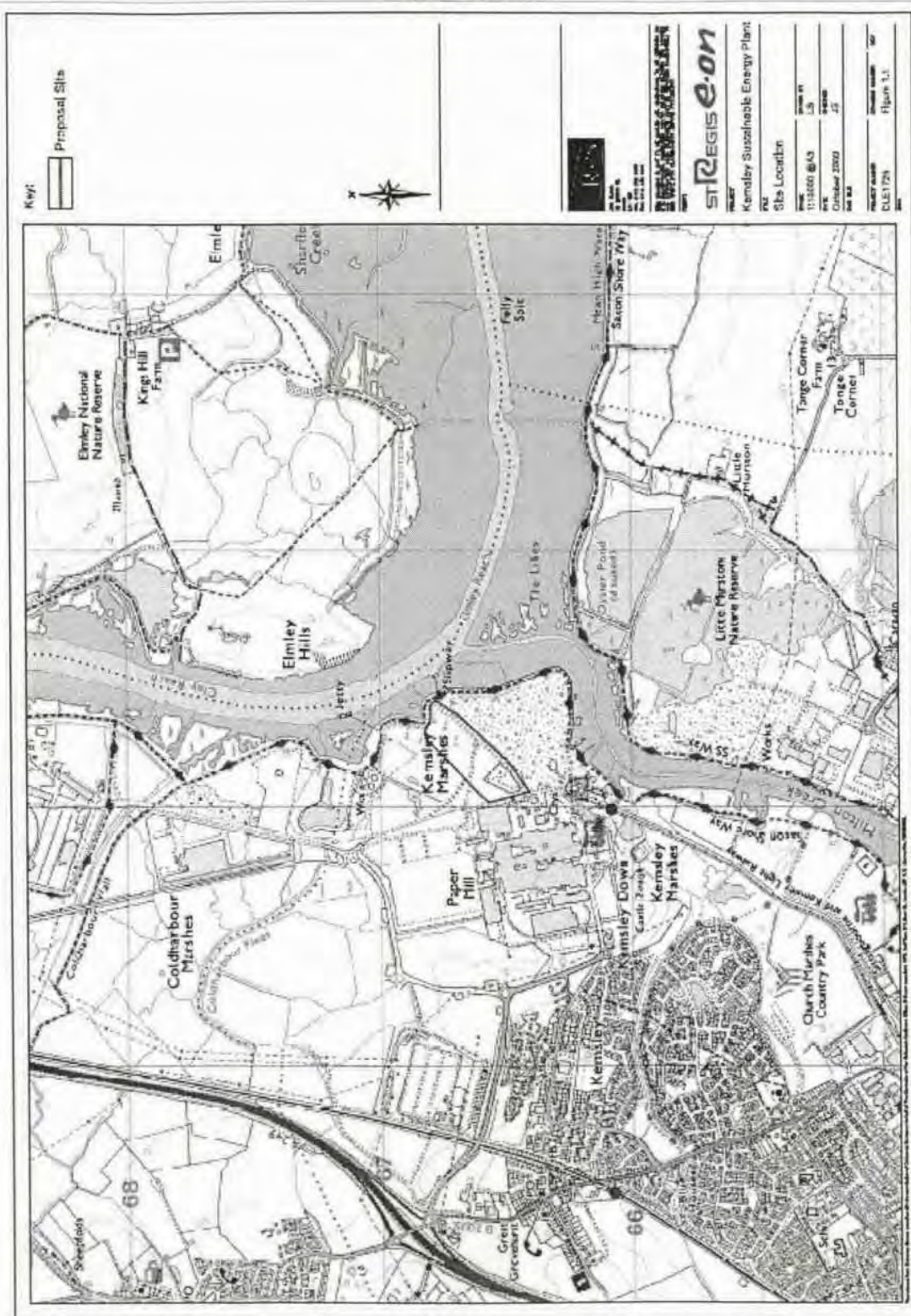
Unrestricted

**The Site and Background**

1. The proposed site is located to the north east of Kemsley, some 2 kilometres south east of Iwade and the A249. It adjoins the north eastern side of the existing Paper Mill and lies close to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes SSSI. These SSSIs are part of the Swale SPA and Ramsar Site and the Medway Estuary and Marshes SPA and Ramsar Site. The majority of the site is currently disused however the southern corner of the site contains a small area of storage for materials and vehicles with associated access tracks. Whilst there are no public rights of way which cross the site the Saxon Shore Way, a nationally important long distant footpath, runs along its northern boundary. See site location plan and aerial photograph below.
2. Members visited the site in July last year when they were able to hear the applicants explain the overall context of the proposed scheme and view the site in the context of the wider surroundings. ( A note of the visit is attached under Appendix 1 ).

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

Site Location



Kw/ Proposal Site



Kemsley Sustainable Energy Plant

Site Location

Project No: SW/10/444  
 Date: 01/08/2010  
 Scale: 1:10000  
 Author: J.S.  
 Check: J.S.  
 Date: 01/08/2010

Project No: SW/10/444  
 Date: 01/08/2010  
 Scale: 1:10000  
 Author: J.S.  
 Check: J.S.  
 Date: 01/08/2010



**SW/10/444 - Development of a Sustainable Energy Plant to serve  
Kemsley Paper Mill. Land to the East of Kemsley Paper Mill,  
Kemsley, Sittingbourne, Kent**

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Aerial View of Site

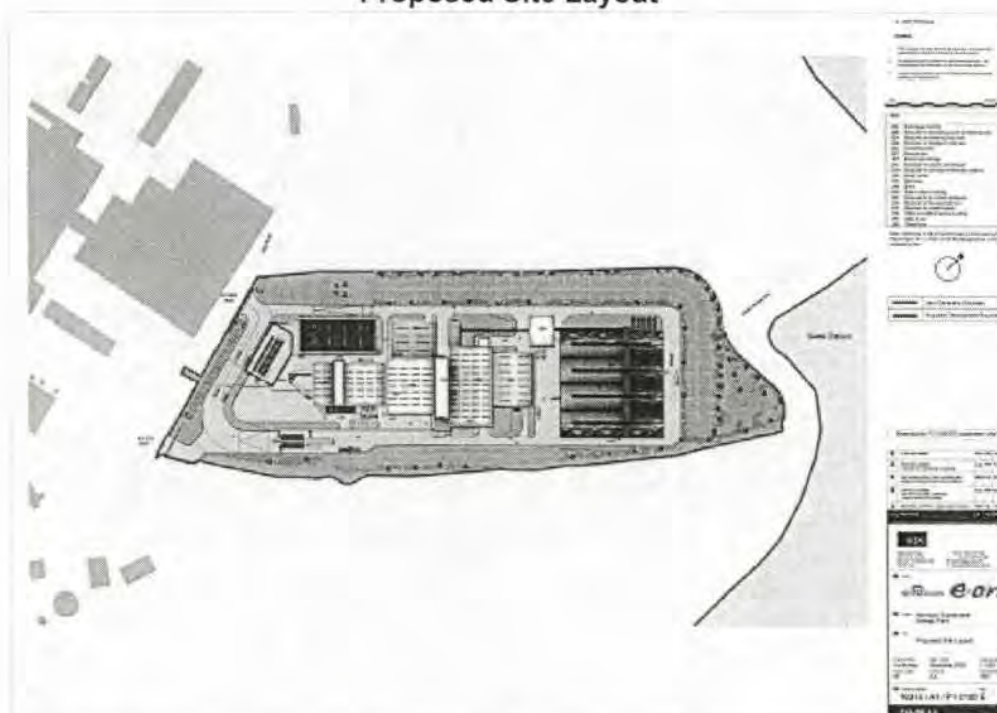


**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

**Proposal**

3. It is proposed to construct a Sustainable Energy Plant (SEP) within 7.0 hectares of land at the existing Kemsley Paper Mill Site, Sittingbourne, Kent. The proposed development footprint comprising of the plant and associated facilities would occupy some 4.6 ha in total (see site layout and elevational details), and consist of a reception hall and bunker, boiler house, 2 stacks (90m), flue gas treatment, air cooled condensers, Bottom Ash (BA) building, disabled car parking landscaping, and access. The main bulk of the building would extend to a height of some 50 metres.

**Proposed Site Layout**



4. The application site has previously been found to contain protected species. Although there would be a net loss of the existing habitat on site it is proposed that as part of the development new habitat would be created around the outside of the development footprint consisting of attenuation lagoons into which clean surface water would drain in order to encourage the colonisation by species consistent with the UK Biodiversity Action Plan. Also, prior to site construction, any existing species found present would be translocated onto newly formed habitat on an adjoining area which has been subject to previous landfilling with waste from the Paper Mill. In addition it is further proposed to provide around 1 hectare of reedbed habitat in a more remote area considered suitable for use by the breeding Marsh Harrier.
5. The applicants propose to use approximately 500,000 to 550,000 tonnes of pre treated waste per annum as a fuel source. Waste would comprise Solid Recovered Fuel Waste, Commercial and Industrial waste and pre treated Municipal Solid Waste, which may include up to 25,000 tpa of waste plastics arising from the adjoining paper making process. It is intended that the waste would be sourced from within Kent, with the

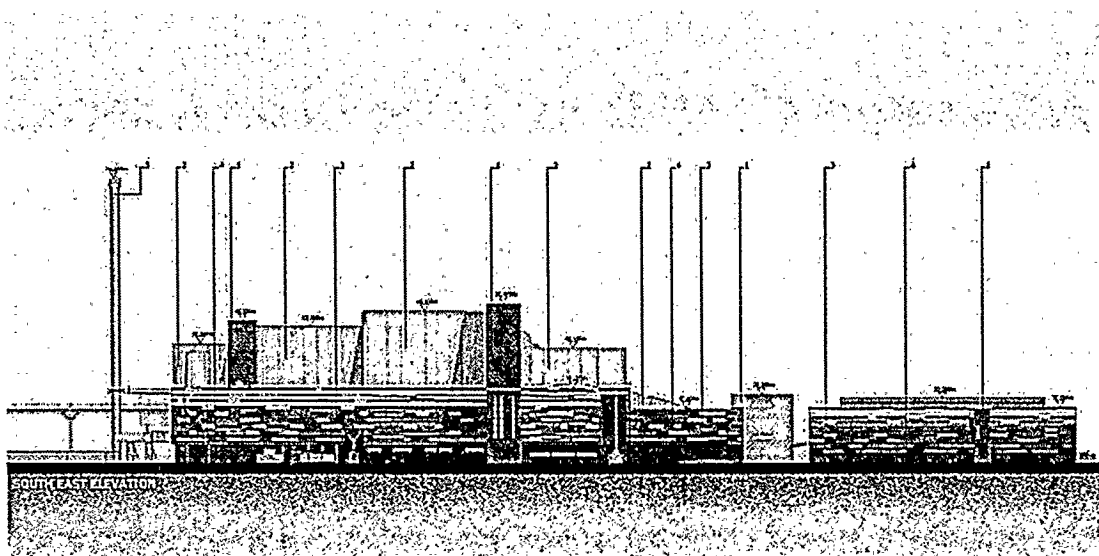
**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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balance from London, the South East and elsewhere in the UK subject to commercial viability. The SEP would use the waste as a fuel to recover energy producing some 48.5 MW per hour of electricity and provide in excess of 50 MW per hour of steam to the mill.

6. The energy requirements at Kemsley paper mill are currently met on site by a Combined Heat and Power (CHP) plant which is fuelled by natural gas, a fossil fuel based energy source, and by a Waste to Energy plant which burns rejects from the paper making process. The applicants state that the mill's energy cost is some £50m per annum representing 25% of turnover. With the pricing of natural gas having become extremely volatile in recent years and with the European market less deregulated than the UK, the applicants claim this has put Kemsley Mill and other UK operators at a disadvantage to their European competitors, as a result of which 22 paper mills have closed in the UK over the last 5 years including 3 in Kent. With the UK becoming more reliant upon imported natural gas, the applicants are concerned about the future supply of natural gas on which their operations currently rely.
7. Although natural gas will remain as a significant source of energy for the mill, the applicants argue there is a clear need for Kemsley Mill to diversify its fuel source and, in so doing, to reduce its reliance on fossil fuel based energy sources. They claim the proposed SEP would therefore ensure a greater degree of energy supply security and improve the competitive position of the mill.

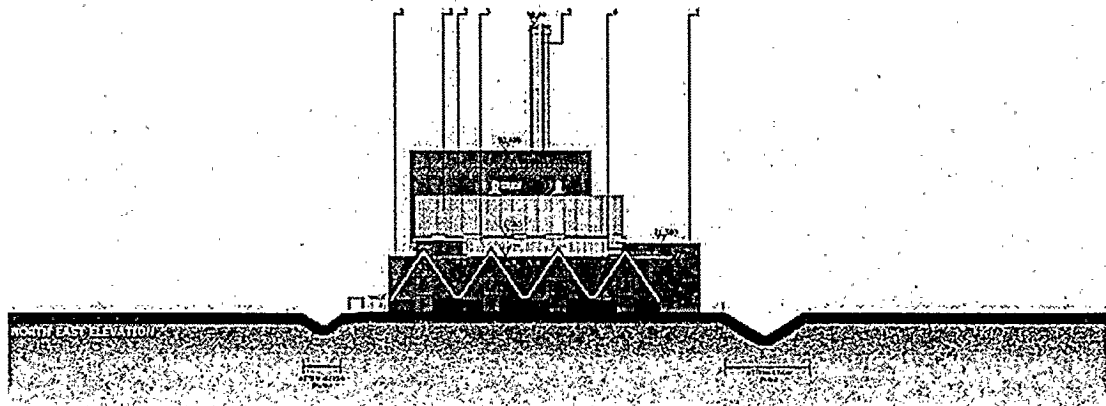
**South East Elevation**



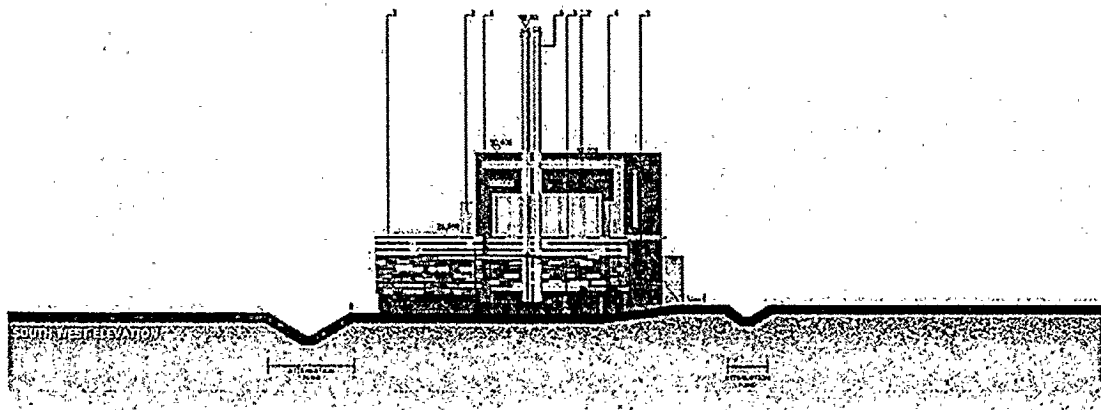
**SW/10/444 - Development of a Sustainable Energy Plant to serve  
Kemsley Paper Mill. Land to the East of Kemsley Paper Mill,  
Kemsley, Sittingbourne, Kent**

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North East Elevation



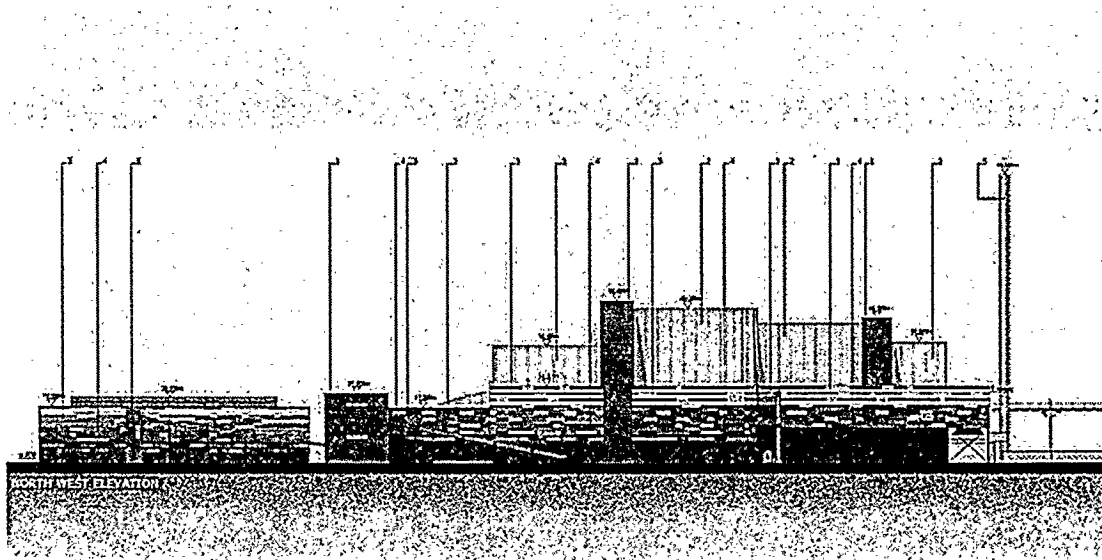
South West Elevation



**SW/10/444 - Development of a Sustainable Energy Plant to serve  
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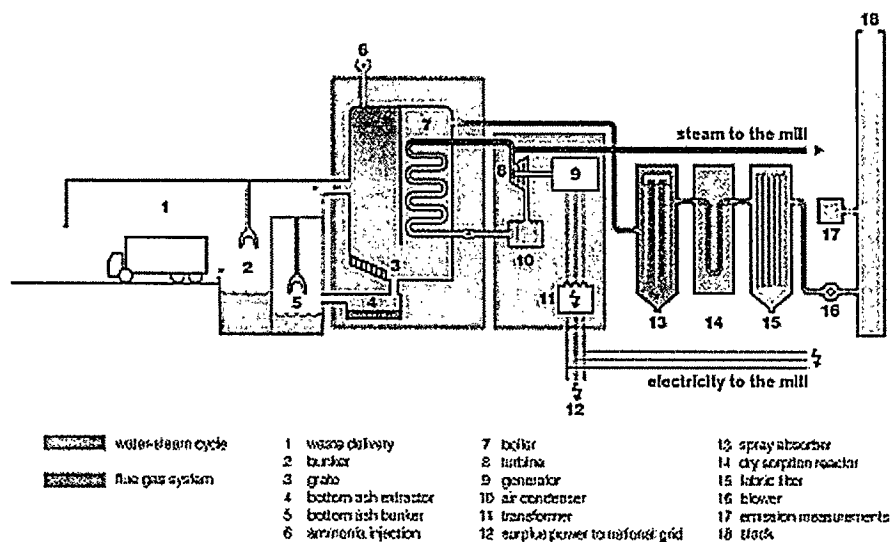
North West Elevation

*Process*

8. Waste would be delivered to the plant by Heavy Goods Vehicles within enclosed containers. Loads would be weighed upon entry to the site at a weighbridge located at the site entrance and then vehicles directed to a reception hall using a dedicated circulatory access road within the site. The waste would be tipped into a bunker which is designed to accept up to 3000 tonnes per day, and processed through a thermal treatment process at a rate of up to 2 x 37 tonnes per hour. Within the bunkers the waste fuel would be mixed by two hydraulic grabs to provide an homogenous mix to the plant before being fed into charging hoppers which in turn feed the grate stoker furnace located within the boiler house.

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

Flow diagram of the SEP process



9. The fuel bunker would be ventilated under negative pressure by the primary air fan. During normal operation the exhaust air would be fed into the incineration system. During downtime the extracted air is ventilated through a separate activated charcoal filter and discharged through a vent pipe on the roof of the bunker.
10. The combustion grate is where the combustion of the waste would take place. The charging hopper passes into a shaft, the fuel in this shaft would work as a gas tight seal between the combustion chamber and the bunker. Hydraulically driven ram feeders are used to evenly distribute the incinerator charge along its extent and transport it to the grate area. The grate is designed as a multi line sliding grate/feed stoker and longitudinally consists of four separate grate zones.
11. The ash hoppers beneath the grate discharge into a water quench slag extractor. The burnt up slag at the end of the grate falls into the water quench via the bottom ash hopper. A slat conveyor carries ash and slag out of the water quench to a slag bunker via a belt conveyor.
12. Back up burners fuelled by light fuel oil would be located above the grate and would allow for start up from a cold state and as a supplementary firing means to ensure a minimum operating temperature of 850 °C as necessary.
13. Primary combustion air will be fed into the furnace through the underside of the grates by a primary air fan. Secondary air will also be injected at high velocity through nozzles positioned in the walls of the combustion chamber above the level of the waste. This will create turbulence, which assists in mixing the secondary air and combustion gases to achieve complete combustion of the gases. The volume of both primary and secondary air would be regulated by an automatic combustion control system.

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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14. The steam generation system is located above the grate. The steam generating environment operates within a pressure of 48bar and 410°C. This minimises chloride corrosion to the heating surfaces. The pipe walls of the first, second and third exhaust flue as well as those of the horizontal flue constitute the evaporator heating surfaces, where at first saturated steam would be generated. The horizontal flue would contain a convection, heating surfaces suspended in the flue gas flow and super heater and feed water heater (Economiser). The flue gas would be ventilated from the grate via the four passes in to the flue gas treatment system behind the horizontal flue.

*Energy Recovery*

15. The steam produced would be used to drive a steam turbine which in turn would drive a generator producing electricity transformed to a voltage distribution of 400V and to 700V to supply the plant itself. Surplus electricity would be exported from the plant and fed to the grid via a transformer at 132kV. Low pressure steam would also be extracted for use as process steam within the paper mill. The steam would be fed to the mill over a bridge which crosses the internal site road to the west of the proposal site.

*Flue Gas Treatment*

16. Combustion gases would be cleaned before they are released to the atmosphere. The flue gas treatment system is a dry conditioned flue gas treatment system. The final configuration and design of the abatement plant would be agreed with the Environment Agency as part of the Environmental Permitting authorisation process. The flue gas treatment (FGT) system would be designed to be compliant with the EC Waste Incineration Directive and which would be enforced by the Environment Agency through conditions attached to the facilities Environmental Permit. The proposed flue gas treatment process is able to precipitate acid components to a minimum. The flue gas from the grate is cleansed of any acids or other compounds by a process which turns nitrogen oxides (NOX) produced during combustion by non catalytic conversion to nitrogen and steam. The reducing agent used is ammonium hydroxide, which reacts with nitrogen dioxide of the flue gases within a temperature range of 850 - 950oC. Approximately 20% by weight of the total ash produced by the sustainable energy plant would be in the form of fly ash and reaction product FGT. Thus assuming a 90% load factor it is expected that approximately 28,000 tonnes of fly ash and reaction FGT residue will be produced per annum.
17. Once collected, the ash will be loaded into sealed containerised vehicles and transported from the site for disposal within a permitted facility.
18. Bottom ash would represent around 20% to 25% of the waste throughput equating to up to 138,000 tonnes per annum. Ash from the slag bunker would be transported to a separate slag treatment system on site where it would be crushed into a graded material. Ferrous and non ferrous metals would be recovered together with any unburnt material being returned to the fuel bunker. The ash would be graded and stored in rows within an enclosed building for a period of three months during which time it would mature improving its ability to be used for construction purposes off site. Any ash not sold would be treated as a waste product and also be removed off site to an authorised facility.

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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19. Clean exhaust gas would be directed to the stack by an induced draft fan and an exhaust silencer would control sound emissions at the stack outlet. The applicant indicates that each processing line would be served by a stack with a height of 90 metres located at the south western end of the building. The applicant states that the height has been determined through dispersion modelling of emissions and evaluation of the resulting dispersion plumes so that ground level concentrations of key pollutants are maintained within acceptable levels under all operating conditions.

**Access to the Site**

20. The applicants proposal assumes all waste would be delivered to the site by road, however they indicate that they are pursuing other options for delivery by water and/or rail should this be found to be practicable and viable. There are two points of vehicular access available to the existing Kemsley Paper Mill. The southern access is via Ridham Avenue to the south of the mill site. The other site access is located at the north-east corner of the site and is accessed via Barge Way. It is proposed that staff and visitors would use the existing southern access and that HGVs accessing the site delivering waste would use the existing northern access. It has been assumed that all HGVs would travel from junction 5 of the M2 via the A249 and Swale Way. Overall, the SEP would generate some 258 daily HGV movements which would equate to 22 movements per hour.

**Proposed Working Hours**

*Construction Stage*

21. Construction work would include civil engineering works associated with the plant construction and the process work involved in the mechanical and electrical equipment installation, fit out and commissioning of the plant. The applicants propose that construction activities would take place between:

0700 and 1900 Monday to Friday, and  
0700 and 1600 Saturday and Sunday

with the exception of non-intrusive activities which would take place outside of the above.

*Operational Stage*

22. The applicants are seeking permission to enable the SEP to operate on a continuous 24 hour basis, 7 days a week. However waste deliveries would be restricted to between the following times:

0700 and 1800 hours Mondays to Fridays, and  
0700 and 1300 hours on Saturdays



**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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23. The application is accompanied by an environmental statement which includes an assessment of the possible effects of the proposed development in relation to the existing conditions on site and its surroundings. Having regard to the specified information as required under the Town and Country Planning ( Assessment of Environmental Effects ) Regulations 1988 ( as amended ), the following key matters have been taken into account;

- (i) Need
- (ii) Traffic
- (iii) Air Quality
- (iv) Landscape and visual Impact
- (v) Nature Conservation
- (vi) Hydrology
- (vii) Noise
- (viii) Socio Economic Impacts

**National, Regional and Local Planning Policy Context**

24. The original members briefing note initially set out the relevant policy considerations in relation to the proposed development. The South East Plan (SEP) referred to in that note in the meantime was abolished and later reinstated pending the enactment of the Localism Bill. Members will be aware that that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However, the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarification on how much weight should be given to the RSS in the light of the intention to revoke.

25. The key National and Development Plan Policies most relevant to the proposal are summarised below:

*Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - Encouraging decisions taken on planning applications to contribute to the delivery of sustainable development. The Supplement to PPS1 – Planning and Climate Change sets out how planning should contribute to reducing emissions and stabilising climate change. Tackling climate change is a key government priority in the planning system.

*Waste Strategy 2007* – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled. Energy should be recovered from other waste where possible.

*Planning Policy Statement 7 (PPS7): Biodiversity and Geological Conservation* – This sets out planning policies on protection of biodiversity and the geological conservation through the planning system.

*Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management* – Underlines the importance of planning for and consenting the necessary number and

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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range of facilities in order to ensure that adequate provision is made for the future management of our waste.

The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.

Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.

*Planning Policy Statement 22 (PPS22): Renewable Energy* – This sets out the valuable role that renewable energy can play in meeting Governments' commitment to addressing the impacts of climate change and maintaining reliable and competitive energy supplies. Renewable energy will contribute to the Governments' sustainable development strategy by meeting energy needs, reducing greenhouse gas emissions and the impact of climate change, the prudent use of natural resources and a reduction in the reliance on fossil fuels. Development proposals should demonstrate any environmental, economic and social benefits as well as how environmental and social impacts have been minimised through careful consideration of location, scale and design.

In decision making local planning authorities should also have regard to the following key principles. Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed : development plan policies should promote and encourage such development ; the wider environmental and economic benefits of renewable energy projects irrespective of scale should be given significant weight in decision making ; assumptions about the technical and commercial feasibility of the project is not a consideration and developments should demonstrate any environmental, economic and social benefits as well as how any environmental benefits have been minimised through location, scale and design considerations.

*Planning Policy Statement 23 (PPS23): Planning and Pollution Control* – LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co operation with the E.A. and or the pollution control authority and other relevant bodies. It states that controls under the planning and pollution control regimes should compliment and not duplicate each other. In considering proposals LPAs should take account of the risks of pollution and land contamination and how these can be managed or reduced. The policy advice is clear in that the Planning System should focus on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than the control of those processes or emissions themselves. Planning Authorities should work on the assumption that the relevant control regime will be properly applied and enforced . The need to avoid duplication in regulatory processes is reiterated in the supplement to PPS1 Planning and Climate Change.

*Planning Policy Statement 24 (PPS24): Planning and Noise* – Outlines the consideration to be given to those developments with the potential to generate noise and the

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need to ensure that adequate mitigation can be put in place to prevent any adverse effects on nearby noise sensitive land uses.

*Planning Policy Statement 25 (PPS25): Development and Flood Risk* – The aim of planning policy should be to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct developments away from areas at high risk. Where new development is necessary in such areas policy aims to make it safe without increasing flood risk elsewhere.

**26. The South East Plan May 2009**

- Policy CC1:** The principle objective of the Plan is to achieve and to maintain sustainable development in the region by prioritising amongst other matters; sustainable levels of resource use, reducing greenhouse gas emissions and ensuring the South east is prepared for the inevitable impacts of climate change.
- Policy CC2:** Measures to mitigate and adapt to climate change implemented through the application of local planning policy and other mechanisms recognising that behavioural change will be essential in implementing this policy.
- Policy NRM1&2:** Seek to protect groundwater supply avoiding adverse effects on water Quality.
- Policy NRM5:** Avoidance of net loss of biodiversity
- Policy NRM9:** Improvements in air quality.
- Policy NRM11:** Gives support for renewable energy and encourages LPAs to promote and secure greater use of renewable energy in new development.
- Policy NRM13&14:** Set out regional renewable energy targets and sub regional targets for electricity generation.
- Policy NRM16:** Requires LPAs to support in principle the development of renewable energy and to take into account what contribution new development could make towards meeting renewable energy targets and carbon dioxide savings.
- Policy W3:** Requires Waste Authorities and waste management companies to provide management capacity sufficient to achieve regional self - sufficiency together with a declining amount of waste from London.
- Policy W4:** Requires Waste Authorities to aim for net sub-regional self-sufficiency.

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- Policy W5: Targets for diversion from landfill. A substantial increase in recovery of waste and a commensurate reduction in landfill is required in the region.
- Policy W12: Support for other recovery and diversion technologies including the combined generation and distribution of heat and power.
- Policy W17: Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites good accessibility from existing urban areas or major new or planned development, good transport connections, compatible land uses, including previous or existing industrial land use, contaminated or derelict land and be capable of meeting a range of locally based environmental and amenity criteria.

**27. Kent Waste Local Plan Saved Policies (Adopted March 1998)**

- Policy W11: Identifies this site as being suitable in principle for a Waste to Energy Plant
- Policy W17: Requires regard to be had to air quality and its cumulative effects such that emissions will not adversely affect neighbouring land uses
- Policy W18: Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of:-
- (i) noise
  - (ii) dust, odours and other emissions
  - (iii) landfill gas
- Particularly in respect of its potential impact on neighbouring land uses and amenity.
- Policy W19: Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and groundwater resource interests will be protected and that where necessary a leachate control scheme can be devised, implemented and maintained to the satisfaction of the planning authority.
- Policy W20: Before granting planning permission for a waste management facility the Planning Authority will need to be satisfied that proposals have taken account of drainage and flood control.
- Policy W21: Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and

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ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

**Policy W22:** When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-
  - (a) the safety (or would exceed the capacity) of the highway network
  - (b) the character of historic rural lanes
  - (c) the local environment including dwellings, conservation areas and listed buildings.
- (ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

**Policy W25:** When considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, the planning authority will ensure that:-

- (i). facilities are grouped to prevent sprawl and the spreading effects, and to assist screening.
- (ii) Advantage is taken of topography and natural cover.
- (iii) Designs and means of operation minimise visual and noise intrusion.
- (iv) Appropriate colour treatment is provided, to reduce their impact and to assist their integration into the local landscape.

**Policy W27:** Securing and considering the interests of users of the Public Right of Way

## **28. Swale Borough Local Plan**

**Policy SP2:** In order to provide a robust, adaptable and enhanced environment, planning policies and development proposals will protect and enhance the special features of the visual, aural, ecological, historical,

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atmospheric and hydrological environments of the Borough and promote good design in its widest sense.

Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will require adverse impacts to be minimized and mitigated. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

- Policy E12:** Sites designated for their importance to biodiversity or geological conservation.
- Policy B2:** Providing for new employment.
- Policy U3:** Renewable Energy - The Borough Council will permit proposals for renewable energy schemes where they demonstrate environmental, economic and social benefits and minimise adverse impacts. Before planning permission is granted, the Borough Council will consider such matters including the contribution to the regional requirement for
- Policy B10:** Ridham as an existing committed employment site.
- Policy B11:** Identifies the area in which the application site falls as having outline permission for a mix of employment uses including general industrial and storage and distribution. In this context the Borough Local Plan considers the area to be of strategic importance and considers it is unique within the borough and the wider sub-region for the range of plot sizes it can accommodate.

## 29. Consultations

**Swale Borough Council:** No objection subject to conditions covering landscaping, construction materials. investigation of use of rail infrastructure, fuel source, hours of working.

**Iwade Parish Council:** Considers the application remains speculative at this stage given that the source of the waste has yet to be determined. The application does not meet the general principles of Best Practicable Environmental Option given that it raises ecological issues would include waste imported from London and the south east and elsewhere contrary to the proximity principle and generate greenhouse gases through increased lorry movements in the area. Adverse impact from lorry traffic on the local road network. Latest government targets for recycling and composting reduces the need for incineration. Adverse effects from stack emissions.

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**Bobbing Parish Council:** Raise concerns over the impacts from traffic on the local highway network together with concerns over air quality impacts from stack emissions and also odours. Considers scale of the proposed building would be out of character with the area especially when viewed from the Nature Reserve at Elmley. Asks whether there would be any need for additional pylons to accommodate the grid connection.

**Minster Parish Council:** Whilst they feel a modern Waste to Energy Plant would help improve the environment rather than the old gas fired power station their two main concerns relate to types of emissions and traffic. Asked for alternative ways of transporting waste to the site to be explored (e.g. by rail). The scale of the operation is unknown and the Parish Council would need a definitive answer on the waste catchment area.

**Tonge Parish Council:** Views awaited.

**Bapchild Parish Council:** Views awaited

**Queenborough Parish Council:** Views awaited

**Environment Agency:** Raise no objection to the proposal subject to a number of issues that would first need to be addressed including further consideration of alternative site location, more use of waste arisings on site (i.e. paper sludge etc) reducing the need to import, further analysis of the net carbon balance deriving from the use of the intended waste stream, impacts from emissions on air quality cannot be assessed pending the receipt of an Environmental Permit Application. Conditions on any future permission to include ground contamination assessment together with any associated remedial works in the event that contaminants are found present on site, development to be undertaken in accordance with the recommendations set out in the submitted flood risk assessment, fuel storage, restriction on piling or other foundation designs using penetrative methods without the express written consent of the LPA and the provision of a buffer zone between the development and surrounding watercourses

**Health Protection:** Considers this is a new installation which has from a public health point of view a limited potential for causing concern at this stage. However would stress that they would expect regular monitoring results for air quality as well as regular dust and odour inspections/monitoring to be forwarded to the regulators, both during construction and the operational phases, in order to ensure that the potential for any nuisance or health issues is as limited as the monitoring data suggests.

**Divisional Transport Manager:** Agrees with the conclusions of the traffic impact that the development would have negligible impact on the local Highway network.

**Highways Agency:** No objection

**Lower Medway Internal Drainage Board:** No objection provided all surface water drainage discharging from the site is attenuated for the 1:100 year return storm with a limited discharge of 7 l/s/ha or the equivalent run off from the Greenfield site for the 1:2 storm. The application meets with the Environment Agency requirements.

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**Jacobs (noise):** Considers that noise levels during both site construction and operation of the plant will fall below existing background levels measured at the nearest housing. Recommends any future permission should be conditioned to this effect.

**Jacobs (landscape):** Considers the environmental impact assessment underestimates the significance of the visual impacts which will need to be carefully balanced against the other beneficial and adverse effects of the scheme.

**County Archaeologist:** Considers it may be possible that archaeological remains are present on site. Therefore advises that any future permission includes a condition requiring the implementation of a programme of archaeological investigations.

**SEEPB:** Considers the proposal is not entirely consistent with policies W3 and W4 of the South east Plan given the source of the waste is stated as Kent with the balance from London, the South East and elsewhere in the UK subject commercial viability. Whereas Policies W3 and W4 seek net regional and sub - regional self sufficiency with London's exports restricted to landfill and from 2016 limited residues. However, accepts there may be less certainty of supply of C & I waste from within Kent and therefore arisings may not be accessible to the plant, resulting in an insufficient supply which will affect the commercial viability of the proposal. It is therefore important that in considering the application, the county council considers these issues.

**CAA:** The proposed structure(s) would not formally constitute an aviation en-route obstruction. Recommends that an aviation warning light is installed at the highest practicable point of each chimney.

**English Heritage:** Do not wish to offer any comments and recommends that the application is determined in accordance with national and local policy guidance on the basis of the county councils specialist conservation advice.

**Natural England:** Whilst originally raised an objection to the application pending further information being submitted to enable the effects on the nearby ecological designations to be determined have since withdrawn their objection following the submission of further supporting information. Given in their view the proposal is likely to have a significant effect on the Swale SPA and Ramsar site and also has implications for the Swale SSSI, considers that an 'Appropriate Assessment' needs to be undertaken by the County Council as the competent authority under Regulation 61 of the Habitats Directive. However, also considers that the proposal would not have an adverse effect on the integrity of the Swale SPA and Ramsar and should not damage the interest features of the Swale SSSI subject to the imposition of appropriate conditions on any future permission.

**RSPB:** Whilst originally raised an objection pending further discussion and clarification of the effects of the proposal on the local bird population, have since withdrawn their objection subject to the imposition of appropriate conditions to secure mitigation measures set out in further supporting information.

**Kent Wildlife Trust:** Originally considered that the application failed to adequately evaluate the ecological value of the site and expected a development of this scale to contribute towards the enhancement of the biodiversity. Considered the reptile survey of the



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site was out of date and therefore a new survey should be undertaken in order for a mitigation strategy to be developed. However, have since withdrawn their objection subject to the imposition of conditions to secure mitigation measures set out in further supporting information.

**County Biodiversity:** The enhancements to the mitigation receptor area must be carried out before the translocation of reptiles from the application site. Improving the management of surrounding ditches would be more beneficial for wildlife. Lighting arrangements must be carried out in accordance with the details set out in the environmental statement. The effect of lighting on bats should be undertaken. Reptile monitoring should be carried out at the development site a year after offsite translocation has taken place and the development site shall be maintained unsuitable for reptiles until such time as the development is completed. No information on the management plan and monitoring of the mitigation area has been provided. A mitigation strategy must be submitted and include details of proposed works and timings.

EDF: No objection

**CPRE:** Whilst supporting the general principles of a waste to energy CHP Plant objects on the grounds of the cumulative effects of other similar proposals in the area, the proposal would reduce the incentives for recycling although any reduction in landfill would be welcomed. Given the existing large volumes of traffic on the local road network the importation of waste by other means should be explored. Recognise there is a known demand for power at the Paper Mill and that local employment is an important issue.

National Grid:

Public Rights of Way:

County Conservation Officer:

MOD:

} Views awaited.

### Local Members

30. The two local members Mr Willicombe and Mr Whiting were formally notified of the proposal on 15 April 2010, to date I have not received any written comments from them.

### Representations

31. The application has been advertised in the local press and notices posted on site and in the surrounding locality, I also wrote to some 2,400 nearest local residents. To date I have received 28 letters of representation, 1 in support of the proposal from Unite the Union who purport to represent some 450 members of the 800 locally employed staff at the Paper Mill site. They draw attention to the need for the Mill to remain competitive and that the proposal would help secure a sustainable future for the mill and protect local jobs. The other 27 letters raise objections to the proposal on the grounds of:

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- Traffic impacts
- Adverse effects from stack emissions
- Visual intrusion
- Adverse impacts on nature conservation

### **Discussion**

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
32. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
33. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
34. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against relevant saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
35. Policy exists at both the national, regional and local level which give support in principle for the establishment of alternative waste management facilities to landfill. These include Waste to Energy Plants, particularly where they also involve combined heat and power generation ( CHP ), where waste should be recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards reducing the carbon footprint by lowering emissions and stabilising climate change.
36. The current energy requirements at Kemsley Paper Mill are already partially met on site through a combination of a CHP, albeit fuelled by natural gas, together with a Waste to Energy Plant which burns rejects from the paper making process. The site at Kemsley is also identified under Policy W11 of the saved policies of the Kent Waste Local Plan as being suitable in principle for a Waste to Energy Plant.

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**Main determining issues**

37. In the light of the above policy considerations and the issues raised, I consider the key determining issues to be:

- Traffic
- Air Quality
- Water Quality and Floodrisk
- Landscape
- Nature conservation and ecology
- Noise
- Employment

38. Furthermore, account will need to be taken of the source of the waste arisings, taking account of the proximity principle ( i.e. where waste should be dealt with as close to where it occurs in order to reduce vehicle journey distances ) and having regard to both current regional and local development plan policies which aim to achieve regional and sub-regional net self-sufficiency, and the existing and future waste capacity requirements for Kent.

*Traffic*

39. Access for the delivery of waste to the site would be by road from the west assuming vehicles would exit at junction 5 of the M2 via the A249 and Swale Way. The applicant predicts that when operating at full capacity the proposal would generate a maximum of 258 daily HGV movements which would equate to some 22 movements per hour. Whilst it is currently assumed all waste would be delivered by road the applicants have indicated that they are pursuing other options for delivery by water and /or rail should this be feasible.

40. Concerns have been raised over the adverse impacts from lorry traffic on the local road network in terms of the existing capacity available. Particular concerns have also been raised by one of the local County Members over what he considers to be problems encountered at the small roundabouts at the A249/Grovehurst Road Junction. In his opinion visibility is poor and could be improved by reducing the size of the central island, and asks whether such improvements could be secured if Kemsley were to be permitted. He also asked whether it would be appropriate to seek a financial contribution from the applicant towards the construction of the remainder of the Sittingbourne Northern Relief Road (SNRR).

41. The Transport Assessment submitted in support of the proposal is considered by the Divisional Transport Manager (DTM) to give a robust indication of the traffic expected to use the local highway. This takes account of other committed development, the proposal itself along with the effects of the opening of the next section of the SNRR. The proposal is shown to generate relatively insignificant increases on the local network as a whole and the DTM concurs with the conclusion that the development would have a negligible impact on the local highway network. With regard to the layout of the small roundabouts at the A249/Grovehurst Road junction he has confirmed that there is no crash history associated with these and although HGVs squeeze the path

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of other vehicles as they negotiate the first roundabout drivers appear to be aware of the need to give HGVs a wide berth as they enter at this location. Whilst reducing the size of the roundabout may provide more room for HGVs to manoeuvre around the central island, in his opinion this would also reduce the amount of deflection that vehicles would need to steer around to enter the junction. The result of this would be higher vehicle entry speeds such that this could result in accidents. The DTM has raised no objection to the application subject to the imposition of appropriate conditions including wheel cleaning measures, vehicle parking and completion and use of the access in accordance with the details submitted with the application.

42. With regard to other stretches of the carriageway that would serve access to the site, which includes junction 5 exit from the M2 and the slip roads onto the A249 leading to the large gyratory roundabout providing access to the internal haul roads, this is the responsibility of the Highways Agency who have raised no objection to the application.
43. With regard to the question of a financial contribution from the applicant to the construction of the remainder of the SNRR I am mindful that the necessary funding to complete these works has already been secured.
44. Having regard to the above comments and in the absence of any objections from the Highways Agency and DTM, I do not feel an objection on highway grounds is justified.

*Air Quality*

45. Concerns have been raised over the potential impacts from the proposal on air quality both in terms of stack emissions and their effects on health and the surrounding ecological designations, together with the effects from vehicle exhaust fumes. The environmental statement which accompanied the application has assessed the potential effects on air quality through detailed dispersion modelling. It includes the effects of both stack and vehicle exhausts and dust emissions having regard to existing baseline conditions, and has assessed their potential impacts on human health and the nearby habitats which form part of the Swale SPA, Ramsar site and Swale and Medway Estuary SSSI's. The assessment has been undertaken based on a number of worse-case assumptions which it considers is likely therefore to result in an over-estimate of the contributions that would arise from the operation of the plant. The assessment concludes that with appropriate mitigation measures in place, emissions from all three sources when measured against existing background levels would fall below EU Directive limits and local air quality standards.
46. The mitigation recommended includes the employment of dust controls such as the use of water bowsers during site construction and that all vehicles associated with this particular activity to switch off their engines to avoid vehicles idling and all deliveries entering and leaving the site to be covered. Residual impacts from the operational phase both from stack emissions and traffic are also considered negligible and not likely to exceed EU Directive emission limits or local air quality standards. Accordingly residual impacts on human health risk and ecological impacts are not considered significant.

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47. The Health Protection Agency has raised no objection to the proposal and considers that from a public health point of view the proposal has a limited potential for causing concerns at this stage. However, they would expect regular monitoring and inspections monitoring for air quality as well as regular dust and odour monitoring inspections to be forward to the regulators in order to ensure that the potential for any nuisance or health issues is limited as the monitoring data set out in the environmental statement suggests.
48. In their initial response, whilst raising no objection the E.A indicated that in the absence of having received an application for an Environmental Permit they were unable at that time to form a final view on potential impact to air quality, human health, designated habitats or the control of nuisance impacts (e.g. noise/odour). Since then matters have progressed and an application for a Permit was submitted to the E.A. towards the end of last year on which the County Council were formally consulted. As part of their assessment of the application the E.A. looked not only at the potential effects as a result of the emissions from the proposed development itself but also the combined effects of new and existing permissions, plans and projects that are relevant to an area protected under the Habitats Regulations due to the close proximity of the site to the various habitats which form part of the SPA/SSSI/Ramsar. Whilst the E.A. have yet to form a final view and are continuing to have discussions with various consultees including N.E. they have undertaken an audit of the Air Quality Modelling submitted with the Permit application. The audit concludes there is no risk to Human Health from the proposal. The National Permitting Service has also indicated that this is supported by the Health Protection Agency.
49. The policy advice set out in PPS23 is clear in that the planning and pollution control regimes should compliment and not duplicate each other. Most fundamentally Planning Authorities are asked to work on the assumption that the relevant control regime will be properly applied and enforced. In this context, having regard to paragraph (40) above I am satisfied that there are no material reasons to justify refusing the application on the grounds of adverse effects on air quality.

48!

*Water Quality and Flood risk*

50. The applicant has assessed the likely impact the development may have on hydrology, controlled waters and human health given the current ground conditions. The site was previously used as a coal store and refuse tip and is now largely derelict with some stockpiled material in the west. The site is characterised by made up ground and alluvial clays that immediately overlie London clays with silty sands beneath. Perched water was found at a shallow depth in the London clay which is separated from the true groundwater found in the granular deposits at depth. The flow of water in both bodies is towards the Swale to the east where it ultimately discharges.
51. Baseline assessments of pollutants found elevated concentrations of brown asbestos, nickel, selenium and sulphates within the shallow elevated groundwater. These concentrations were considered acceptable for an industrial/commercial end use and would not represent a risk to construction workers. Elevated concentrations of nickel and sulphate found at a deeper level in what is considered to represent the true

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groundwater are considered representative of the natural baseline concentrations associated with the underlying strata compared to the surface contamination detected.

52. The principal concerns following the baseline assessment relate to the risk to human health caused by groundwater ingress to deep excavations, the lateral migration of contaminated shallow groundwater towards the Swale and asbestos found in the shallow soils and groundwater. To address this it is proposed to target those specific areas within the site where such contaminants are found present, as part of a Construction Environmental Management Plan.
53. The E.A. consider that the proposals to deal with any contamination on site are acceptable in principle, however they would wish to see further consideration of whether there is a link between the contamination found in the shallow groundwater and the adjoining landfill site. In order to address this issue along with how contamination found present at the site will generally be dealt with the E.A. have recommended that conditions be imposed on any future permission requiring the submission of a preliminary risk assessment along with details of any remedial measures proposed to deal with any contaminants found present on site. I am satisfied that provided such conditions are imposed on any future permission this would ensure that appropriate measures are put in place to prevent any risk to human health or adjoining ecological interests from groundwater pollution.
54. The applicant has also produced a Flood Risk Assessment (FRA) in support of the application, the scope of which was previously agreed with the E.A. having regard to advice set out in PPS25. The site lies partially within Flood Zone 2 and 3a and therefore has a 1 in 200 annual probability of flooding from tidal sources in any one year. The Swale Estuary is located to the east of the site, flowing in an easterly direction until it meets with the North Sea approximately 16km to the east of the site.
55. Following re-profiling of the development site to 5.8m AOD (i.e. some 0.6m above the 5.2m critical flood level), the development will have been uplifted outside the flood plain falling entirely within Flood Zone 1, with less than 0.1% probability of flooding from tidal sources. Given that the site does not form part of the functional floodplain, the effect on flood storage capacity is considered to be negligible. The site would incorporate a surface water drainage system which drains into surrounding surface water attenuation ponds as a means of regulating discharges to the surrounding watercourses. This, together with the elevated platform that would be created, would in the applicants' opinion protect the site from risk of flooding to a 1 in 100 year standard from on-site flooding.
56. The E.A. have raised no objection to the application on the grounds of flood risk provided that a condition is imposed on any future permission requiring the development to be carried out in accordance with the FRA submitted as part of the application. On this basis I am satisfied that there are no overriding objections on the grounds of risk from flooding.

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*Landscape*

57. The proposed site is located immediately adjacent to the eastern side of the Kemsley Paper Mill Complex which lies in between the application site and Kemsley. Kemsley Paper Mill and the application site also form part of a much larger area identified in the Swale Local Plan for future employment use and which has outline permission for the development of mixed industrial uses. For this reason the borough Local Plan considers the area is strategically important and it can therefore be expected that other major development proposals will come forward in the future. In addition to the Paper Mill the area also contains a number of other major developments including the Knauf Plaster Board factory and the Morrisons distribution depot. Members may recall when they visited the site that officers pointed out these developments commenting in particular that the Knauf building was of a similar scale and height to the proposed development at Kemsley Paper Mill.
58. The applicants have undertaken a landscape and visual appraisal of the proposal which includes an assessment of the visual impact in the landscape when viewed from various locations surrounding the site considered most sensitive to the development. This included various views taken along the Saxon Shore Way which runs along the northern boundary of the site and also Kemsley residential edge, along with more distant views from the general surroundings. The more distant views demonstrate that the area is already dominated by large industrial buildings including the existing Kemsley Paper Mill, and in my opinion the additional visual impacts from the proposed development would not therefore significantly alter this industrial landscape. When in close proximity to the site, particularly when viewed from the Saxon Shore Way, the impact would be more severe. However, this impact has to be considered against what can already be seen which is currently dominated by Kemsley Mill which is of a similar scale and height.
59. In order to help mitigate the visual impact of the proposed development particularly when viewed from a distance, the applicants propose that the external finish of the building is graduated such that at the lower level the colour would reflect that of the marshland in the foreground with a lighter grey colour being used in the upper levels when viewed above the skyline.
60. Having regard to the comments made by the County Council's landscape consultants Jacobs, in my opinion the mitigation measures proposed by the applicants represent a satisfactory balance when considered against other benefits that would derive from the proposal. The external finish of the building would in my opinion help absorb the development into what is an industrialised landscape particularly when viewed at a distance. This view is also likely to become more predominant as further industrial development becomes established given the strategic importance of the area for future employment as reflected in those policies set out in the Swale Borough Local Plan. I do not therefore consider there are any overriding landscape objections to the proposal.

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*Nature Conservation and Ecology*

61. Whilst the site itself is not covered by any statutory nature conservation designations it lies near to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes SSSI. These SSSIs are part of the Swale SPA and Ramsar Site and the Medway Estuary and Marshes SPA and Ramsar Site. Natural England ( N.A. ) have advised that based on the information contained in the application it is their view that the proposal is likely to have a significant effect on the Swale SPA and Ramsar Site, alone or in-combination with other plans and projects and that there are also implications for the Swale SSSI. In this context they draw attention to Regulation 61 of the Habitats Regulations which requires 'competent authorities' , before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site ( either alone or in combination with other plans or projects), and (b) not directly connected with or necessary to the management of the site, to undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives.
62. Notwithstanding the above however, N.E. agree that the proposal will not have an adverse impact on the integrity of the Swale SPA and Ramsar Site and should not damage the interest features of the Swale SSSI provided conditions are imposed on any future permission requiring; the submission of a detailed Environmental Management Plan with Construction Method Statements, Work on the drainage outfall not to take place during the over-wintering bird season October to March inclusive, a lighting strategy to be submitted for the approval of the LPA and provision of a 1ha reedbed habitat offsite to offset any potential affect to breeding Marsh Harrier.
63. The methodology used by the applicant for assessing the potential impacts on ecology and nature conservation involves 4 key stages namely; baseline studies, identification of valued ecological receptors, identification and characterisation of potential impacts and assessment of impact significance. The survey methodology included a desk based study together with walkover surveys of the site and surrounding areas. These surveys sought to identify: Reptiles, Invertebrates, Birds, Water Voles, Otters, Badgers and potential Bat roosts. The results of the surveys revealed that with regard to Otters, Badgers and Bats there was no evidence of their presence on the development site. Whilst offsite feeding signs of Water Voles in adjacent ditches were indicated.
64. The most likely potential significant impacts from the development were identified as being the direct impacts resulting from the loss of suitable habitat for reptiles and invertebrate from the development site, together with offsite impacts from noise, dust and stack emissions on the breeding bird population and surrounding features of ecological interests.
65. In order to address concerns raised by consultees the applicant submitted supplementary information in respect of both on-site and offsite mitigation. With regard to the direct impacts on the development site, in addition to the enhanced areas of habitat which include the surface water attenuation ponds, it is also proposed that a further 3.1 ha of suitable habitat would be created on the adjoining former landfill site to the east into which species from the development site would be translocated. The County Council's Biodiversity Projects Officer has drawn attention to the need to



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ensure that the habitat to be created is satisfactorily completed before any translocation exercise from the development site takes place and that reptile monitoring continues to take place on the development site until such times as construction takes place. This is also supported by N.E. who whilst welcoming the additional habitat to be created considers that a detailed strategy should be submitted and approved before the commencement of any works. They also consider it is important that the long-term management of this area is also secured by way of condition or Section 106 Agreement.

66. Offsite mitigation measures include the provision of a 1 ha site in a more remote area considered suitable for use by the breeding Marsh Harrier population of the Swale SPA. The applicants propose to agree the detailed design of the habitat with the RSPB, N.E. and SEEDA. Such offsite mitigation would need to be secured by a separate Legal Agreement the draft terms which I consider would need to be covered are set out under Appendix (2).
67. Other offsite mitigation proposed includes measures to prevent any adverse noise impacts from construction activities. The main noise source is considered to be from piling. In order to avoid any adverse impacts from piling on the breeding bird population a more detailed piling strategy has been developed which provides for the use of augered piling where practical and impact driven piles only where absolutely necessary. It is also proposed that impact piling would only commence on site at the end of August to avoid any disturbance to breeding birds.
68. With regard to Air Quality Impacts in terms of deposition levels at the nearby sensitive receptors, the assessment undertaken by the applicant concluded that the habitats were considered to be relatively insensitive to acid deposition and therefore unlikely to affect the integrity of the Swale SSSI/SPA/Ramsar. However, during discussions with N.E. they indicated that they have been looking at the issue of NO<sub>x</sub> in respect of this application in view of monitoring that has been undertaken on Elmley having revealed high levels of background concentrations. However it was due to the uncertainty of the figures and that currently there is little research on the long-term effects of elevated levels of NO<sub>x</sub> on grazing marsh and inter-tidal habitats that partly led to them withdrawing their original objection to the application. Nevertheless they recognise that the applicant would still need to apply for an Environmental Permit from the E.A. and confirm that they have highlighted their concerns with the E.A. Whilst not a requirement for this application, in view of the monitored hotspots for air pollutants on Elmley, N.E. have requested that any future proposals for development in the area should undertake a more robust analysis of air quality. Meanwhile due to the increasing number of NO<sub>x</sub> emitting facilities in the Ridham Dock area the applicant has voluntarily agreed to form part of a long-term air quality monitoring programme for the area. The details of the programme will be compiled through discussions with N.E., Swale Borough Council and the E.A.
69. As advised by N.E. the County Council as the competent authority, in tandem with its consideration of the application has undertaken a separate Appropriate Assessment in accordance with Regulation 61 of the Habitats Directive. The formal record of the Appropriate Assessment is set out under Appendix ( 3 ) which concludes that provided certain mitigation measures are put in place the proposal would have no adverse effects on the integrity of the sites of interest.

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*Noise*

70. A Noise Assessment submitted in support of the application has been undertaken. The methodology employed included a comparison of the existing daytime and night time background noise levels at what are considered to be the nearest noise sensitive receptors with those both during the site construction activities and when the site becomes operational. Four locations were identified, three of which, at Reams Way ( *along the haul Road to the site* ), Walsby Drive ( *the nearest residential properties in Kemsley* ) and within the centre of a reedbed adjoining the northern boundary of the site considered representative of the potentially noise sensitive ecological habitats, were subject to long term noise monitoring over a 24hr period. The fourth location was at the Saxon Shore Way adjacent to the northern boundary of the site where a 15 minute measurement was taken.
71. Noise levels when measured at the nearest residential properties are not predicted to rise above the existing background levels either during site construction activities or when the plant becomes operational. Noise levels when measured along the Saxon Shore Way are predicted to rise when the plant becomes operational to between 52 and 60 dB and will therefore be noticeable to walkers as they pass the site. For comparison based on guidance provided by the World Health Organisation general daytime levels of 55 dB are desirable to prevent any significant community annoyance. The figure of 55dB has been taken to be free-field and therefore no adjustments have been made for road and rail traffic noise. However, these receptors are temporary and transitory and the applicant considers it is not therefore appropriate to apply the same criteria as that which would apply to long term outdoor amenity receptors. The applicant therefore considers that it would not be unreasonable to expect walkers to tolerate noise levels around 60dB for a limited period whilst passing the site and it is unlikely therefore that walkers would be significantly adversely affected by noise associated with the operation. I would concur with these conclusions. Similar noise levels are predicted to occur at the Reedbed location during site construction with noise levels during the operational phase varying between 30 to 35dB at the intertidal area of Milton Creek where the majority of watering birds would be expected to congregate. On this basis I do not consider that noise from the proposal would cause any unacceptable disturbance to the local bird population.
72. The County Council's noise advisor Jacobs concurs with the applicant that noise levels both during construction and operation of the plant would fall below existing background levels when measured at the nearest housing and recommends that any future permission be conditioned to this effect. In my view having regard to the conclusions of the Noise Assessment and the comments made by Jacobs I do not consider there are any overriding noise objections to the proposal.

*Employment*

73. Kemsley Paper Mill currently employs around 800 staff many of whom the applicants claim live locally. In addition, there are a further 205 contractors working full-time many of whom are also employed locally. The Mill is clearly therefore a major local employer in the area.

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74. The current proposal would generate additional employment both at the construction stage and also when the plant becomes operational. The applicants estimate that up to 500 staff would be required during the construction phase. One of the key issues at the construction phase would be the extent to which main contractors and sub-contractors attempt to use local labour or that from outside. Normally this is a combination of the two with imported labour more likely to consist of workers with specialist skills, and locally sourced labour consisting of unskilled and semi-skilled labour. Construction workers, especially those with specialist skills are known to travel significant distances to sites for which the construction period may be of a limited duration.
75. Once the site becomes operational the applicant's estimate that some 50 full time jobs would be created, some of which would require particular management and technical skills which may not necessarily be able to be sourced locally. However, in my view there would still be scope for at least some of the additional labour force to be sourced from the local area. In addition the applicants have indicated that an average of 100 contractors would be employed for planned shutdowns. The applicant's state that that such skills need not be acquired in the waste industry industry or in a plant of this nature and that suitable personnel could be recruited from industries with similar characteristics. Notwithstanding the clear need for people with appropriate skills, it seems likely that the required labour could be sourced without difficulty in the immediate area and from Sittingbourne itself. This is especially so given the high proportion of manufacturing jobs in the area and the average distance people already travel to work.
76. The Mill is clearly therefore already a major employer in the area and in my opinion the current proposal represents an opportunity to play a significant role in increasing the local labour market.
77. Members may be aware of an announcement made in the coalition government's Budget last month when the Chancellor of the Exchequer issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The Government's top priority is to promote sustainable economic growth and jobs, and as a fundamental means to achieve this considers the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. Government's clear expectation therefore is that there should be a strong presumption in favour of development except where this would compromise the key sustainable development principles set out in national planning policy.
78. In order to achieve government's aspirations, notwithstanding the applicants have argued the proposal would not only help safeguard existing jobs at the Paper Mill but also provide the potential to create additional local employment, I consider that it would be appropriate to have some form of legally binding commitment from them that where possible employment would be sourced locally. In my opinion this is best secured by way of a separate Legal Agreement and should members be minded to grant permission I would strongly recommend this approach.
79. In support of their proposal the applicants have argued that the primary driver is to meet the future energy requirements of the Paper Mill in a viable and sustainable

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manner, thereby reducing its dependence on fossil fuel, improving the carbon footprint of the mill, ensuring a degree of energy supply security, improving the mill's competitive position and most importantly as discussed above, safeguarding and securing employment in the locality. The energy requirements at the mill are currently met on site by a CHP plant fuelled by natural gas and by a Waste to Energy Plant which burns reject materials from the paper making process. The applicants claim that the mill is a major energy consumer the cost of which represent 25% of the annual turnover. With continuing volatile gas prices and other European markets being less regulated this has put Kemsley Mill and other UK operators at a disadvantage resulting in 22 paper mills in the UK having closed over the past 5 years 3 of which were in Kent.

80. The applicants argue that rather than being a stand alone proposal the proposed plant at Kemsley is unique in that it would be specifically designed to meet the needs of the mill using residual waste as a fuel (i.e. waste which has been subjected to some form of pre treatment ) with the secondary benefit of providing new capacity for Kent's non-municipal waste arisings. The proposed throughput of 500,000 to 550,000 tonnes per annum of waste used as a fuel has been specifically designed to meet the energy requirements of the mill in parallel with a reduced reliance upon the existing gas fired CHP Plant.
81. The waste used as a fuel would comprise Solid Recovered Fuel (SRF) Waste and Industrial and pre treated Municipal Solid Waste which may include up to 25,000 tpa of waste plastics arising from the paper making process at the mill. It is intended that the waste would be sourced from London, the South East and elsewhere in the UK subject to commercial viability with approximately 100,000 tpa of Kent's non municipal waste arisings. The applicants argue that in order to secure the necessary funding to build the plant, they would need to demonstrate to the Financial Institutions the security of the revenue stream which they claim is typically in the order of 80% of the incoming waste stream and which would need to be tied to long term contracts. MSW contracts led by Waste Disposal Authorities are typically long term, often between 25 to 30 years. This, the applicants claim provides certainty to lenders in funding schemes of this nature. All of Kent's MSW arisings is currently tied to long term contracts. On this basis if the applicants were to include an element of MSW as part of their waste source this would have to be sourced from outside the County. Whereas C & I waste streams, the majority of which currently goes to landfill, are characterised by short term contracts, typically less than 3 years. Accordingly if the applicants were to rely solely on these contracts they would not provide the long term security to the Financial Institutions for them to lend the money to fund the project. Whilst the applicants consider their proposal would contribute to diverting some 100,000 tonnes of such waste from landfill equating to some 20% of the plant's capacity, such sources originally included residual C & I waste from Kent and its immediate hinterland, which the applicant identified as being Medway, Bexley, Bromley, Thurrock and Tandridge. As explained above, the security of the revenue stream that underwrites the facility, which is typically in the order of 80% of the incoming waste stream will need to be tied to long term contracts. Inevitably given that all of Kent's MSW is contractually committed, if the project is to succeed this implies 80% of the waste consisting of SRF will need to be sourced from outside the County.

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82. Policy W3 of the South East Plan requires Waste Authorities to provide capacity sufficient equivalent to the amount of waste arising and management within the region's boundaries, plus a declining amount of waste from London. Currently provision for London's exports are limited to landfill and by 2016, new permissions will only provide for residues of waste that have been subject to recycling or other recovery processes.
83. Policy W4 requires Waste Planning Authorities ( WPAs) to plan for sub-regional self sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. It also states that that a degree of flexibility should be used in applying the sub-regional self sufficiency concept where appropriate consistent with Policy W3. This does not therefore preclude cross border flows across regional and sub-regional boundaries.
84. Policies W3 and W4 of the South East Plan reflect advice set out in PPS10 which suggests that WPAs should not arbitrarily restrict the movement of waste across borders. The underlying objective of PPS10 is to move waste management up the 'waste hierarchy ' using waste as a resource and to consider disposal as the last option. Having regard to the current proposal, as one of a number of means to secure sustainable energy supplies which reduce the reliance on the use of fossil fuels and hence helps meet the climate change agenda, provided it can be demonstrated that the waste to be used as a fuel in the plant at Kemsley will arise from treated sources, then in my opinion this is fully consistent with the objectives of PPS10. However, having regard to Policies W3 and W4 of the South East Plan I consider it is important that the potential for dealing with Kent's waste is also maximised.
85. Following discussions with the applicants over waste sources in the context of the above policy considerations the applicants agreed to revise the hinterland catchment area for residual C & I waste by excluding the London Boroughs of Bromley and Bexley. Further, the applicant has also supported a restriction such that all waste used as a fuel at the site other than that arising in Kent would be required to be pre treated so as not to preclude any untreated waste arising from within the County being processed at the site. With such restrictions in place I am satisfied that the proposal is consistent with those policy considerations as set out in paragraphs (74) to (76) above.

(82)T(84)

### **Conclusion**

86. Whilst this application has been considered as a 'waste matter ' and considered against those relevant policies as set out in national and regional guidance along with the relevant development plan policies, the proposal is clearly primarily driven by the need to meet the future energy requirements of Kemsley Paper Mill as opposed to the need for a waste treatment facility per se. On this basis whilst it has been appropriate to consider how the facility could fulfil a role in providing future waste management capacity, in my opinion the argument put forward by the applicant for the need for the Paper Mill to remain competitive in the light of European competition, and most fundamentally in order to safeguard local jobs with the potential for creating additional local employment opportunities, is a major factor when weighed against other material considerations. Should permission be granted however, I would wish to ensure that in the event that the facility is no longer required to meet the needs of Kemsley Mill then

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alternative users of the power generated should be sought. I would recommend that this is secured by way of condition.

87. I am satisfied that having regard to consultees comments and having considered the proposal against the relevant national and regional guidance along with those relevant development plan policies, provided appropriate conditions as recommended are imposed on any future permission together with the completion of a Legal Agreement to secure those matters as set out in the Draft Heads of Terms set out under Appendix (2), there are no overriding objections to the proposal.

**Recommendation**

88. I RECOMMEND that SUBJECT TO the satisfactory completion of a legal agreement to secure the Draft Heads of Terms as set out under Appendix (2) PERMISSION BE GRANTED subject to conditions covering amongst other matters; hours of working, vehicle movements, noise restrictions, ground contamination, flood risk, fuel storage, surface water discharge, archaeology, lighting, ecology, alternative users of power generation, landscape planting and construction materials, investigation of alternative use of rail and waste sources.

89.

Case Officer – Mike Clifton	Tel no. 01622 221054
Background Documents - see section heading	

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Appendix 1

APPLICATION SW/10/TEMP/0016 – SUSTAINABLE ENERGY PLANT TO SERVE KEMSLEY PAPER MILL AT LAND TO THE EAST OF KEMSLEY PAPER MILL, KEMSLEY, SITTINGBOURNE ME10 2TD

NOTES of a Planning Applications Committee site meeting at Kemsley Paper Mill on Wednesday, 7 July 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr C Hibberd, Mr J D Kirby, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson and Mr C P Smith.

OFFICERS: Mrs S Thompson and Mr M Clifton (Planning); and Mr A Tait (Legal and Democratic Services).

SWALE BC: Cllrs C Foulds, B Stokes, R Truelove and G Whelan.

IWADE PC: Mr P Wilks

THE APPLICANTS:

St Regis Paper Company Ltd: Mr C Rosser and Mr W Faure Walker;  
E.On Energy from Waste UK Ltd: Mr N Badri and Mr N Chan;  
RPS Consultants: Mr J Standen.

- (1) The first part of the meeting was held in the Offices of St Regis paper Company.
- (2) The Chairman opened the meeting by explaining that its purpose was to enable Members of the Planning Applications Committee to gather the views of interested parties and to familiarise themselves with the site.
- (3) Mr Clifton said that he would introduce the application at the application site. He then invited the applicants to explain the overall context.
- (4) Mr Faure Walker (Divisional Commercial Director – St Regis Paper Company) said that St Regis Paper Company Ltd was one of the largest paper companies in the UK. It owned 4 paper mills of which Kemsley Mill was the largest. St Regis recovered 1.3 million tonnes of recycled paper per annum and, in turn produced 1.1 million tonnes which was used for packaging, plasterboard liner amongst other end products. They worked in partnership with E-On Energy From Waste who had a high reputation gained from running 17 waste plants in Europe.
- (5) Mr Faure Walker then turned to Kemsley Mill itself. He said that it had been running since 1925 and now had a total capacity of some 800,000 tonnes of paper and pulp per annum. This represented tremendous exponential growth since St Regis had acquired the operation in 1988.
- (6) The entire paper industry had struggled in recent times, partly due to escalating and volatile gas costs. Twenty mills had closed over the last few

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years. For this reason, St Regis intended to diversify its power source whilst reducing its carbon footprint. Since 1993, Kemsley Mill had been powered by a Combined Heat and Power Plant (CHP) which had been developed by E-On to replace a coal-based plant.

(7) Mr Faure-Walker concluded his presentation by saying that the construction of the Sustainable Energy Plant (SEP) was a major strategic project which would enable St Regis to compete on an even playing field with continental companies. It would enable the applicants to safeguard the 800 mainly skilled jobs at the mill as well as adding another 50 to run the plant. The building phase would provide employment for 500 construction workers.

(8) Following the presentation, Members were taken to the application site. They travelled along the route that would be used by HGVs along Barge Way to the proposed northern entrance.

(9) Mr Clifton introduced the application itself. It was for a Sustainable Energy Plant containing a waste incineration facility and associated developments. The development site would be within an area of 7 hectares, with the plant area taking up 4.6 hectares.

(10) Mr Clifton then pointed out the footprint of the proposed plant itself, including the boundary of the former landfill site to the east and the area where the grass became a darker shade of green to the west.

(11) Mr Clifton said that the site contained protective species. The applicants would therefore be required to provide attenuation ponds to encourage wildlife and a translocation scheme for reptiles to the former landfill site.

(12) When operating at maximum capacity, the plant would use up to 555,000 tonnes per annum of pre-treated waste as a fuel source. The majority of the waste would arise in Kent, although some would come from London and the rest of the South East. It would consist of pre-treated commercial and industrial waste as well as municipal solid waste.

(13) Mr Clifton said that the main building would be 52 metres in height (about the height of the Knauf building to the north of the site). The top half of the building would be painted a lighter colour to reduce its visual impact. The stack would be similar in design to that at Allington and would be 90 metres high. This was some twenty metres higher than those in the paper mill.

(14) Fly ash arising from the flue gas treatment would be loaded into sealed container vehicles and transported for disposal within a permitted facility. The bottom ash would be weathered and made available as secondary aggregate. Any bottom ash that could not be sold would be disposed of in the same way as the fly ash.



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(15) Waste fuel deliveries would be between 7am to 6pm on Mondays to Fridays and from 7am to 1pm on Saturdays. The plant itself would have to operate on a continuous 24 hour basis throughout the week.

(16) Mr Clifton then said that the statutory consultees had raised issues relating to stack emissions and traffic impacts. Natural England, RSPB and the Kent Wildlife Trust had raised concerns relating to the impact of the proposed development on the various designated areas (SSSIs, SPA and Ramsar sites). These issues were the subject of ongoing consultation.

(17) Mr Clifton concluded his presentation by saying that some 2,500 local residents had been written to. Twenty seven letters of representation had been received objecting to the proposal on the grounds of traffic impacts, stack emissions, visual intrusion and adverse impacts on nature conservation.

(18) Mr Robertson asked for further detail on the weathering process for the bottom ash. Mr Clifton said that it would be graded and stored in rows within an enclosed building for some three months. . This meant that the process would be completely dry.

(19) Mr Robertson then asked how many lines of operation there would be. He knew that that the main problems faced by the Allington incinerator had arisen on those occasions when there had been a complete shutdown. Mr Chan (E-On) said that there would be two boilers but that only one of them would be running for 96% of the time. Mr Badri (E-On) added that the plant would operate at 95% availability. All waste brought onto the site would be kept completely covered within an enclosed building. In the event of a shut down, the boilers would be *completely* emptied.

(20) Mr Wilkes (Iwade PC) said that the application needed to be considered in the light of the recently-permitted biomass power plant at Ridham Dock and two other current applications for incinerator plants in the vicinity. Iwade PC was concerned about the cumulative impact of emissions if all four were permitted. In respect of this particular application, there was concern over the proximity of the site to the local RAMSAR site on the other side of the nearby sea wall.

(21) Mr Clifton said in reply to Mr Wilkes that the applicants had needed to undertake a Dispersion Modelling exercise to determine the height that the stack would need to be in order to prevent impacts on the designated sites. He confirmed that the County Planning Authority would determine all three of the outstanding waste to energy applications, taking into account the cumulative impacts.

(22) Mr Wilkes then said that the site contained species, such as Great Crested Newts that were protected by Law. Mr Clifton replied that this had been recognised by a survey that had been undertaken in 2007. Any permission granted would contain a condition requiring translocation.

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(23) Mr Truelove (Swale BC) asked whether there was a risk of contaminated waste being brought on site. Mr Clifton said that the type of waste brought on site would be determined by the contractor. It would be stored in sealed containers after having been pre-treated. Possible methods of pre-treating included shredding and recycling. Whatever biological, thermal or chemical process was used, the waste that would be used in the plant would be residue that was incapable of recycling.

(24) Mr Parry asked what proportion of the mill's power would be supplied by the plant and also how many lorry movements would be needed to transport the residual ash off the site.

(25) Mr Faure Walker replied to Mr Parry by saying that the plant would provide 48.5 megawatts of power capacity. This would equate to around one third of the mill's heat demand, with the other two thirds being provided by the CHP. The plant would actually have the capacity to provide all of the mill's power. Mr Standen (RPS Consultants) added that the removal of residual ash was included in the estimated 258 daily lorry movements (22 per hour).

(26) Mr Robertson asked what the total energy recovery percentage was expected to be and how much carbon would remain in the ash. Mr Badri replied that the recovery rate was expected to be in excess of 70% and that the intention was to remove all the energy (including carbon) from the ash before it left the site.

(27) Mrs Thompson said that the earliest date for the application to be reported to Committee was October 2010.

(28) The Chairman thanked everyone for attending. The notes of the meeting would be appended to the report to the determining Committee meeting.

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Appendix 2

**DRAFT HEADS OF TERMS**

For Agreement in connection with ~~Planning~~ ~~with Planning~~ Application SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent.

Prior to the issue of the Planning Permission the applicant shall enter into all of the necessary legal agreements required to secure the following matters at no cost to the County Council;

1. The Developer will not commence development on the application site until:-
  - (a) the freehold of the estate of the land shown edged red on plan ( ) is transferred free of charge to the RSPB or such other charity as may approved in writing by the County Council.
  - (b) a commuted sum in the sum of ( £ ) has been paid in full to RSPB or such other body as agreed under paragraph 1 (a) above. The commuted sum will be Indexed Linked from the date of this Agreement to the date of payment. The Index to be then Retail Price Index.
  - (c) until a scheme for the creation and maintenance of the New Reed Bed Habitat has been approved by the RSPB and Natural England and their written approval to the scheme has been received by the County Council together with a copy of the scheme.
  - (d) until a scheme for the creation and long - term maintenance of the newly formed habitat on land shown outlined in ( ) on plan ( ) adjoining the application site and being the site of the former landfill site has been submitted to and approved by the County Council.
  - (e) until a strategy has been submitted to and approved by the County Council which sets out the mechanism to maximise the use of locally employed personnel at the site.
2. The applicant to pay all the County Council's legal and professional costs including those already incurred by the Head of Planning Applications Group prior to the completion of the Agreement.

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Appendix 3

**KEMSLEY SUSTAINABLE ENERGY PLANT CONSERVATION OF HABITATS AND SPECIES REGULATIONS ASSESSMENT**

This is a record of the Appropriate Assessment, required by Regulation 61 of the Habitats Regulations 1994 undertaken by Kent County Council in respect of the elements of the proposed Kemsley Sustainable Energy Plant, for which the Competent Authority, in accordance with the Habitats Directive ( Council Directive 92/43 EEC ),

Having considered that the plan or project would have a ‘‘ likely significant effect’’ ( stage 1 ) on the Swale Special Protection Area and Ramsar Site and that the scheme was not directly connected with or necessary to the management of the site, an Appropriate Assessment ( stage 2 ) has been undertaken of the implications of the proposal in view of the site’s conservation objectives.

Natural England was consulted under the provisions of Article 10 of the Town and Country Planning ( General Development Procedure Order ) 1985, Section 28 of the Wildlife and Countryside Act 1981 ( as amended ) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 ( Habitats Regulations ) on 25 October 2010 and their comments to which the County Council has had regard, are attached. The conclusions of this Appropriate Assessment are in accordance with the advice and recommendations on Natural England.

**Title:** Development of a Sustainable Energy Plant to serve Kemsley Paper Mill

**Location:** Land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent.

**Designations:** The proposal is adjacent to the Swale Site of Special Scientific Interest, Special Protection Area and Wetland of International Importance under the Ramsar Convention ( Ramsar Site ). Additionally it lies close to The Medway Estuary and Marshes SSSI, SPA and Ramsar Site.

**Description of the Project:** The purpose of the proposed development is to develop a Sustainable Energy Plant to serve Kemsley Paper Mill as a means of meeting it’s future energy needs and to supplement and reduce the Mill’s reliance on Fossil Fuels.

The proposed development comprises Waste Fuel Reception, Moving Grate Technology, Power Generation and Export Facility, Air Cooled Condensers, Transformer, Bottom Ash Handling Facility, Office Accommodation, Vehicle Parking, Landscaping Drainage and Access. The Waste Fuel would comprise Solid

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Recovered Fuel Waste, Commercial and Industrial Waste and pre-treated Municipal Solid Waste.

A more detailed description of the each element of the development can be found in the Environmental Statement accompanying the application. The scheme is not directly connected with or necessary to the management of the SAC and Ramsar Site. However, the development has been carefully designed to minimise its effects on the features for which the European site has been designated. The Environmental Statement concludes that the scheme accords with government guidance and strategic and local planning policies.

**Brief description of the European Site to which this Appropriate Assessment applies:**

The boundary of the Swale SPA/Ramsar site lies some 150m to the east of the area covered by the proposal.

The Swale separates the Isle of Sheppey from Kent mainland. To the west it adjoins the Medway Estuary, to the east the outer Thames Estuary. It consists of a complex of grazing marsh with ditches, intertidal saltmarshes and mud-flats. The grazing marsh is the most extensive in Kent and there is much diversity both in the salinity of the dykes ( which range from fresh to strongly brackish ) and in the topography of the fields.

The Swale Ramsar was designated in 1993. In addition to qualifying under criterion 3a by virtue of regularly supporting over 20,000 waterfowl, with an average of peak count of 57,000 birds for the five winter period 1986/1987 to 1990/1991, and under criterion 3c by supporting, in winter, internationally important populations of four species of migratory waterfowl, the Swale also qualifies under criterion 2a of the Ramsar Convention by supporting a number of species of rare plants and invertebrates.

The intertidal flats are extensive, especially in the east of the site, and support a dense invertebrate fauna. These invertebrates, together with beds of algae and Eelgrass *Zostera spp.*, are important food sources for water birds. Locally there are large Mussels *Mytilus edulis* beds formed on harder areas of substrate. The wide diversity of coastal habitats combine to support important numbers of waterbirds throughout the year.

The diverse mix of habitats within the Swale support internationally important populations of waterbirds. It supports outstanding numbers of waterfowl with some species regularly occurring in nationally or internationally important numbers. The Swale SPA was classified in 1985 and extended in 1993. The qualifying bird interest features in the SPA Citation, SPA Review and Ramsar citation, SPA Review and Ramsar citation, together with the criteria used for this assessment ) in line with Natural England advice this is whichever provides the strongest protection ).

During severe winter weather elsewhere, the Swale can assume even greater national and international importance as a cold weather refuge. Wildfowl and waders from

**SW/10/444 - Development of a Sustainable Energy Plant to serve Kemsley Paper Mill. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent**

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many areas arrive, attracted by the relatively mild climate, compared with continental European areas, and the abundant food sources available.

**Conclusions**

The assessment has concluded that the development proposed, both alone and in combination with other proposed or planning projects in the locality, has the potential to adversely effect the integrity of the site. However, appropriate avoidance and mitigation measures have been incorporated into the design of the proposed Sustainable Energy Plant proposal to be able to draw a conclusion of no adverse effect on all of the qualifying features of the Natura 2000 and Ramsar sites under consideration.

The in-combination effects would be the cumulative effect of development on SPA/Ramsar species due either to direct impacts on the SPA/Ramsar ( lighting, noise, access) or loss of the habitat outside the designation but used by SPA/Ramsar species. Mitigation measures in the form of design, retention and enhancement of existing habitats are proposed to offset these impacts for all the developments that have been assessed. For those plans and projects where impacts are unknown at this time, best practice would be followed to reduce and mitigate impacts so that overall the in-combination effects would be negligible.

However, based on the wide array of where the developments are geographically and within the planning process ; and the face that it is unlikely that they would occur at the same time, impacts on both SPA/Ramsar sites are considered negligible.

The final conclusion is that the planning application will have no adverse effects on the integrity of the following sites:

- The Swale SPA and Ramsar
- Medway Estuary and Marshes SPA and Ramsar
- Thames Estuary and Marshes SPA and Ramsar
- Outer Thames Estuary pSPA

**Signed:**

**Date:**

CC1 (Detailed)



Reference Code  
of Application: SW/10/444

**KENT COUNTY COUNCIL**

**TOWN & COUNTRY PLANNING ACTS  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(ENGLAND) ORDER 2010**

**Notification of Grant of Permission to Develop Land**

To: St Regis Paper Co Ltd & E.ON Energy from Waste UK Ltd  
C/o RPS Planning and Development Ltd  
3<sup>rd</sup> Floor  
34 Lisbon Street  
Leeds  
West Yorkshire  
LS1 4LX

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Acts, having taken environmental information submitted in support of the proposal into consideration, **HAS GRANTED PERMISSION** for development of land situated to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent and being development of a sustainable energy plant to serve Kemsley Paper Mill, comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access referred to in your application for permission for development dated the twenty third day of March 2010, as amplified in the letters from RPS dated 5 October 2010 enclosing further supplementary reports in respect of biodiversity information and information to inform an appropriate assessment together with a separate report in response to observations made by the Environment Agency, 15 October 2010, 26 November 2010 and 17 March 2011 enclosing a plan entitled Kent & Hinterland, SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-

- (1) The development to which this permission relates shall be begun not later than the expiration of 5 years commencing with the date of this permission.

*Reason; To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

- (2) The Development to which this permission relates shall be carried out strictly in accordance with the details submitted with the application together with those further details to be submitted for approval.

*Reason; For the avoidance of doubt and to maintain control over the application site.*

- (3) The maximum number of Heavy Goods Vehicle movements to and from the Application Site shall not exceed a combined total of 258 movements per day save for movements in accordance with Condition (5) subject to any prior written variation as approved by the Waste Planning Authority.

*Reason; In the interest of highway safety pursuant to Policy W22 of the Kent Waste Local Plan.*

- (4) Waste deliveries shall only take place between 07:00 and 18:00 hours Monday to Friday inclusive and 07:00 and 13:00 hours on Saturdays, no waste deliveries shall take place on Saturday afternoon, Sunday or Bank/Public Holidays save for those deliveries in accordance with condition (5) and subject to any prior written variation as approved by the Waste Planning Authority.

*Reason; In order to avoid nuisance from noise pursuant to Policy W18 of the Kent Waste Local Plan.*

- (5) Waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to conditions (3) and (4) of the permission.

*Reason; In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

- (6) Prior to the Commencement of Development a strategy to encourage the use of the railway in the vicinity of the Application Site as a means of transporting waste deliveries to the Development hereby permitted shall be submitted to and approved in writing by the Waste Planning Authority and thereafter implemented in accordance with the approved strategy.

*Reason; In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

- (7) With the exception of construction using the concrete slip-forming method, construction using constant pore methods for concrete laying and internal process works relating to mechanical and/or electrical equipment installation, construction activities shall only take place between 07:00 and 19:00 hours Monday to Friday inclusive and 07:00 and 16:00 hours Saturday and Sunday with no construction activities to take place on Bank or Public Holidays subject to any prior written variation as approved by the Waste Planning Authority.

*Reason; In order to avoid any adverse disturbance to breeding birds pursuant to policies W18 and W21 of the Kent Waste Local Plan and Policy SP2 of the Swale Borough Local Plan.*

- (8) All piling shall be by way of Auger other than where an alternative method is required for structural reasons. In such circumstances the prior written consent of the Waste Planning Authority shall be required which shall only be given if it has been demonstrated that there is no resultant unacceptable risk to groundwater and that impact piling will not take place between 1 April and 31 August in any given year, subject to any prior written variation as approved by the Waste Planning Authority.

*Reason; In order to avoid any risks to groundwater pursuant to Policy W19 of the Kent Waste Local Plan and in order to avoid any disturbance to breeding birds pursuant to the requirements of PPS9 and policies W18 and W21 of the Kent Waste Local Plan.*



- (9) Noise levels as measured at the residential locations as set out in Figure 12.1 of Chapter 12 (Noise and Vibration) of the Environmental Statement (March 2010) attributable directly to the Development hereby permitted shall not exceed the background levels as set out in Appendix 12.5 of the Environmental Statement (March 2010) (Operational Noise Assessment) dated 24 November 2009.

*Reason; In order to avoid any adverse impact from noise pursuant to Policy W18 of the Kent Waste Local Plan.*

- (10) Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the Application Site shall each be submitted to and approved in writing by the Waste Planning Authority and thereafter implemented in accordance with the approved scheme:-

1.1 A preliminary Risk Assessment which has identified:-

- (a) All previous uses; and
- (b) Potential contaminants associated with those uses; and
- (c) A conceptual model of the Application Site indicating sources, pathways and receptors; and
- (d) Potentially unacceptable risks arising from contamination at the Application Site.

1.2 A site Investigation Scheme based on the Preliminary Risk Assessment under 1.1 above shall identify those receptors which are most likely to be affected by contamination.

1.3 A Detailed Risk Assessment shall be undertaken of those receptors identified in the Site Investigation Scheme.

1.4 A Detailed Risk Assessment shall inform an Options Appraisal and Remediation Strategy for those receptors identified in the Site Investigation Scheme and shown by the detailed Risk Assessment to require remediation. Details of the required remediation measures recommended for implementation shall be included in the Detailed Risk Assessment.

1.5 The recommendations of the Detailed Risk Assessment shall be undertaken in accordance with the provisions therein.

1.6 A Verification Plan shall present data and evidence to show that the recommendations in the Detailed Risk Assessment have been undertaken. The Verification Plan shall set out details of any long term monitoring of pollutant linkages that is required and shall provide mechanisms for ongoing maintenance arrangements and contingency actions.

Following the commencement of Development any long term monitoring or maintenance arrangements and contingency actions identified shall be undertaken as provided for subject to any prior written variation as approved by the Waste Planning Authority.

*Reason; To ensure the Development is consistent with the requirements of PPS23 (Planning and Pollution Control) and to ensure any risks to groundwater and surface waters are appropriately mitigated pursuant to Policy W19 of the Kent Waste Local Plan.*

- (11) Prior to the Commencement of Development a scheme for the provision and management of a buffer zone alongside and including the ditch within the west of the application area as shown on Figure 4.2 of the Planning Application Supporting Statement shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter the Development shall be carried out in accordance with the approved scheme subject to any written variation as approved by the Waste Planning Authority. The Scheme shall include the following:

- (a) Plans showing the extent and layout of the buffer zone; and
- (b) Details demonstrating how the buffer zone will be protected during construction of the Development and managed/maintained over the longer term.

*Reason; In order to protect the ecological value of the ditch pursuant to the objectives in PPS9 (Biodiversity and Geological Conservation) and Policy NRM5 of the South East Plan.*

- (12) Prior to the Commencement of Development a detailed Environmental Management Plan including Construction Method Statement to incorporate the proposed migration as outlined in the document entitled 'Appendix 9.6 Information for an Appropriate Assessment' for suppression of dust, construction noise, lighting and visual disturbance shall be submitted to and approved in writing by the Waste Planning Authority and thereafter be implemented as approved.

*Reason; In order to protect the bio-diversity and geological interests for the Application Site and surrounding area consistent with the principles set out in PPS9 (Biodiversity and Geological Conservation) and Policy W21 of the Kent Waste Local Plan.*

- (13) Prior to the Commencement of Development a programme of archaeological work shall be submitted to the Waste Planning Authority for approval which shall include details of specification and timetables. The programme shall thereafter be implemented as approved.

*Reason; To ensure that features of archaeological interest are properly examined and recorded to be consistent with the principles as set out in PPS5 (Planning and Historic Environment).*

- (14) Prior to the Commencement of Development details of a scheme of landscaping and tree planting shall be submitted to the Waste Planning Authority for approval and shall thereafter be implemented as approved.

*Reason; In order to help reduce the visual impact of the Development.*

- (15) All trees and shrubs planted under the scheme as approved under condition (14) above shall be maintained for a period of 5 years. Any trees or shrubs that either die, are lost, damaged or become diseased during this 5 year period shall be replaced with a tree or shrub of the same species within the next available planting season.

*Reason; In order to help reduce the visual impact of the Development.*

- (16) The Development hereby permitted shall be carried out strictly in accordance with the Flood Risk Assessment (FRA) submitted in support of the application and which includes the following detailed mitigation measures:-

1.1 The surface water management scheme outlined within Appendix 4 of the FRA (Surface Water Management and Foul Drainage Philosophy Statement) and the storage areas shown on drawings 16315 AO 0600 and 16315 AO 0301 within Appendix B shall be constructed and operational prior to the acceptance of waste by the Development.

1.2 A safe route into and out of the Application Site to an appropriate safe haven shall be identified and provided.

1.3 Finished floor levels are to be set in accordance with the FRA.

*Reason; In order to reduce the risk of flooding and to ensure the safe access and egress from and to the Application Site pursuant to the requirements of PPS25 (Development and Flood Risk).*

- (17) All surface water drainage from the Application Site discharging to a local water course shall be attenuated for a 1:100 year return storm with a limited discharge of 7 litres per second per hectare or the equivalent run off from a Greenfield site for a 1:2 year storm.

*Reason; In order to reduce the risk of flooding and ensure the safe access and egress from the Application Site pursuant to the requirements of PPS25 (Development and Flood Risk).*

- (18) Work on the proposed drainage outfall to the Swale (as shown on Figure 4.25 Proposed Drainage Layout of the Planning Application Site Supporting Statement) shall only take place between 1 April and 31 September in any given year.

*Reason; In order to protect over-wintering birds on the Application Site and surrounding area consistent with the principles set out in PPS9 (Biodiversity and Geological Conservation).*

- (19) All fuels, oils and other liquids with the potential to contaminate the Application Site shall be stored in a secure bunded area in order to prevent any accidental or unauthorized discharge to the ground. The area for storage shall not drain to any surface water system. Where it is proposed to store more than 200 litres of any type of oil on the Application Site it must be stored in accordance with the provisions of the Control of Pollution (Oil Storage) (England) Regulations 2001. Where a drum or barrel has a capacity of less than 200 litres a drip tray capable of retaining 25% of the maximum capacity of the drum or barrel may be used in lieu of storing the drum or barrel in the secure bunded area.

*Reason; In order to prevent any unacceptable risk to the environment pursuant to Policy W19 of the Kent Waste Local Plan.*

- (20) Prior to their installation/construction on the Application Site details of the storage bunkers (as shown on Figure 4.2 of the Planning Application Supporting Statement) into which waste would initially be tipped shall be submitted to the Waste Planning Authority for approval and then subsequently installed/constructed in accordance with such approved details.

*Reason; To ensure that in the event of the plant shutting down that any waste stored in the storage bunkers can be readily removed or contained in a manner so as to prevent the creation of any unacceptable and unpleasant odours in the interests of residential amenity.*

- (21) Details of an external lighting strategy which follows best practice to reduce the impact of light spillage on the adjacent SPA and Ramsar site shall be submitted to the Waste Planning Authority for approval prior to the installation of external lighting on the Application Site. External lighting shall only be installed on the Application Site in accordance with the approved lighting strategy.

*Reason; In order to protect the bio-diversity and geological interests of the Application Site and surrounding area consistent with the principles set out in PPS9 (Biodiversity and Geological Conservation) and Policy W21 of the Kent Waste Local Plan.*

- (22) Other than waste arising from within Kent all waste used as a fuel in the Sustainable Energy Plant hereby permitted shall be pre-treated. Unless otherwise agreed in writing by the Waste Planning Authority no less than 20% of the annual waste throughput shall be pre-treated waste sourced from within the area defined as Hinterland shown on the plan attached to the letter from RPS dated 17 March 2011 entitled KENT & HINTERLAND and which includes Kent, Tandridge, Thurrock and Medway.

*Reason; To ensure that waste processed at the plant is sourced consistent with the principles set out under policies W3 and W4 of the South East Plan and PPS10 (Planning for Sustainable Waste Management) which seek to secure waste management capacity sufficient to achieve net regional and sub-regional self sufficiency having regard to the proximity principle.*

- (23) In the event that Kemsley Paper Mill no longer requires heat and/or power from the Sustainable Energy Plant hereby permitted, the operator of the plant shall submit a scheme to the Waste Planning Authority for approval setting out details of the steps that will be taken to identify alternative users of the heat and/or power generated.

*Reason; To ensure that the plant continues to operate as a means of providing a sustainable supply of energy consistent with the objectives set out in PPS10 (Planning for Sustainable Waste Management).*

#### Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies.


The summary of reasons for granting approval is as follows:-

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informative:

Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time. **Note that from 6<sup>th</sup> May 2008 each submission of details pursuant to conditions attracts an application fee of £85.**

Dated this sixth day of March 2012

(Signed) 

Head of Planning Applications Group

INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX

## TOWN AND COUNTRY PLANNING ACT 1990

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN THE COUNTY COUNCIL REFUSES PLANNING PERMISSION OR GRANTS IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010, and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.
- Section 53 of the County of Kent Act 1981 (access for Fire Fighting Purposes) will apply to this permission if it relates to building works, and will be considered when plans are deposited with the appropriate authority for approvals under the Buildings Regulations 1995.
- If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Section 78(1) of the Town and Country Planning Act 1990. If he wants to appeal then he must do so within six months of the date of this notice using a form which is obtainable from the Secretary of State at The Planning Inspectorate, Room 315A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN – Tel: 0117 372 6372; or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the County Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the County Planning Authority based their decision on a direction given by the Secretary of State.
- If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.
- Where this decision relates to development which has been the subject of Environmental Impact Assessment the validity of the Council's decision may be challenged by making an application to the High Court within three months from the date of this decision. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor, or contact the Crown Office at the following address: Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London, WC2 2LL – Tel: 020 7947 6655; or online at [www.courtservice.gov.uk](http://www.courtservice.gov.uk)



D S Smith & EEW (UK)  
c/o RPS planning & Development  
3<sup>rd</sup> Floor  
34 Lisbon Street  
Leeds  
West Yorkshire  
LS1 4LX

**Planning Applications Group**  
First Floor, Invicta House  
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Maidstone  
Kent ME14 1XX  
Fax: 01622 221072  
Tel: 08458 247303

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)

Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)

Direct Dial/Ext: 01622 221054

Textbox: 08458 247905 (hearing impaired)

Ask for: Mike Clifton

Your ref:

Our ref: PAG/MC/SW/10/444/R

Date: 2 September 2013

For the attention of Mr J Standen

Dear Sir/Madam

**APPLICATION NO: SW/10/444/R**

**PROPOSAL: Application for a non-material amendment to the site layout**

**LOCATION: Sustainable Energy Plant, Kemsley Paper Mill, Sittingbourne, Kent,**

The County Council as County Planning Authority has considered the amended details submitted by you in respect of the above proposal.

The Authority hereby approves the non-material amendment details dated 5 August 2013 and received with accompanying Planning Statement and accompanying drawing numbers:

Figure 4.1 A - Permitted Site Location Plan  
Figure 4.2 A - Proposed Building Layout  
Figure 4.3 A - Proposed Site Layout  
Figure 4.4 A - South East Elevation  
Figure 4.5 A - North East Elevation  
Figure 4.6 A - South West Elevation  
Figure 4.7 A - North West Elevation  
Figure 4.8 A - Main Building Proposed South East Elevation  
Figure 4.9 A - Main Building Proposed North East Elevation  
Figure 4.10 A - Main Building Proposed South West Elevation  
Figure 4.11 A - Main Building Proposed North West Elevation  
Figure 4.12 A - Site Layout and Access  
Figure 4.13 A - Proposed Structure for Air Cooled Condenser (URC) Elevations  
Figure 4.14 A - Switchgear Building (UBA) Floor Plans  
Figure 4.17 A - Turbine Building Layout  
Figure 4.18 A - Fire Water Supply Station Layout  
Figure 4.19 A - Office and Staff Amenities Building (UYA) Floor Plans  
Figure 4.20 A - Proposed Gatehouse Floor Plan and Elevation  
Figure 4.21 A - Landscape Masterplan

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*As part of the Council's commitment to equalities if you have any concerns or issues with regard to access to this information please contact us for assistance.*

Figure 4.22 A - Boundary Treatment  
Figure 4.24 A - Site Sections  
Figure 4.25 A - Proposed Drainage Layout  
Figure 4.26 A - Proposed Levels/Site Plan  
Figure 4.27 A - Fuel Bunker Level -6.5 m, Level + 0.00 m  
Figure 4.28 A - Fuel Bunker Level +21.25 m, Level +27.5 m  
Figure 4.29 A - Fuel Bunker Section A-A  
Figure 4.30 A - Fuel Bunker Section B-B & C-C  
Figure 4.31 A - Tipping Hall Layout Level + 0.00 m  
Figure 4.32 A - Tipping Hall Section A-A  
Figure 4.33 A - Overall Roof Layout Comparison Drawing  
Figure 4.34 A - Illustrative Visualisation 1 of 7  
Figure 4.35 A - Illustrative Visualisation 2 of 7  
Figure 4.36 A - Illustrative Visualisation 3 of 7  
Figure 4.37 A - Illustrative Visualisation 4 of 7  
Figure 4.38 A - Illustrative Visualisation 5 of 7  
Figure 4.39 A - Illustrative Visualisation 6 of 7  
Figure 4.40 A - Illustrative Visualisation 7 of 7

to allow for revisions to the site layout as a formal amendment pursuant to condition 2 of the details previously approved under the consent reference SW/10/444 granted on 6 March 2012.

In addition please be advised of the following informative:

You are advised that all other conditions imposed under planning permission SW/10/444 remain in effect and that those details previously approved pursuant to that permission shall be complied with unless superseded by the details hereby approved.

Yours faithfully



Head of Planning Applications Group





Wheelabrator Technologies and DS Smith  
PLC  
C/o Mr Andrew Stevenson  
RPS Planning & Development  
Suite D10  
Josephs Well  
Hanover Walk  
Leeds  
West Yorkshire  
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Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 03000 413350  
Text relay: 18001 03000 417171  
Ask for: Mr Mike Clifton  
Your ref:  
Our ref: SW/10/444/RA  
Date: 18 December 2015

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)  
PLANNING ACT 2008**

Dear Mr Stevenson

**APPLICATION NO: SW/10/444/RA**

**PROPOSAL: Non material amendment to building footprint and elevation and site layout as shown on amended plans**

**LOCATION: Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD**

The County Council as County Planning Authority has now considered the amended details submitted in respect of the above proposal.

The Authority hereby approves the application for a non-material amendment dated 19 November 2015 as set out in the letter from RPS dated 19 November 2015 with accompanying drawing numbers:

- Figure 4.1B – Permitted Site Location
- Figure 4.3B – Proposed Site Layout
- Figure 4.4B – South East Elevation
- Figure 4.5B – North East Elevation
- Figure 4.6B – South West Elevation
- Figure 4.7B – North West Elevation
- Figure 4.12B – Site Layout & Access
- Figure 4.13B – Proposed Structure for Air Cooled Condenser Elevations
- Figure 4.18B – Proposed Structure for Fire Water Supply Elevation
- Figure 4.20B – Proposed Gatehouse Floor Plan and Elevation
- Figure 4.21B - Landscape Masterplan
- Figure 4.22B – Boundary Treatment
- Figure 4.34B – Illustrative Visualisation 1 of 7
- Figure 4.35B – Illustrative Visualisation 2 of 7

- Figure 4.36B – Illustrative Visualisation 3 of 7
- Figure 4.37B – Illustrative Visualisation 4 of 7
- Figure 4.38B – Illustrative Visualisation 5 of 7
- Figure 4.39B – Illustrative Visualisation 6 of 7
- Figure 4.40B – Illustrative Visualisation 7 of 7

to allow for revisions to the building footprint and elevation and site layout as a formal amendment pursuant to condition (2) of the details previously approved on 2 September 2013 under the consent reference SW/10/444/R.

In addition you are advised that all other conditions imposed under planning permission SW/10/444 remain in effect and that those details previously approved pursuant to that permission shall be complied with unless superseded by the details hereby approved.

Yours faithfully



A handwritten signature in black ink, appearing to be the initials 'S' and 'D'.

Head of Planning Applications Group



Wheelabrator Technologies  
C/o Mr Andrew Stevenson  
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Direct Dial/Ext: 03000 413350  
Text relay: 18001 03000 417171  
Ask for: Mr Mike Clifton  
Your ref: OXF 8693  
Our ref: SW/10/774/RB  
Date: 27 March 2017

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)  
SECTION 96A**

Dear Mr Stevenson,

**APPLICATION NO: SW/10/444RB**

**PROPOSAL: Non-material amendment to approved building footprint, elevations, appearance and site layout.**

**LOCATION: Land at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent ME10 2TD.**

The County Council as County Planning Authority has now considered the amended details submitted in respect of the above proposal.

The Authority hereby approves the application for a non-material amendment as set out in your application dated 2 March 2017 and accompanying letter of the same date along with drawing numbers:

- 4.1C Site Location Plan
- 4.2C Proposed Building Layout
- 4.3C Proposed Site Layout
- 4.4C SE Elevation & Section
- 4.5C NE Elevation & Section
- 4.6C SW Elevation & Section
- 4.7C NW Elevation & Section
- 4.8C SE Elevation b/w
- 4.9C NE Elevation b/w
- 4.10 SW Elevation b/w
- 4.11C NW Elevation b/w
- 4.12C Site Layout & Access
- 4.13C Proposed Structure for Air Cooled Condenser Elevations
- 4.19C Typical Office and Staff Amenities Building Floor Plans
- 4.20C Proposed Gatehouse Floor Plan and Elevations

- 4.21C Landscape Masterplan
- 4.22C Boundary Treatment
- 4.24C Site Sections
- 4.25C Proposed Drainage Layout
- 4.26C Proposed Levels
- 4.27C Fuel Bunker Level +2.0m
- 4.28C Fuel Bunker Level +20.0m and Level +36.0m
- 4.29C Fuel Bunker Section A-A
- 4.30C Fuel Bunker Section B-B
- 4.31C Tipping Hall Layout Level +0.0m
- 4.32C Tipping Hall Section A-A
- 4.33C Overall Roof Layout Comparison Drawing
- 4.34C Illustration 1 of 7
- 4.35C Illustration 2 of 7
- 4.36C Illustration 3 of 7
- 4.37C Illustration 4 of 7
- 4.38C Illustration 5 of 7
- 4.39C Illustration 6 of 7
- 4.40C Illustration 7 of 7
- 4.41C Western Ditch

to allow for revisions to the building footprint, elevations, appearance and site layout as a formal amendment pursuant to condition (2) of the details previously approved on 18 December 2015 under the No-Material Application reference SW/10/444RA

In addition please be advised that all other conditions imposed under planning permission SW/10/444 remain in effect and that those details previously approved pursuant to that permission shall be complied with unless superseded by the details hereby approved.

Yours faithfully



Head of Planning Applications Group



DS Smith & EEW (UK)  
C/o RPS Planning & Development  
34 Lisbon Street  
Leeds  
LS1 4LX

**Planning Applications Group**

First Floor, Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX  
Fax: 01622 221072  
Tel: 08458 247303

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)

Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)

Direct Dial/Ext: 01622 221054

Textbox: 08458 247905 (hearing impaired)

Ask for: Mr Mike Clifton

Your ref:

Our ref: PAG/SW/10/444/RVAR

Date: 23 September 2013

Dear Sir/Madam

**PROPOSAL: SW/10/444/R6,10,11,12,13,14 &20 DETAILS PURSUANT TO CONDITIONS 6 (RAIL STRATEGY), 10 (CONTAMINATION RISK), 11 (BUFFER MANAGEMENT ZONE), 12 (ENVIRONMENTAL MANAGEMENT PLAN), 13 (ARCHAEOLOGY), 14 (LANDSCAPING) AND 20 (DETAILS OF THE WASTE BUNKER) OF PLANNING PERMISSION SW/10/444. LAND AT KEMSLEY PAPER MILL, KEMSLEY, SITTINGBOURNE, KENT, ME10 2TD**

The County Council as County Planning Authority has now considered details pursuant to conditions 6 (Rail Strategy), 10 (Contamination Risk), 11 (Buffer Management Zone), 12 (Environmental Management Plan), 13 (Archaeology), 14 (Landscaping) and 20 (Details of the Waste Bunker) of planning permission reference SW/10/444, granted on 6 March 2012.

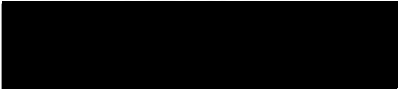
The Authority hereby approves the details set out in RPS letter dated 5 August 2013, received with accompanying Planning Statements entitled 'Application for Approval of Details Reserved by Condition' and 'Scheme for Discharge of Condition 10' dated July 2013, as amended by drawing number 16315/A1/4.21A Rev E received with accompanying RPS letter dated 17 September 2013 and as further amended by drawing number 16315/A1/4.21A Rev F entitled '*Landscape Masterplan*' as satisfying the requirements of the aforementioned conditions (6), (10), (11), (12), (13), (14) & (20).

In addition, please be advised of the following informative(s):

1. Please also be advised that all other conditions attached to permission reference SW/10/444 remain unchanged by this notice.
2. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that

they can be considered and approved at the appropriate time. **Note that from 21<sup>st</sup> November 2012 submission of details pursuant to conditions attracts an application fee of £97**

Yours faithfully



Sharon Thompson  
Head of Planning Applications Group



Wheelabrator Technologies  
c/o RPS Planning and Development  
Suite 10 Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

**Planning Applications Group**  
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Kent ME14 1XX  
Tel: 03000 411200

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)  
Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
DirectDial/Ext: 03000 413484  
Text relay: 18001 03000 417171  
Ask for: Mr Jim Wooldridge  
Your ref: OXF9812  
Our ref: SW/10/444/RVAR  
Date: 27 June 2017

Dear Sir / Madam

**APPLICATION NO: SW/10/444/RVAR**

**PROPOSAL: DETAILS OF RAIL STRATEGY (CONDITION 6), BUFFER ZONE ALONGSIDE THE WESTERN DITCH (CONDITION 11), ENVIRONMENTAL MONITORING & MITIGATION PLAN (CONDITION 12), LANDSCAPING SCHEME (CONDITION 14) AND DETAILS OF STORAGE BUNKERS (CONDITION 20) PURSUANT TO PLANNING PERMISSION SW/10/444**

**LOCATION: LAND TO THE EAST OF KEMSLEY PAPER MILL, KEMSLEY, SITTINGBOURNE, KENT, ME10 2TD**

The County Council as County Planning Authority has now considered the details submitted pursuant to conditions 6 (Rail Strategy), 11 (Buffer Zone alongside the Western Ditch), 12 (Environmental Monitoring & Mitigation Plan), 14 (Landscaping Scheme) and 20 (Storage Bunkers) imposed on planning permission reference SW/10/444 granted on 6 March 2012.

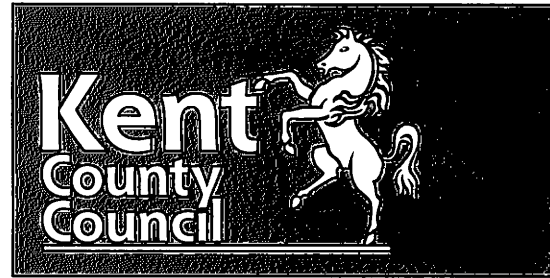
The Authority hereby approves the details submitted on 3 April 2017 within the letter from Andrew Stevenson of RPS Planning & Development Ltd and accompanying documents titled "Wheelabrator Kemsley Generating Station Condition 6: Revised Rail Strategy" (dated 24 March 2017), "Kemsley EFW, Kemsley Paper Mill, Sittingbourne, Kent: Ditch Buffer Zone Management Plan" (dated January 2017) and "Kemsley Sustainable Energy Plant Environmental Monitoring and Mitigation Plan Kemsley, Kent" (dated November 2016) and drawing numbers 16315/A1/4.21 Rev K titled "Landscape Masterplan" (dated January 2017), 16315/A1/P/0220 Rev B titled "Fuel Bunker Level +2.000m" (dated 14 February 2017), 16315/A1/P/0221 Rev B titled "Fuel Bunker Level +20.000m and Level +36.000m" (dated 14 February 2017), 16315/A1/P/0222 Rev B titled "Fuel Bunker Section A-A" (dated 15 February 2017) and 16315/A0/P/0223 Rev B titled "Fuel Bunker Section B-B" (dated 15 February 2017), as satisfying the requirements of the aforementioned conditions 6, 11, 12, 14 and 20 of planning permission reference SW/10/444.

Yours faithfully



Head of Planning Applications Group





CC1 (Detailed)

Reference Code  
of Application: SW/12/1001

**KENT COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACTS  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010**

**Notification of Grant of Permission to Develop Land**

To: DS Smith PLC & E.ON Energy from Waste Ltd  
C/o RPS  
3<sup>rd</sup> Floor  
34 Lisbon Street  
Leeds  
LS1 4LX

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Acts, HAS GRANTED PERMISSION for development of land situated at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent and being the formation of improved access road and associated development to serve Kemsley Sustainable Energy Plant referred to in your application for permission for development dated the twentieth day of June 2012, with the letter from RPS dated 20 June 2012, 'Planning Application Supporting Statement' dated June 2012 (Ref: DLE2410) together with additional supporting information as set out in the e mail from Jonathan Standen sent on 19 September 2012, with attached 'Reptile Survey Report' dated 5 September 2012 (Ref: JPP1804) and 'Flood Risk Assessment' (Ref: JER5440), SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-

- (1) The development to which this permission relates shall be commenced not later than the expiration of 5 years commencing with the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

- (2) The development to which this permission relates shall be carried out strictly in accordance with the details submitted with the application together with those further approved details required to be submitted for approval by the County Planning Authority.

*Reason: For the avoidance of doubt and to maintain control over the development.*

- (3) During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operative's and construction vehicles loading, off-loading or turning on the site.

*Reason: In the interest of highway safety.*

- (4) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the County Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

*Reason: In the interest of highway safety.*

- (5) As an initial operation on site, precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to and approved by the County Planning Authority. Such proposals shall include washing facilities by which vehicles have their wheels, chassis and bodywork cleaned and washed free of mud and similar substances.

*Reason: In the interest of highway safety.*

- (6) Surface water run-off from the site shall be restricted to a maximum of 5 litres/second, with on-site storage provided for the 1 in 100 year event (+CC).

*Reason: In order to ensure that the development is consistent with the objectives of the National Planning Policy Framework (NPPF) and to ensure that surface and ground water resource interests are protected pursuant to policy W19 of the Kent Waste Local Plan 1998.*

- (7) Prior to the commencement of the development details of a management and maintenance plan of the drainage system shall be submitted to and approved by the County Planning Authority and thereafter shall be implemented as approved.

*Reason: In order to ensure that the development is consistent with the objectives of the NPPF and to ensure that surface and ground water resource interests are protected pursuant to policy W19 of the Kent Waste Local Plan 1998.*

- (8) Prior to the commencement of the development a scheme for the provision and management of a buffer zone alongside and including the ditch within and to the east of the application area as shown on Figure 4 Rev C of the planning application supporting statement, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide for a strategy to improve the ditch and associated banking for water vole. Thereafter the development shall be carried out in accordance with the approved scheme subject to any written variation as approved by the County Planning Authority. The scheme shall include the following:

- (a) Plans showing the extent and layout of the buffer zone.
- (b) Details demonstrating how the buffer zone will be protected during construction of the development and managed/maintained over the longer term.
- (c) The strategy shall include provision for an updated water vole survey to be carried out prior to works commencing.

*Reason: In order to conserve and enhance biodiversity interests consistent with the objectives set out in the NPPF and policy W21 of the Kent Waste Local Plan.*

Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including those referred to under the specific conditions above.

The summary of reasons for granting approval is as follows:-

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informative:

Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time. **Note that from 6<sup>th</sup> May 2008 each submission of details pursuant to conditions attracts an application fee of £85**

Dated this fifth day of November 2012

(Signed).....  
Head of Planning Applications Group

INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN THE COUNTY COUNCIL REFUSES PLANNING PERMISSION OR GRANTS IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010, and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.
- Section 53 of the County of Kent Act 1981 (access for Fire Fighting Purposes) will apply to this permission if it relates to building works, and will be considered when plans are deposited with the appropriate authority for approvals under the Buildings Regulations 1995.
- If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Section 78(1) of the Town and Country Planning Act 1990. If he wants to appeal then he must do so within six months of the date of this notice using a form which is obtainable from the Secretary of State at The Planning Inspectorate, Room 315A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN – Tel: 0117 372 6372; or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the County Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the County Planning Authority based their decision on a direction given by the Secretary of State.
- If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.
- Where this decision relates to development which has been the subject of Environmental Impact Assessment the validity of the Council's decision may be challenged by making an application to the High Court within three months from the date of this decision. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor, or contact the Crown Office at the following address: Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London, WC2 2LL – Tel: 020 7947 6655; or online at [www.courtservice.gov.uk](http://www.courtservice.gov.uk)



RPS Planning & Development  
3<sup>rd</sup> Floor  
34 Lisbon Street  
Leeds  
LS1 4LX

Fao: Mr J Standen

**Planning Applications Group**  
First Floor, Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX  
Fax: 01622 221072  
Tel: 08458 247303

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)  
Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 01622 221058  
Textbox: 08458 247905 (hearing impaired)  
Ask for: Mr Harry Burchill  
Your ref:  
Our ref: SW/13/1257  
Date: 4 February 2014

### TOWN AND COUNTRY PLANNING ACT 1990

Dear Sir/Madam

**APPLICATION:** SW/13/1257

**PROPOSAL:** Variation of condition 6 to provide the formation of improved access road and associated development to serve Kemsley sustainable Energy Plant (SW/12/1001)

**LOCATION:** Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

The above mentioned planning application received for the formal observations of the County Council, as County Planning Authority has now received consideration.

I write to inform you that the County Planning Authority resolved that planning permission be granted as set out in the attached formal notification.

Please note the conditions imposed and the informative as described.

Yours faithfully

  
Sharon Thompson  
Head of Planning Applications Group



Reference Code of  
Application: SW/13/1257

## KENT COUNTY COUNCIL

### TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010 (as amended)

#### NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: DS Smith & EEW (UK) Ltd  
c/o RPS Planning & Development Ltd  
3<sup>rd</sup> Floor  
34 Lisbon Street  
Leeds  
LS1 4LX

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD and being the variation of condition 6 to provide the formation of improved access road and associated development to serve Kemsley sustainable Energy Plant (SW/12/1001), referred to within the application for permission for development dated 16 September 2013, received on 19 September 2013, as amplified and amended by details referred to in the attached schedule, SUBJECT TO THE CONDITIONS SPECIFIED hereunder:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. [Written notification of the actual date of commencement shall be sent to the County Planning Authority within 7 days of such commencement].

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans submitted with application SW/12/1001, SW/12/1001/R and approved pursuant to the subsequent conditions approved under SW/12/1001/RVAR.

*Reason: For the avoidance of doubt and to maintain planning control over the development*

3. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives and construction vehicles loading, off-loading or turning on site.

*Reason: In the interest of highway safety*

4. Details of parking for site personnel/operatives/visitors submitted and approved under application SW/12/1001/RVAR shall be implemented and maintained throughout the construction of the development.

*Reason: In the interests of highway safety*

5. The scheme to guard against the deposit of mud and debris on the highway approved under SW/12/1001/RVAR shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety*

6. There shall be on site storage provided for a 1 in 100 year event +CC. The drainage channel into which the permitted site drains shall be maintained in accordance with the details set out within table 1 of the approved Drainage Management and Maintenance plan (September 2013).

*Reason: In order to ensure the development is consistent with the objectives of the National Planning Policy Framework (NPPF) and to ensure that surface and groundwater resource interests are protected pursuant to policy W19 of the Kent Waste Local Plan 1998.*

7. The Drainage system shall be implemented as per details approved under application SW/12/1001/RVAR

*Reason: In order to ensure the development is consistent with the objectives of the National Planning Policy Framework (NPPF) and to ensure that surface and groundwater resource interests are protected pursuant to policy W19 of the Kent Waste Local Plan 1998.*

8. The Scheme for the provision of a buffer zone submitted under SW/12/1001/RVAR shall be carried out in accordance with the approved details.

*In order to conserve and enhance the biodiversity interests consistent with the objectives set out in the NPPF and policy W21 of the Kent Waste Local Plan.*

Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, together with the relevant Development Plan policies, including those referred to under the specific conditions above.

Where necessary the planning authority has engaged with the applicant to address and resolve issues arising during the processing and determination of this planning application, in order to deliver sustainable development, to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval is as follows:-

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informative:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to submit further details to the County Planning Authority for approval may need to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is the applicant's responsibility to ensure that such details are submitted. The County Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. The above information should be taken into account when programming the implementation of the permission. **Any development that takes place in breach of such conditions is likely to be regarded as unlawful** and may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.

Dated this Fourth day of February 2014

(Signed).....  
Head of Planning Applications Group

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP  
FIRST FLOOR, INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX



## Schedule 1

### Schedule of Documents Permitted Under Planning Permission: SW/13/1257

Document Title / Description / Reference / Author	Received/Dated
<p>Application for Planning Permission (Town and Country Planning Act 1990)</p> <p>Planning Application Supporting Statement dated (Ref: DLE2410)</p> <p>Email from Jonathan Standen 19 September 2012 with attached "Reptile Survey Report" (Ref: JPP1804)</p> <p>Flood Risk Assessment (Ref: JER6045)</p> <p><b>As amended and/or amplified by:</b></p> <p>Letter from RPS</p> <p>Letter from Jonathan Standen dated 16 September 2013 (Ref OXF7883)</p> <p>Email from Jonathan Standen to Harry Burchill sent 10 December 2013 11:09</p>	<p>Dated June 2012</p> <p>Dated 5 September 2012</p> <p>Received 19 September 2013</p> <p>dated 20 June 2012</p> <p>Received 19 September 2013</p>

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



Wheelabrator Technologies  
c/o RPS Planning & Development  
RPS P&D  
Suite D10  
Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

FAO: Andrew Stevenson

**Planning Applications Group**  
First Floor, Invicta House  
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Maidstone  
Kent ME14 1XX  
Tel: 03000 411200

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)  
Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 03000 413484  
Text Relay: 18001 03000 417171  
Ask For: Mr Jim Wooldridge  
Your Ref: OXF 9812  
Our Ref: SW/13/1257/R  
Date: 21 December 2018

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING ACT 2008**

Dear Sir / Madam

**APPLICATION NO: SW/13/1257/R**

**PROPOSAL: Application for non-material amendment relating to access road layout to serve Kemsley Sustainable Energy Plant**

**LOCATION: Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD.**

The County Council as County Planning Authority has now considered the amended details submitted in respect of the above proposal.

The Authority hereby approves the application for a non-material amendment dated 21 November 2018 as a formal amendment to the details previously permitted under planning permission reference SW/13/1257 (dated 4 February 2014) as set out in the letter from Andrew Stevenson of RPS Planning & Development Ltd dated 19 November 2018 and as set out in Schedule 1 attached.

Yours faithfully

Head of Planning Applications Group

---

As part of the Council's commitment to equalities if you have any concerns or issues with regard to access to this information please contact us for assistance.

## Schedule 1

### Schedule of Documents considered under the Non-Material Amendment: SW/13/1257/R

#### Drawings and Documents

- Letter from Andrew Stevenson of RPS Planning & Development Ltd dated 19 November 2018.
- Surface Water Drainage Design Statement Addendum (ref: NK016315/RP02) dated 21 February 2018.
- Proposed Access Road Drainage Layout Alterations (ref: NK016315-RPS-XX-OODR-D-3300 Rev P02).
- Proposed Internal Access Layout (ref: 9163-0135-01 JNY9060-01).



RPS Planning & Development  
34 Lisbon Street  
Leeds  
LS1 4LX

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Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 03000 413350  
Text relay: 18001 03000 417171  
Ask for: Mr Mike Clifton  
Your ref:  
Our ref: SW/14/506680  
Date: 21 April 2015

#### **TOWN AND COUNTRY PLANNING ACT 1990**

Dear Sir/Madam

**APPLICATION:** SW/14/506680

**PROPOSAL:** Section 73 application to vary conditions (2) & (4) of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation

**LOCATION:** Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

The above mentioned planning application received for the formal observations of the County Council, as County Planning Authority has now received consideration.

I write to inform you that the County Planning Authority resolved that planning permission be granted as set out in the attached formal notification.

Please note the conditions imposed and the informatives as described.

Yours faithfully



Sharon Thompson  
Head of Planning Applications Group



Reference Code of  
Application: SW/14/506680

## KENT COUNTY COUNCIL

### TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

#### NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: D S Smith & Wheelabrator Technologies  
c/o RPS Planning & Development  
34 Lisbon Street  
Leeds  
LS1 4LX

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD and being the Section 73 application to vary conditions (2) & (4) of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation, referred to within the application for permission for development dated 11 November 2014, received on 13 November 2014, as amplified in the Email from Jonathan Standen (RPS) dated 12 February 2015. Accordingly condition (4) of planning permission SW/10/444 shall be deleted and condition (2) shall now read:

2. The development to which this permission relates shall be carried out strictly in accordance with the details submitted with the application as varied together with those further details to be submitted for approval.

*Reason: For the avoidance of doubt and to maintain planning control over the development*

#### Town and Country Planning (Development Management Procedure) (England) Order 2015

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, together with the relevant Development Plan policies., including the following, and those referred to under the specific conditions above:-

- Where necessary the planning authority has engaged with the applicant(s) *[and other interested parties]* to address and resolve issues arising during the processing and determination of this planning application, in order to deliver sustainable development, to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval is as follows:-

- The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise.

In addition please be advised of the following informatives:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to submit further details to the County Planning Authority for approval may need to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is the applicant's responsibility to ensure that such details are submitted. The County Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. The above information should be taken into account when programming the implementation of the permission. **Any development that takes place in breach of such conditions is likely to be regarded as unlawful** and may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. You are advised that all other conditions imposed on planning permission SW/10/444 remain in effect.

Dated this Twenty first day of April 2015

(Signed).. .  
Head of Planning Applications Group

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP  
FIRST FLOOR, INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and the Town and Country Planning (Applications) Regulations 1988 and does not prevent the need to comply with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required.

#### **Appeals to the Secretary of State**

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can obtain from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.





H & C Consultancy Ltd  
15 Sherbourne Road  
West Bridgford  
Nottingham  
NG2 7BN

Fao: Mrs J Holland

**Planning Applications Group**  
First Floor, Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX  
Tel: 03000 411200

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)  
Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 03000 413350  
Text relay: 18001 03000 417171  
Ask for: Mr Mike Clifton  
Your ref:  
Our ref: SW/16/507687  
Date: 9 February 2017

#### **TOWN AND COUNTRY PLANNING ACT 1990**

Dear Sir/Madam

**APPLICATION:** SW/16/507687

**PROPOSAL:** The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant

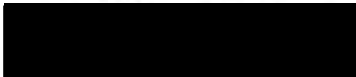
**LOCATION:** Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

The above mentioned planning application received for the formal observations of the County Council, as County Planning Authority has now received consideration.

I write to inform you that the County Planning Authority resolved that planning permission be granted as set out in the attached formal notification.

Please note the conditions imposed and the informatives as described.

Yours faithfully

  
Sharon Thompson  
Head of Planning Applications Group



Reference Code of  
Application: SW/16/507687

## KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015

### NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: Wheelabrator Technologies (UK) Ltd  
c/o H & C Consultancy Ltd  
15 Sherbourne Road  
West Bridgford  
Nottingham  
NG2 7BN

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne, Kent, ME10 2TD and being the The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant, referred to within the application for permission for development dated 23 September 2016, received on 23 September 2016, as amplified and amended by details referred to in the attached schedule SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. [Written notification of the actual date of commencement shall be sent to the County Planning Authority within 7 days of such commencement].

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted details, documents and plans referred to in Schedule 1 (attached) and/or as otherwise approved pursuant to the conditions below.

*Reason: For the avoidance of doubt and to maintain planning control over the development.*

3. Within 6 months prior to commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to the County Planning Authority for approval. The detailed drainage scheme shall be based on the recommendations of the approved Drainage Design Philosophy (NK018570/DDP01) and shall demonstrate that the surface water generated by this development for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated and disposed without an increase to on or off site flood risk.

*Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to ensure the ongoing efficacy of the drainage provisions.*

4. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the County Planning Authority. Thereafter the scheme shall be implemented and managed in accordance with the approved details. Such details shall include:
  - i) A timetable for implementation
  - ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

*Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to ensure the ongoing efficacy of the drainage provisions.*

5. Prior to the commencement of the development hereby permitted the following shall be undertaken:
  - i) Based on the submitted Desk Top Study and Preliminary Risk Assessment (Reference 160916 Phase 1 DTS and PRA Kemsley Mill IBA Area Final), to provide information for further assessment of the potential risk posed from contamination to controlled water receptors and site end users.
  - ii) The results of the further assessment referred to in i) above and based on these, an options appraisal and remediation strategy (if required), giving full details of any remediation measures required and how they are to be undertaken.
  - iii) If a Remediation Strategy is required following the further assessment referred to in ii) above, a verification plan of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in ii) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written approval of the County Planning Authority. The scheme shall be implemented as approved.

*Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework.*

6. If a Remediation Strategy is required no occupation of any part of the development hereby permitted shall take place until a verification report demonstrating completion of works sets out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The longer-term monitoring and maintenance plan shall thereafter be implemented as approved.

*Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework.*

7. The external finish and colour of the buildings and structures hereby permitted shall be as set out in Section 3.2 of the Planning Application Supporting Statement; details of further scrub planting along the eastern boundary of the site in the vicinity of the proposed attenuation swale and settlement lagoon shall be submitted to and approved by the County Planning Authority and shall thereafter be implemented as approved.

*Reason: In order to help assimilate the proposed development into the landscape and to soften views from the Saxon Shore Way.*

8. Parking for site personnel/operatives and visitors as shown on the Site Layout Plan Figure Number 9163-0012-17 and retained throughout the duration of the development.

*Reason: In the interest of highway safety.*

9. During construction provision shall be made on site to accommodate operatives' and construction vehicles loading, off-loading and turning on site.

*Reason: In the interest of highway safety.*

10. Precautions shall be taken during the construction of the site and throughout the duration of the development to prevent the deposit of mud and debris on the public highway.

*Reason: In the interest of highway safety.*

11. The area shown on the submitted Site Layout Plan Figure Number 1963-0012-17 as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of and visitors to the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) shall be carried out on the area of land or in such a position as to preclude vehicular access to this reserved parking space.

*Reason: In the interest of highway safety.*

12. The habitat proposed within the application site as shown on Figure Number 801 shall be incorporated and managed as part of the wider site management plan as set out in the Ecological Mitigation and Management Plan (Ref. JPP1804-MP-001d July 2013) which was approved under planning permission Ref. SW/10/444. The approved plan shall be updated accordingly.

*Reason; In order to protect and enhance ecological interests.*

13. The development hereby permitted shall only process Incinerator Bottom Ash from the adjoining Sustainable Energy Site permitted under planning permission Ref. SW/10/444.

*Reason: In order to maintain proper planning control over the development.*

14. HGVs shall only enter and leave the site between 0700 and 2300 hours.

*Reason: In order to maintain proper planning control over the development.*

15. The maximum number of HGV movements entering and leaving the site shall not exceed a combined total of 84 movements per day.

*Reason: In order to maintain proper planning control over the development.*

Town and Country Planning (Development Management Procedure) (England) Order 2015

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, together with the relevant Development Plan policies.

- Where necessary the planning authority has engaged with the applicant *[and other interested parties]* to address and resolve issues arising during the processing and determination of this planning application, in order to deliver sustainable development, to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval is as follows:-

- The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informatives:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to submit further details to the County Planning Authority for approval may need to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is the applicant's responsibility to ensure that such details are submitted. The County Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. The above information should be taken into account when programming the implementation of the permission. **Any development that takes place in breach of such conditions is likely to be regarded as unlawful** and may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. Your attention is drawn to the informatives set out in the attached letter from the Environment Agency dated 11 November 2016.

Dated this Ninth day of February 2017

(Signed)  .....  
Head of Planning Applications Group

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP  
FIRST FLOOR, INVICTA HOUSE  
COUNTY HALL, MAIDSTONE, KENT ME14 1XX

## Schedule 1

### Schedule of Documents Permitted Under Planning Permission: SW/16/507687

Document Title / Description / Reference / Author	Dated
Application for Planning Permission (Town and Country Planning Act 1990)	
Planning Application Form	23/09/2016
Planning Application Supporting Statement	23/09/2016
Transport Assessment	22/09/2016
Noise Assessment (jae9063_A0_20160616)	8/09/2016
Ecology Impact Assessment	August 2016
Flood Risk Assessment RV2	11/10/2016
Desk Study and Preliminary Risk Assessment	September 2016
Drainage Design Philosophy ( Ref. NK018570/DDP01) Rev D	7/10/2016
Groundsure Enviro Insight	31/05/2016
Site Investigation Report	December 2015
Fugitive Emissions Risk Assessment and Management Plan	July 2016
External Lighting Strategy	9/09/2016
Letter from h & c Consultancy	11/10/2016
 <b>Drawings / Number / Title:</b>	
IBA Application Boundary (Figure Number 9163-0012-03)	
Site Layout Plan (Figure Number 9163-0012-20)	
Site Elevations (Figure Number 9163-0020-05)	

IBA Storage Building (Figure Number 9163-0018-10)

Proposed Site Plan Impermeable Area (Document Number NK01857—RPS-00-ZZ-DR-1305 Rev C)

Proposed Drainage Layout (Document Number NK018570-RPS-00-ZZ-DR-D-1300 Rev C)

**As amended and/or amplified by:**

Email from Joanna Holland (h&c Consultancy)

12/12/2016

Email from Joanna Holland (h&c Consultancy) with attached( Document Number NK018570-RPS-00-ZZ-DR-D-1300)

12/12/2016

Email from Joanna Holland (h&c Consultancy) with attached Ecologist comments and Figure Number 801 ( January 2017)

4/01/2017

## TOWN AND COUNTRY PLANNING ACT 1990

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and the Town and Country Planning (Applications) Regulations 1988 and does not prevent the need to comply with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can obtain from the Secretary of State at Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



creating a better place

Mr Mike Clifton  
Kent County Council  
Planning Applications Unit  
County Hall (Invicta House)  
Maidstone  
Kent  
ME14 1XX



Environment  
Agency

**Our ref:** KT/2016/121936/01-L01  
**Your ref:** KCC/SW/0265/2016  
**Date:** 11 November 2016

Dear Mr Clifton

**THE CONSTRUCTION AND OPERATION OF AN INCINERATOR BOTTOM ASH (IBA) RECYCLING FACILITY ON LAND ADJACENT TO THE KEMSLEY SUSTAINABLE ENERGY PLANT**

**KEMSLEY IBA RECYCLING FACILITY, RIDHAM AVENUE, SITTINGBOURNE, KENT, ME10 2TD**

Thank you for consulting us on the above application. We have reviewed the information submitted and consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

**Condition:** No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons:** To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

**Condition:** No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation

Environment Agency  
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH  
Customer services line: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reasons:** To prevent pollution of controlled waters and comply with the NPPF.

**Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reasons:** To prevent pollution of controlled waters and comply with the NPPF.

### **Informatives**

#### **Drainage**

From the information submitted, we understand that there will be no infiltration to ground. We have no objection to the drainage strategy in principle, but may require more detailed information to be provided at the permitting stage (such as confirmation of impermeable and permeable areas).

#### **Environmental Permit**

We will require more information through the permit application process for the proposed activity. The applicant will need to apply to amend their Environmental Permit. As the treatment of residues falls under the definition of a Schedule 5.1 Part A(1) activity, we will write to you under separate cover regarding the most suitable option to do this.

Since the original facility was permitted, operators consigning treated IBA off-site as a non-hazardous waste, are required to have analytical evidence from an agreed sampling plan in place before the material can be consigned off site. As such, storage capacities need to reflect the need to retain material on-site until sample results are obtained. As the size and design of the buildings is a material consideration under planning, we recommend that Kent County Council assures itself proposed storage capacities for routine and non-routine operations are sufficient.

Further pre-application advice on Environmental Permitting Regulations is available to the applicant if needed.

Although not strictly related to the planning application, we would re-iterate the opportunity this development offers to support the development of APC recovery markets, through the suitable use of construction products recovering APC Residues. There are drivers in the current permit for applying the waste hierarchy to residues from incineration, and the current derogation on Waste Acceptance Criteria which many incineration plants rely to landfill APC residues, maybe removed in the future. The current K2 facility operated by E.On UK CHP Ltd, are currently recovering large volumes of APC residues in this manner.

#### **Above ground storage of oils, fuels or chemicals**

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary

Page 2 of 4  
Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH  
Customer services line: 03708 506 506

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

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our advice online, which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

### **Waste**

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

### **Additional information**

#### **Flood Risk**

Based on the Flood Risk Assessment submitted with this application (RPS / JER6933 / October 2016), we have no objection to the proposal. The application has proved that adequate finished floor levels can be achieved. The site manager should ensure that the new Recycling Facility will receive Flood Warnings from the Environment Agency should they be issued.

We have no comments to make with regards to the surface water drainage. We recommend that the Lead Local Flood Authority, Kent County Council be consulted accordingly.

#### **Contamination**

We have reviewed the Desk Study and Preliminary Risk Assessment report produced by RPS, dated September 2016 (ref: JER6846). The reported actions and analysis of risks and liabilities detailed in the submitted report are agreed in principle as being in accordance with relevant guidance and good practice. The recommendations for further investigation should be undertaken. The findings from such investigations may also be useful for any potential

Page 3 of 4

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

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

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Site Condition Report required when an Environmental Permit is sought.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**Please note:** the submitted reports are sufficient to satisfy part 1 of the above condition.

**Decision notice request**

We record the outcome of planning decisions and request the decision notice is emailed to [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

We trust this is of use. Please do not hesitate to contact us if we can provide any further information.

Yours sincerely,

**Miss Ghada S. Mitri**  
**Sustainable Places Planning Specialist**  
**Kent and South London**  
Direct dial 01732 223181  
Direct e-mail [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)



RPS Planning and Development.  
Suite D10 Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

**Planning Applications Group**  
First Floor, Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX  
Tel: 03000 411200

Website: [www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)  
Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)  
Direct Dial/Ext: 03000 413484  
Text relay: 18001 03000 417171  
Ask for: Mr Jim Wooldridge  
Your ref:  
Our ref: SW/17/502996  
Date: 23 August 2017

### **TOWN AND COUNTRY PLANNING ACT 1990**

Dear Sir/Madam

**APPLICATION:** SW/17/502996

**PROPOSAL:** Section 73 application to vary the wording of condition 16 of planning permission SW/10/444 (as amended by SW/10/506680) to allow an amended surface water management scheme at the Sustainable Energy Plant to serve Kemsley Paper Mill

**LOCATION:** Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

The above mentioned planning application received for the formal observations of the County Council, as County Planning Authority has now received consideration.

I write to inform you that the County Planning Authority resolved that planning permission be granted as set out in the attached formal notification.

Please note the conditions imposed and the informatives as described.

Yours faithfully

  
Sharon Thompson  
Head of Planning Applications Group



Reference Code of  
Application: SW/17/502996

## KENT COUNTY COUNCIL

### TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

#### NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: Wheelabrator Technologies  
c/o RPS Planning and Development.  
Suite D10 Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD and being the Section 73 application to vary the wording of condition 16 of planning permission SW/10/444 [i.e. the development of a sustainable energy plant to serve Kemsley Paper Mill, comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access] (as amended by SW/10/506680 [i.e. the variation of conditions 2 and 4 of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation]) to allow an amended surface water management scheme at the Sustainable Energy Plant to serve Kemsley Paper Mill, referred to within the application for permission for development dated 18 May 2017, received on 18 May 2017, as amplified and amended by the email from Andrew Stevenson of RPS Planning & Development dated 6 June 2017 (09:33 hours) with attached details, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the actual date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. Unless otherwise approved beforehand in writing by the Waste Planning Authority, the development to which this permission relates shall be carried out and completed in all respects strictly in accordance with the details permitted under planning reference SW/10/444 on 6 March 2012, as amended and/or supplemented by planning permission SW/14/506680 dated 21 April 2015, the non-material amendment to

planning permission SW/10/444 dated 27 March 2017 [i.e. building footprint, elevations, appearance and site layout] under planning reference SW/10/444/RB, the details approved pursuant to planning permission SW/10/444 on 23 September 2013 [i.e. rail strategy (condition 6), contamination risk (condition 10), buffer management zone for ditch (condition 11), environmental management plan (condition 12), programme of archaeological work (condition 13), scheme of landscaping (condition 14) and waste bunkers (condition 20)] and 27 June 2017 [i.e. rail strategy (condition 6), buffer zone alongside western ditch (condition 11), environmental monitoring and mitigation plan (condition 12), landscaping scheme (condition 14) and storage bunkers (condition 20)] and the details submitted with the application referred to above, and as stipulated in the conditions set out above and below.

*Reason: For the avoidance of doubt and to maintain planning control over the development.*

3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 258 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In the interests of highway safety.*

4. Deleted by planning permission SW/14/506680 (dated 21 April 2015).
5. Waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to condition 3 of the permission.

*Reason: In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

6. The rail strategy approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

7. With the exception of construction using the concrete slip-forming method, construction using constant pour methods for concrete laying and internal process works relating to mechanical and/or electrical equipment installation, construction activities shall only take place between 07:00 and 19:00 hours Monday to Friday inclusive and 07:00 and 16:00 hours on Saturday and Sunday with no construction activities to take place on Bank or Public Holidays subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In order to avoid any adverse disturbance to breeding birds.*

8. All piling shall be by way of Auger other than where an alternative method is required for structural reasons. In such circumstances the prior written consent of the Waste Planning Authority shall be required which shall only be given if it has been demonstrated that there is no resultant unacceptable risk to groundwater and that impact piling will not take place between 1 April and 31 August in any given year, subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In order to avoid any risks to groundwater and any disturbance to breeding birds.*

9. Noise levels as measured at the residential locations as set out in Figure 12.1 of Chapter 12 (Noise and Vibration) of the Environmental Statement (March 2010) attributable directly to the Development hereby permitted shall not exceed the background levels set out in Appendix 12.5 of the Environmental Statement (March 2010) (Operational Noise Assessment) dated 24 November 2009.

*Reason: In order to avoid any adverse impact from noise.*

10. The scheme to deal with the risks associated with contamination of the Application Site approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 23 September 2013 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that any risks to groundwater and surface waters are appropriately mitigated.*

11. The scheme for the provision and management of a buffer zone alongside and including the ditch within the west of the application area as shown on Figure 4.2 of the Planning Application Supporting Statement approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to protect the ecological value of the ditch.*

12. The detailed Environmental Management Plan including Construction Method Statement approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to protect the bio-diversity and geological interests of the Application Site and surrounding area.*

13. The programme of archaeological work approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 23 September 2013 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

14. The scheme of landscaping and tree planting approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to help reduce the visual impact of the development.*

15. All trees and shrubs planted under the scheme as approved under condition 14 above shall be maintained for a period of 5 years. Any trees or shrubs that either die, are lost, damaged or become diseased during this 5 year period shall be replaced with a tree or shrub of the same species within the next available planting season.



*Reason: In order to help reduce the visual impact of the development.*

16. The Development hereby permitted shall be carried out strictly in accordance with either:
- A. The Flood Risk Assessment (FRA) submitted in May 2017 which includes the following detailed mitigation measures:
1. The Surface Water Management and Foul Drainage Philosophy (including the drainage layout and surface water storage pond as shown on drawing referenced 16315 / A0 / 0301 Rev H and site section referenced 16315 / A0 / 0250 Rev G at Appendix B) which shall be constructed and operational prior to the acceptance of waste by the development;
  2. A safe route into and out of the Application Site to an appropriate safe haven shall be identified and provided; and
  3. Finished floor levels are to be set in accordance with the FRA.

or

- B. A Flood Risk Assessment and Surface Water Drainage Philosophy submitted to and approved by the Waste Planning Authority in writing.

*Reason: In order to reduce the risk of flooding and ensure the safe access and egress from and to the Application Site.*

17. All surface water drainage from the Application Site discharging to a local water course shall be attenuated for a 1:100 year return storm with a limited discharge of 7 litres per second per hectare or the equivalent run off from a Greenfield site for a 1:2 storm.

*Reason: In order to reduce the risk of flooding and ensure the safe access and egress from the Application Site.*

18. Work on the proposed drainage outfall to the Swale (as shown on Figure 4.25 Proposed Drainage Layout of the Planning Application Site Supporting Statement) shall only take place between 1 April and 31 September in any given year.

*Reason: In order to prevent any unacceptable risk to the environment.*

19. All fuels, oils and other liquids with the potential to contaminate the Application Site shall be stored in a secure bunded area in order to prevent any accidental or unauthorised discharge to the ground. The area for storage shall not drain to any surface water system. Where it is proposed to store more than 200 litres of any type of oil on the Application Site it must be stored in accordance with the provisions of the Control of Pollution (Oil Storage) (England) Regulations 2001. Where a drum or barrel has a capacity less than 200 litres a drip tray capable of retaining 25% of the maximum capacity of the drum or barrel may be used in lieu of storing the drum or barrel in the secure bunded area.

*Reason: In order to prevent any unacceptable risk to the environment.*

20. The storage bunkers into which waste would initially be tipped approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be installed / constructed as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that in the event of plant shutting down that any waste stored in the storage bunkers can be readily removed or contained in a manner so as to prevent the creation of any unacceptable and unpleasant odours in the interests of residential amenity.*

21. Details of an external lighting strategy which follows best practice to reduce the impact of light spillage on the adjacent SPA and Ramsar site shall be submitted to the Waste Planning Authority for approval prior to the installation of external lighting on the Application Site. External lighting shall only be installed on the Application Site in accordance with the approved lighting strategy.

*Reason: In order to protect the bio-diversity and geological interests of the Application Site and surrounding area.*

22. Other than waste arising from within Kent all waste used as a fuel in the Sustainable Energy Plant hereby permitted shall be pre-treated. Unless otherwise agreed in writing by the Waste Planning Authority no less than 20% of the annual waste throughput shall be pre-treated waste sourced from within the area defined as Hinterland shown on the plan attached to the letter from RPS dated 17 march 2011 entitled Kent & Hinterland and which includes Kent, Tandridge, Thurrock and Medway.

*Reason: To ensure that waste processed at the plant is sourced consistent with the principles of net regional and sub-regional self-sufficiency and having regard to the proximity principle.*

23. In the event that Kemsley Paper Mill no longer requires heat and/or power from the Sustainable Energy Plan hereby permitted, the operator of the plant shall submit a scheme to the Waste Planning Authority setting out details of the steps that will be taken to identify alternative users of the heat and/or power generated.

*Reason: To ensure that the plant continues to operate as a means of providing a sustainable supply of energy.*

#### Town and Country Planning (Development Management Procedure) (England) Order 2015

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, including the NPPF and associated planning practice guidance, together with the relevant Development Plan policies, including the following:-

**Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSW1, CSW2, CSW4, CSW6, CSW7, CSW8, CSW16, DM1, DM2, DM3, DM5, DM10, DM11, DM12, DM13, DM14, DM15, DM16 and DM19.

**Bearing Fruits 2031: The Swale Borough Local Plan (July 2017)** – Policies ST1, ST5, CP1, CP2, CP4, CP7, CP8, DM6, DM14, DM19, DM20, DM21, DM22, DM23, DM24, DM28, DM30 and DM34.

Where necessary the planning authority has engaged with the applicants and other interested parties to address and resolve issues arising during the processing and determination of this planning application, in order to deliver sustainable development, to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval is as follows:-

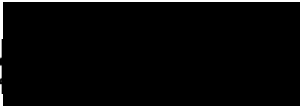
The County Council is of the opinion that the proposed development gives rise to no material harm or significant environmental effects, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informatives:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to submit further details to the County Planning Authority for approval may need to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is the applicant's responsibility to ensure that such details are submitted. The County Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. The above information should be taken into account when programming the implementation of the permission. **Any development that takes place in breach of such conditions is likely to be regarded as unlawful** and may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. You are advised that this planning permission reflects:
  - (a) the development provided for by planning permission SW/10/444 dated 6 March 2012;
  - (b) the deletion of condition 4 and amendment to condition 2 of planning permission SW/10/444 by planning permission SW/14/506680 dated 21 April 2015;
  - (c) the non-material amendment to planning permission SW/10/444 relating to building footprint, elevations, appearance and site layout approved under planning reference SW/10/444/RB on 27 March 2017; and
  - (d) the following details approved pursuant to conditions attached to planning permission SW/10/444 (with planning references and dates):
    - (i) rail strategy (condition 6), contamination risk (condition 10), buffer management zone for ditch (condition 11), environmental management plan (condition 12), programme of archaeological work (condition 13), scheme of landscaping (condition 14) and waste bunkers (condition 20) (SW/10/444/RVAR, dated 23 September 2013); and
    - (ii) rail strategy (condition 6), buffer zone alongside western ditch (condition 11), environmental monitoring and mitigation plan (condition 12), landscaping scheme (condition 14) and storage bunkers (condition 20) (SW/10/444/RVAR, dated 27 June 2017).

Further detail on these is provided in Schedule 1 titled "Relevant permissions, non-material amendments and approved details" attached to this decision notice.

Dated this Twenty Third day of August 2017



(Signed) .....  
Head of Planning Applications Group

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP  
FIRST FLOOR, INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX

## Schedule 1

### Relevant permissions, non-material amendments and approved details

Note: Where shown in *italics and underlined*, the details referred to have been superseded by a more recent approval

Planning Permission / Approval / Details	Date
<p><b>Planning permission SW/10/444</b></p> <p>The development of a sustainable energy plant to serve Kemsley Paper Mill, comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access on land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD.</p> <ul style="list-style-type: none"> <li>• Application dated 23 March 2010, as amplified in the letters from RPS dated: <ul style="list-style-type: none"> <li>○ 5 October 2010 enclosing further supplementary reports in respect of biodiversity information and information to inform an appropriate assessment together with a separate report in response to observations made by the Environment Agency;</li> <li>○ 15 October 2010; and</li> <li>○ 26 November 2010; and 17 March 2011 enclosing a plan entitled Kent &amp; Hinterland.</li> </ul> </li> </ul>	<p><b>6 March 2012</b></p>
<p><b>Planning approval SW/10/444/RVAR</b></p> <p>Details pursuant to conditions <u>6 (Rail Strategy)</u>, 10 (Contamination Risk), <u>11 (Buffer Management Zone)</u>, 12 (Environmental Management Plan), 13 (Archaeology), <u>14 (Landscaping)</u> and <u>20 (Details of the Waste Bunker)</u> of planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Details set out in the RPS letter dated 5 August 2013, received with accompanying Planning Statements entitled “Application for Approval of Details Reserved by Condition” and “Scheme for Discharge of Condition 10” dated July 2013, as amended by: <ul style="list-style-type: none"> <li>○ Drawing number 16315/A1/4.21A Rev E received with accompanying RPS letter dated 17 September 2013 and as further amended by:</li> <li>○ Drawing number 16315/A1/4.21A Rev F entitled “Landscape Masterplan”.</li> </ul> </li> </ul>	<p><b>23 September 2013</b></p>

<p><b>Planning permission SW/14/506680</b></p> <p>Section 73 application to vary conditions 2 and 4 of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation.</p> <ul style="list-style-type: none"> <li>• Application dated 11 November 2014, as amplified in: <ul style="list-style-type: none"> <li>○ The email from Jonathan Standen (RPS) dated 12 February 2015.</li> </ul> </li> </ul>	<p><b>21 April 2015</b></p>
<p><b>Non-Material amendment approval SW/10/444/RB</b></p> <p>Non-material amendments to site layout, building footprints, elevations and appearance of planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Application and letter dated 2 March 2017 with drawing numbers: <ul style="list-style-type: none"> <li>○ 4.1C Site Location Plan</li> <li>○ 4.2C Proposed Building Layout</li> <li>○ 4.3C Proposed Site Layout</li> <li>○ 4.4C SE Elevation &amp; Section</li> <li>○ 4.5C NE Elevation &amp; Section</li> <li>○ 4.6C SW Elevation &amp; Section</li> <li>○ 4.7C NW Elevation &amp; Section</li> <li>○ 4.8C SE Elevation b/w</li> <li>○ 4.9C NE Elevation b/w</li> <li>○ 4.10 SW Elevation b/w</li> <li>○ 4.11C NW Elevation b/w</li> <li>○ 4.12C Site Layout &amp; Access</li> <li>○ 4.13C Proposed Structure for Air Cooled Condenser Elevations</li> <li>○ 4.19C Typical Office and Staff Amenities Building Floor Plans</li> <li>○ 4.20C Proposed Gatehouse Floor Plan and Elevations</li> <li>○ 4.21C Landscape Masterplan</li> <li>○ 4.22C Boundary Treatment</li> <li>○ 4.24C Site Sections</li> <li>○ 4.25C Proposed Drainage Layout</li> <li>○ 4.26C Proposed Levels</li> <li>○ 4.27C Fuel Bunker Level +2.0m</li> <li>○ 4.28C Fuel Bunker Level +20.0m and Level +36.0m</li> <li>○ 4.29C Fuel Bunker Section A-A</li> <li>○ 4.30C Fuel Bunker Section B-B</li> <li>○ 4.31C Tipping Hall Layout Level +0.0m</li> <li>○ 4.32C Tipping Hall Section A-A</li> <li>○ 4.33C Overall Roof Layout Comparison Drawing</li> <li>○ 4.34C Illustration 1 of 7</li> <li>○ 4.35C Illustration 2 of 7</li> <li>○ 4.36C Illustration 3 of 7</li> <li>○ 4.37C Illustration 4 of 7</li> <li>○ 4.38C Illustration 5 of 7</li> <li>○ 4.39C Illustration 6 of 7</li> </ul> </li> </ul>	<p><b>27 March 2017</b></p>

<ul style="list-style-type: none"> <li>○ 4.40C Illustration 7 of 7</li> <li>○ 4.41C Western Ditch</li> </ul> <p><u>Note:</u> This approval further revised the details previously approved under the non-material amendments approved on 18 December 2015 (under planning reference SW/10/444RA) and 2 September 2013 (under planning reference SW/10/444/R) which are not listed here.</p>	
<p><b>Planning approval SW/10/444/RVAR</b></p> <p>Details pursuant to conditions 6 (Rail Strategy), 11 (Buffer Zone alongside the Western Ditch), 12 (Environmental Monitoring &amp; Mitigation Plan), 14 (Landscaping Scheme) and 20 (Storage Bunkers) imposed on planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Details submitted on 3 April 2017 within the letter from Andrew Stevenson of RPS Planning &amp; Development Ltd and accompanying documents titled “Wheelabrator Kemsley Generating Station Condition 6: Revised Rail Strategy” (dated 24 March 2017), “Kemsley EFW, Kemsley Paper Mill, Sittingbourne, Kent: Ditch Buffer Zone Management Plan” (dated January 2017) and “Kemsley Sustainable Energy Plant Environmental Monitoring and Mitigation Plan Kemsley, Kent” (dated November 2016) and drawing numbers 16315/A1/4.21 Rev K titled “Landscape Masterplan” (dated January 2017), 16315/A1/P/0220 Rev B titled “Fuel Bunker Level +2.000m” (dated 14 February 2017), 16315/A1/P/0221 Rev B titled “Fuel Bunker Level +20.000m and Level +36.000m” (dated 14 February 2017), 16315/A1/P/0222 Rev B titled “Fuel Bunker Section A-A” (dated 15 February 2017) and 16315/A0/P/0223 Rev B titled “Fuel Bunker Section B-B” (dated 15 February 2017)</li> </ul>	<p><b>27 June 2017</b></p>

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and the Town and Country Planning (Applications) Regulations 1988 and does not prevent the need to comply with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and also as might be additionally indicated.

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Item C1

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Wheelabrator Technologies to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018).

Recommendation: Permission be granted subject to conditions.

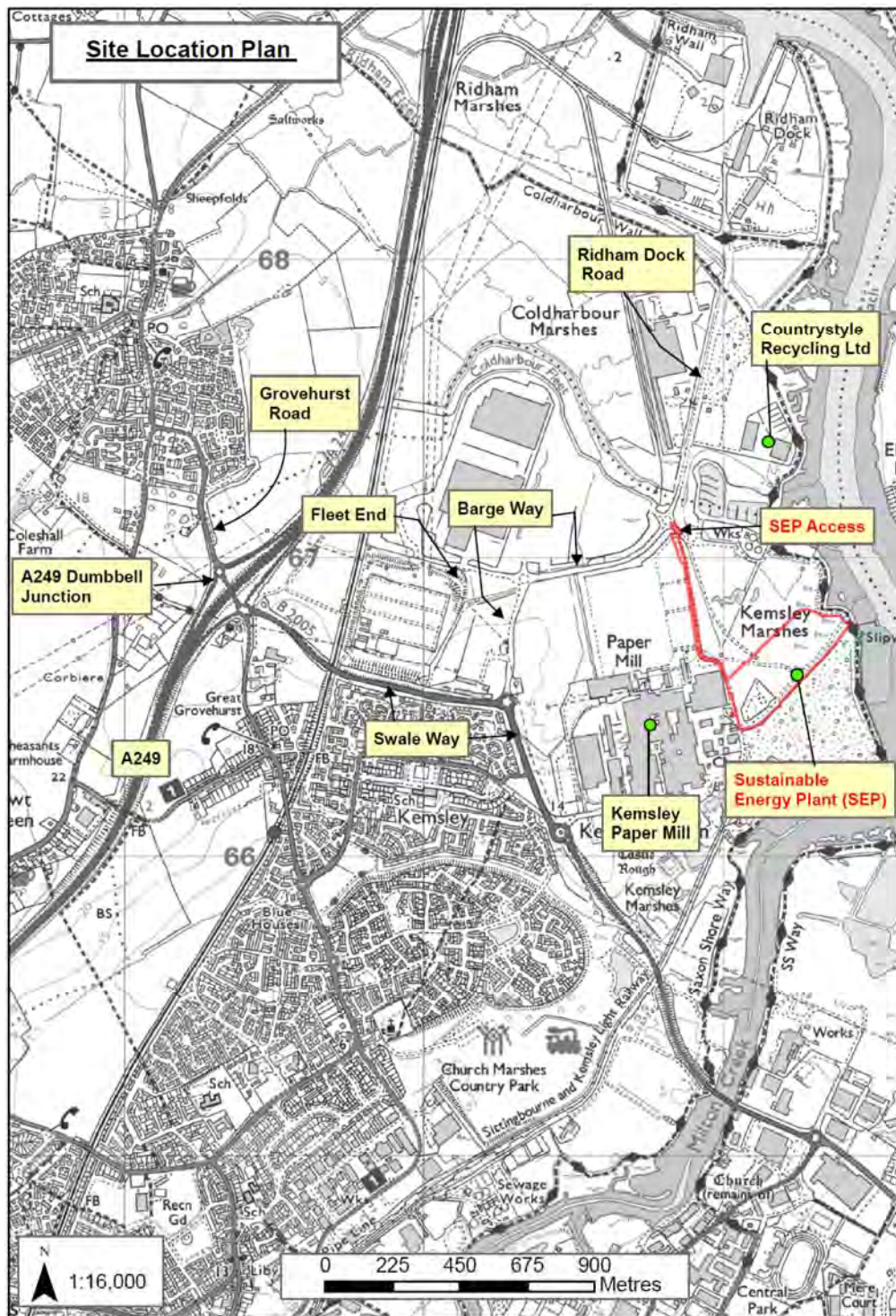
Local Member: Mrs S Gent

Unrestricted

Site description

1. The Kemsley Sustainable Energy Plant (SEP) is currently under construction and is expected to become operational around August 2019. The Kemsley SEP is located on land immediately to the east of the Kemsley Paper Mill (a key local employer) about 3km north of Sittingbourne. The Swale Estuary lies just to the east, Coldharbour Marshes to the northwest and the Isle of Sheppey to the north.
2. The Kemsley SEP is accessed from the A249 (Dumbbell Junction) to the south of Iwade via Grovehurst Road (B2005), Swale Way (part of the Sittingbourne Northern Perimeter Road linking the A249 with the Eurolink Industrial Estate to the east and providing access to other industrial and residential areas in Sittingbourne), Barge Way and an internal access road (the Northern Site Access). The nearest residential properties (Kemsley) lie to the south of Swale Way. Land to the north of Swale Way contains a variety of existing and committed employment uses (including the Morrisons Distribution Depot at Fleet End). The A249 provides access to the A2, M2, M20 and beyond.

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD - SW/18/503317 (KCC/SW/0103/2018)



Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD - SW/18/503317 (KCC/SW/0103/2018)

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3. The Swale Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) covers the majority of the Swale Estuary (to the east and north of the site) and Coldharbour Marshes (to the north). The Medway Estuary and Marshes SPA, Ramsar and SSSI lies further north and to the northwest (primarily to the northwest of the A249).
4. The application site is safeguarded for waste management use by Policy CSW16 of the Kent Minerals and Waste Local Plan 2013-30.

#### Planning History and background

5. Planning permission (SW/10/444) was granted for the development of a SEP to serve Kemsley Paper Mill comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access by the County Council (KCC) as Waste Planning Authority on 6 March 2012 following completion of a Section 106 Agreement. The application (which was accompanied by an Environmental Statement) had been considered by KCC's Planning Applications Committee on 12 April 2011. The Section 106 Agreement (dated 5 March 2012) included owner / developer covenants (relating to reedbed habitat creation, an employment strategy setting out a strategy to maximise the use of locally employed personnel at the site, commencement and relocation of species) and RSPB covenants (relating to a land maintenance scheme). The applicant and prospective operator at that time were the St Regis Paper Co. Ltd and E.ON Energy from Waste UK Ltd. Wheelabrator Technologies subsequently took over these interests.
6. KCC approved a non-material amendment (NMA) (SW/10/444/R) relating to the site layout on 2 September 2013.
7. KCC approved details relating to conditions 6 (rail strategy), 10 (contamination risk), 11 (buffer management zone for ditch), 12 (environmental management plan), 13 (programme of archaeological work), 14 (scheme of landscaping) and 20 (waste bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 23 September 2013.
8. KCC granted planning permission (SW/14/506680) for the variation of conditions 2 (amendment) and 4 (deletion) of planning permission SW/10/444 (relating to the permitted hours of delivery) on 21 April 2015. The variation enabled the Kemsley SEP to receive waste 24 hours per day / 7 days a week. Given the wording of the Section 106 Agreement dated 5 March 2012 (which meant that its obligations continued to apply in the event of the approval of reserved matters and any variation or modification to planning permission SW/10/444), there was no need to require a further Section 106 Agreement to ensure that the obligations contained therein remained effective.

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018)

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9. KCC approved a NMA (SW/10/444/RA) relating to the building footprint, elevation and site layout on 18 December 2015. This superseded the NMA dated 2 September 2013.
  10. KCC approved a NMA (SW/10/444/RB) relating to the building footprint, elevations, appearance and site layout on 27 March 2017. This superseded the NMA dated 18 December 2015.
  11. KCC confirmed in writing that the majority of the Owner / Developer obligations contained in the Section 106 Agreement dated 5 March 2012 had been satisfied on 24 June 2016. The current position is as follows:
    - (a) Schedule 1 (Owner / Developer Obligations): Clauses 1.1 and 1.2 (Reedbed Habitat Creation – Site 2), 1.4 (Commencement Notice) and 1.5 and 1.6 (Relocation of Species) have been fully addressed. Clause 1.3 (Employment Strategy) has been partially addressed. Whilst the obligations in the Employment Strategy relating to the construction of the plant have been met by virtue of the “Meet the Buyer” event held on 12 May 2016, those associated with the operation of the plant remain to be addressed. The Employment Strategy requires a second open day focussing on goods and services likely to be needed at the plant and for job vacancies to be advertised in (amongst other places) the local media.
    - (b) Schedule 2 (RSPB Obligations): Clause 1.2 (Full implementation of the Scheme in Site 2) has been addressed, clause 1.1 (the maintenance of Site 2 in accordance with the provisions of the Maintenance Scheme) is ongoing and clauses 1.3 and 1.4 (relating to an alternative Maintenance Scheme) have not yet been triggered.
    - (c) Schedule 3 (The Scheme): The Scheme has been fully implemented (see clauses 1.1 and 1.2 of Schedule 1 and clause 1.2 of Schedule 2 above).
    - (d) Schedule 4 (The Maintenance Scheme): It is understood that the Maintenance Scheme is being implemented (see clause 1.1 of Schedule 2 above) and that no changes to this have been made (see clauses 1.3 and 1.4 of Schedule 2 above).
    - (e) Schedule 5 (Employment Strategy): The obligations associated with the construction of the plant have been met (by virtue of the “Meet the Buyer” event held on 12 May 2016). However, those associated with the operation of the plant remain to be addressed (see clause 1.3 of Schedule 1 above).
    - (f) Schedule 6 (The Relocation Scheme): The Relocation Scheme has been fully implemented (see clauses 1.5 and 1.6 of Schedule 1 above). However, it is understood that ongoing management remains to be completed.
  12. KCC approved details relating to conditions 6 (rail strategy), 11 (buffer zone alongside western ditch), 12 (environmental monitoring and mitigation plan), 14 (landscaping scheme) and 20 (storage bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 27 June 2017.

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13. KCC granted planning permission (SW/17/502996) for the variation of condition 16 (relating to a flood risk assessment) of planning permission SW/10/444 on 23 August 2017. This planning permission reflects the latest position by incorporating the variation proposed and all previous amendments to or approvals given under planning permission SW/10/444 (i.e. all planning permissions, approvals and the most recent NMA).
14. KCC has also granted planning permission or approved details or non-material amendments relating to the Kemsley SEP Site Access Road. Planning permission (SW/12/1001) was granted for an improved access road and associated development to serve Kemsley SEP on 5 November 2012. A NMA (SW/12/1001/R) relating to a surface water drainage pond associated with the site access road was approved on 29 August 2013 and details relating to conditions 4, 5, 7 and 8 of planning permission SW/12/1001 (SW/12/1001/RVAR) were approved on 5 February 2014. KCC also granted planning permission SW/13/1257 for the variation of condition 6 of planning permission SW/12/1001 (relating to the formation of an improved access road and associated development to serve Kemsley SEP) on 4 February 2014.
15. KCC has also granted planning permission or approved details or non-material amendments for a number of other facilities or operations related to Kemsley Paper Mill. Planning permission (SW/12/167) was granted for the refurbishment and use of the existing rail sidings and site infrastructure for the importation and transfer of containers of waste to the proposed Kemsley Mill SEP for use as a fuel on 22 May 2012. This permission was not implemented and has lapsed. Planning permission (SW/16/507687) was granted for an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley SEP on 9 February 2017. This permission has not yet been implemented but remains live. Planning permission (SW/11/1291) was granted for an anaerobic digestion (AD) plant and associated ground reprofiling and landscaping on 16 July 2012. KCC also approved details relating to reptile mitigation pursuant to Schedule 1 of the associated Section 106 Agreement on 19 September 2016, condition 7 of planning permission SW/11/1291 (relating to ground contamination) on 30 November 2016, conditions 3, 5 and 11 of planning permission SW/11/1291 (relating to vehicle parking, wheel washing and dust control) on 27 January 2017, conditions 4, 9 and 10 of planning permission SW/11/1291 (relating to vehicle parking, surface water drainage and external finish) on 18 April 2017 and condition 8 of planning permission SW/11/1291 (relating to foundation piling design) on 18 April 2017 and approved a non-material amendment relating to the site layout and elevations on 7 March 2017. Planning permission SW/11/1291 has been implemented and it is understood that the AD plant is nearing operation. KCC has also granted planning permissions for various waste disposal / landfill and related infrastructure associated with the Kemsley Paper Mill since 1977 (i.e. SW/76/453, SW/91/793, SW/93/626, SW/98/1026 and SW/12/1069). With the exception of the permissions relating to the refurbishment and use of the existing rail sidings (SW/12/167) and IBA

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Recycling Facility (SW/16/507687) these have no bearing on the Kemsley SEP.

16. Once operational, the Kemsley SEP will be capable of receiving between 500,000 and 550,000 tonnes per annum (tpa) of pre-treated waste comprising Solid Recovered Fuel Waste, Commercial and Industrial (C&I) Waste and pre-treated Municipal Solid Waste (MSW). The heat generated from the combustion of that waste would create high pressure steam which would drive a steam turbine and in turn a generator to produce electricity which would be exported to the grid. The resulting low-pressure steam would be fed to the adjacent Kemsley Paper Mill, for use within the paper production process. At least 20% of the waste (fuel) was expected to arise from within Kent, Medway, Thurrock and Tandridge with the rest sourced from London, the South East and elsewhere in the UK subject to commercial viability.
17. Condition 3 of planning permission SW/17/502996 (previously condition 3 of planning permission SW/10/444) states:
  3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 258 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In the interests of highway safety.*

18. Condition 5 of planning permission SW/17/502996 states that waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to condition 3.
19. As noted in paragraph 15 above, planning permission SW/12/167 provided for the refurbishment and use of the existing rail sidings and site infrastructure (at Ridham Docks) for the importation and transfer of containers of waste to the Kemsley SEP. Since this permission has lapsed, waste will not now be delivered by rail unless a further planning permission is obtained for the refurbishment. On this basis, the second part of condition 3 is no longer of direct relevance at this stage.
20. Notwithstanding this, it should also be noted that condition 6 of planning permission SW/10/444 required the submission, approval and implementation of a strategy to encourage the use of the railway as a means of delivering waste to the site, that a rail strategy was first approved in September 2013 and a revised rail strategy approved in June 2017 and that condition 6 of planning permission SW/17/502996 requires the revised 2017 rail strategy to be implemented as approved. The 2013 rail strategy was based on upgrading the Ridham Docks rail sidings and securing the North London Fuel Use contract from the North London Waste Authority. As the North London Fuel Use contract was subsequently withdrawn (and the waste managed more locally at the

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North London Heat and Power project at Edmonton Eco Park) it became necessary for alternative waste sources to be secured for the Kemsley SEP. In the absence of a similar waste (fuel) source(s) which could viably be transported by rail to the Kemsley SEP, the rail sidings at Ridham Docks were not upgraded and it is understood that the option to acquire the site for the upgrading lapsed and the land was developed for other purposes. On that basis, the rail strategy was amended. The 2017 revised rail strategy acknowledges the desirability of non-road transport where environmentally advantageous, feasible and viable and provides for 5-yearly reviews being submitted to KCC for approval. Ultimately, whether or not non-road transportation is to be used is likely to depend on waste (fuel) sources, quantities and contractual arrangements.

21. The Kemsley SEP (as permitted) is capable of providing a maximum gross electrical power output of 49.9 Megawatts electrical (MWe). However, the applicant has identified an opportunity to increase this to an estimated 75MWe. In order to be able to increase the power output above 50MWe gross, a Development Consent Order (DCO) is required from the Secretary of State (SoS) for the Department for Business Energy and Industrial Strategy (BEIS) under the Planning Act 2008 as it would represent a Nationally Significant Infrastructure Project (NSIP). The applicant formally initiated this process in July 2016 when it held a Project Meeting with the Planning Inspectorate (PINS). It subsequently submitted an EIA Scoping Report to PINS in December 2016, received a Scoping Opinion from the SoS BEIS in January 2017 and published a Preliminary Environmental Information Report (PEIR) for consultation in March 2017. At that stage, the applicant stated that there would be no need for the DCO application to alter the design or other restrictions imposed on the planning permission (including those relating to the types and quantity of fuel input) or alter emissions. However, on 1 June 2018 the applicant sought a direction from the SoS under Section 35 of the Planning Act in respect of another proposal for a new waste-to-energy plant known as Wheelabrator Kemsley North (WKN) capable of processing 390,000tpa of waste with a generating capacity of 42MWe. The SoS confirmed that WKN could be treated as a DCO on 27 June 2018. The applicant subsequently submitted a Scoping Report to the SoS on 7 September 2018 in which it set out proposals for both WKN and the upgrade of the Kemsley SEP (also known as the K3 Project). The Scoping Report proposes that as well as the power upgrade for the K3 Project, the DCO application would include proposals for the Kemsley SEP to process an additional 107,000tpa of waste. On that basis, it is proposed that K3 and WKN would process up to a combined total quantity of waste of 1,047,000tpa (i.e. 550,000 + 107,000 + 390,000tpa). The PINS website states that the DCO application for K3 and WKN is expected to be submitted in April 2019.
22. Although not directly connected to K3 Project, DS Smith Paper Ltd (which operates Kemsley Paper Mill) has also submitted a DCO application for a Combined Heat and Power (CHP) Plant comprising a gas turbine (52MW), waste heat recovery boilers (105MWth steam) and steam turbine (16MW). This project (known as the K4 Project) is intended to provide a replacement for the existing natural gas fuelled energy plant at

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Kemsley Paper Mill. The existing natural gas fuelled energy plant known as the K1 Project would be decommissioned when the K4 Project is fully operational. The power demands of the Paper Mill necessitate both the K3 and K1 or K4 Projects. The K4 Project was formally initiated with the submission of a Scoping Request to PINS in August 2017 and is the subject of an Examination which must end by 17 January 2019 (i.e. 6 months beginning with the day after the close of the Preliminary Meeting).

#### The Proposal

23. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). The applicant states that the proposed increase in HGV movements reflects a change in the type of HGVs that will deliver waste to the site rather than any increase in the operational capacity or generation output and that no other changes are proposed.
24. The 258 HGV movements a day (i.e. 129 in / 129 out) were originally considered sufficient to enable the importation of waste, the export of ash / aggregate arising from the combustion process and the delivery of reagents. The figure was derived from a waste throughput of 550,000tpa, waste being delivered in 20 tonne (t) loads (equating to a total of 27,500 loads or 55,000 movements each year) and the Kemsley SEP receiving waste 5.5 days a week (i.e. Monday to Friday and Saturday mornings). Based on a 5.5 day week, an average of 192 movements (96 in / 96 out) were expected to be related to waste deliveries on weekdays (reduced to 96 movements or 48 in / 48 out on Saturday mornings). A further 58 movements (29 in / 29 out) per weekday (reduced to 29 movements on Saturday mornings) were expected for the export of ash / aggregate and 8 movements (4 in / 4 out) a day were assumed for reagent transport.
25. The applicant notes that although SW/10/444 was amended to allow deliveries on a 24/7 basis, no change was made to the maximum number of HGVs permitted per day such that the 258 HGV movement would be spread over a full 7-day week. It also notes that the IBA recycling facility (SW/16/507687) makes provision for a maximum of 84 HGV movements per day (42 in / 42 out) and that these are additional to 258 movements per day provided for by the Kemsley SEP.
26. The applicant states that it now expects approximately 50,000tpa of waste to be delivered to the Kemsley SEP by Countrystyle Recycling Ltd which operates a recycling facility to the north of the site in Ridham Dock Road. It also states that unless additional HGV movements are permitted, Countrystyle's Refuse Collection Vehicles (RCVs) would need to travel to its own recycling facility to bulk up the waste prior to it being transported to the Kemsley SEP. The applicant would like Countrystyle to be able to deliver waste directly to the SEP in RCVs or similar size



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vehicles instead. In addition, the applicant now also anticipates more generally that a larger proportion of the 550,000tpa of waste will be delivered directly to the Kemsley SEP in RCVs with a capacity of less than the 20t bulk loads originally assumed and that an increase in the permitted number of HGV movements per day is necessary to accommodate this. The RCVs would typically carry an average payload of about 8t.

27. The applicant estimates that the proposed increase in the number of HGVs would generate 7 to 8 extra HGV movements (around 4 in / 4 out) per hour between 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. It states that the proposed additional 90 HGV movements (45 in / 45 out) would provide an appropriate level of flexibility in respect of both the size of source of HGVs to ensure that the Kemsley SEP can function to its maximum operational capacity (as defined by the Environmental Permit). It further states that this would also reflect ongoing contractual discussions with waste providers regarding sources of waste for the Kemsley SEP. The applicant advises that the Kemsley SEP is a merchant facility and therefore not underpinned financially by a specific local authority contract such that the majority of waste is likely to be C&I waste from Kent and surrounding areas. It states that waste hauliers will try to minimise travel distances to ensure the most efficient and cost effective collection and disposal service and will aim to prioritise waste that is close to the plant, removing the need to bulk up and put additional road miles onto the road network.
28. In terms of potential alternatives to road transport, the applicant states that the movement of waste by rail or water requires an appropriate contract for a significant volume of waste with loading facilities at the waste source and an appropriately long contract period to allow depreciation of the rail / water capital infrastructure. It states that opportunities to use these modes typically relate to local authority tenders, but that these are limited and only occur occasionally due to the long term nature of the contracts. It further states that it is not currently involved in any suitable tender opportunities that would allow the delivery of waste by rail or water but points out that alternatives to road transport will continue to be reviewed under the approved Revised Rail Strategy.
29. The application is supported by a Planning Statement and an Environmental Statement Addendum which includes a Transport Assessment and an Air Quality Impact Report, as well as the original Environmental Statement and subsequent supplementary reports.

#### Planning Policy Context

30. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014) and the National Planning Practice Guidance. These are all material planning considerations.

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31. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-Hazardous Waste), CSW8 (Recovery Facilities for Non-Hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM8 (Safeguarding Waste Management Facilities), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure) and DM16 (Information Required in Support of an Application).
32. **Bearing Fruits 2031: The Swale Borough Local Plan (July 2017)** – Policies ST1 (Delivering sustainable development in Swale), CP1 (Building a strong, competitive economy), CP2 (Promoting Sustainable Transport), CP7 (Conserving and enhancing the natural environment), DM6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage) and DM28 (Biodiversity and geological conservation).
33. **Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (December 2017)** – the Partial Review proposes changes to (amongst others) Policies CSW4, CSW6, CSW7, CSW8 and DM8. One of the reasons for the Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8 to reflect the fact that the Kemsley SEP planning permission has been implemented and ensure that the permitted 550,000tpa capacity is not double counted. Since the application proposes no changes to the quantity of waste or waste sources, as the Kemsley SEP is already being constructed and as no other changes are proposed to the policies referred to in paragraph 31, the Partial Review is not considered to have any significant implications for the determination of this application.

#### Consultations

34. **Swale Borough Council** – No comments received.
35. **Iwade Parish Council** – Objects on the grounds that the application proposes a huge increase in lorry movements (90 vehicles per day).
36. **Bobbing Parish Council** – No comments received.
37. **Highways England** – No objection. Its response is set out below:

*“Highways England has been appointed by the Secretary of State for Transport as*

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*strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.*

*Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly the A249.*

*We note from the Transport Assessment (contained in Appendix 1 of the Environmental Statement Addendum) that the variation of the condition would result in a potential additional 7-8 HGV movements per hour. These vehicles will primarily already be travelling on the wider network, however may induce additional turning movements at local junctions (estimated at up to 5 per hour at the Grovehurst Roundabout).*

*The junction modelling undertaken indicates that the A249 Grovehurst Roundabout will operating above design capacity in the future baseline (no proposals) without improvement. The impact of the additional vehicles due to the proposals are minimal, with predicted queues on the A249 increasing by a maximum of three.*

*It is noted that improvements for the mitigation of the junction as part of the Swale Local Plan are under discussion. It is therefore anticipated that the operation of the junction will improve in the future.*

*On the basis of the above, we can only conclude that the proposed variation will not have a severe impact on the safety, reliability and/or operation of the existing SRN. We therefore offer No Objection to the proposals.”*

38. **KCC Highways and Transportation** – No objection. It states that it has reviewed the information provided and can find no reasonable justification for refusal and therefore recommends that permission be granted. Its response is set out below:

*“Thank you for consulting the Highway Authority on the above application for which we have the following observations and comments on the submitted Transport Assessment.*

**Baseline conditions**

*The traffic and junction counts were completed in neutral dates in March 2017 and June 2016 and are agreed as valid. The resulting baseline junction assessments and queue lengths are as expected and therefore considered robust.*

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### Development proposals

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

*Delivery times – An assumption has been made that the new “RCV” movements will be between 07:00 and 19:00. A quick assessment of the hours of opening of two local facilities operated by Countrystyle and East Kent Recycling would indicate that their operations cease at 18:00. The number of predicted movements would be expected to increase to 8.1 per hour however the submitted Appendix G (Development trips) already accounts for 8 movements and this difference is considered as inconsequential.*

### Future Year Traffic Flows

*A date of 2023 has been assessed for the future operational test and is in accordance with the 5 year national guidance. The impact of existing committed development sites have been included and are agreed as demonstrated on table 5.3 of the assessment. Further cumulative assessments have been completed to take into consideration the anticipated growth attributed to allocated local plan development. The future assessments are therefore considered to be robust.*

### Trip Generation

*The trip generation and junction assessments have been correctly modelled routing all traffic via Swale Way including those that may come direct from the adjoining Countrystyle recycling plant. If, as indicated, a proportion of the additional HGV movements come from the Countrystyle site, then any associated trips would reduce the assessed impact on the wider highway network. Appropriate weekday peak assessments of 07:30-08:30 and 16:30 – 17:30 have been submitted for the affected junctions including that at of the A249/Grovehurst Road.*

### Junction Assessments

*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 within operational capacity although in the AM the Swale Way West arm has minimal reserve. The 2023 assessment unsurprisingly therefore demonstrates that the Swale Way West arm of the junction exceeds*

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*operational capacity at that time. It is however noted that the traffic generated is minimal; the development proposed represents a 4% HGV increase in the AM and 5% increase in the PM. The increase in delays directly attributed to the development would be 5 seconds which are agreed cannot be considered severe in respect of the NPPF tests. The assessment refers to a further DCO application being sought for the proposed K4 gas powered energy generating facility. The applicant should note that should that proposal be progressed, it should be expected that appropriate mitigation by way of a left turn lane facility off the Swale West arm may be required. The approach is currently of single carriageway width and improvements will be required for the dominant HGV left turning movements.*

*A249/Grovehurst Junction: The assessment demonstrates that this junction is already operating beyond its operational capacity and it is on that basis that the Highway Authority have submitted an application for “Housing Infrastructure Funding” in order that the proposed Local Plan Growth can be accommodated. That application is yet to be fully approved. Within the local plan however there are large allocated residential sites that at Iwade and North West Sittingbourne that will have far greater effect on the operations of this junction. The proposed development would decrease the operational effectiveness of the junction by 0.02% which is considered minimal compared to the other allocated local plan sites. It is appropriate that those sites having the greatest impact should provide the greater levels of mitigation. It could not therefore be considered reasonable to request mitigation from this application towards improvements at this junction.*

### Conclusion

*Having reviewed the information provided I can find no reasonable justification for refusal and therefore recommend that the application be granted permission.”*

39. **Environment Agency** – Has no comments to make.
40. **Natural England** – Has no comments to make.
41. **KCC Ecological Advice Service** – No objection. It is satisfied that the proposed variation would not result in a negative impact on the designated sites.
42. **KCC Noise and Air Quality Consultant** – No objection. It is satisfied that the proposal to increase the number of vehicles by 90 per day will not have an adverse effect on noise or air quality at any of the nearest sensitive human and ecological receptors and therefore sees no grounds for refusal resulting from changes to noise and air emissions.

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#### Representations

43. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the site were notified in June 2018.

#### Local Member

44. County Council Member Mrs S Gent (Sittingbourne North) was notified in June 2018. Mr M Whiting (Swale West) was also notified as the adjoining Member.
45. Mr Whiting has commented that he raises no objection assuming the additional lorries will connect directly to the Strategic Road Network via a single agreed path and not use other local roads.

#### Discussion

46. The application is being reported to KCC's Planning Applications Committee for determination as Iwade Parish Council has raised objection. No objections have been received from any technical or other consultees and, with the exception of the comments from Mr Whiting (as adjoining KCC Member), no representations have been received.
47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 31 and 32 are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 30 and the draft policies referred to in paragraph 33.
48. The principle of the Kemsley SEP has already been established by the planning permissions referred to in paragraphs 5 to 13 inclusive and the related permission for the site access road referred to in paragraph 14. Given this and as the relevant permissions have already been implemented, it is therefore only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy.
49. Given the above, the issues that require consideration are as follows:
  - Highways and Transportation;
  - Noise and Air Quality; and
  - Ecology.

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### Highways and Transportation

50. Paragraph 108 of the National Planning Policy Framework (NPPF) states that when assessing applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of traffic and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning transport policy in “Transport evidence bases in plan making and decision taking” (13 March 2015) and “Travel Plans, Transport Assessment and Statements” (6 March 2014).
51. Policy CSW1 of the Kent Minerals and Waste Local Plan (Kent MWLP) establishes the principle of taking a positive approach to waste development proposals which reflects the presumption in favour of sustainable development. Policy DM13 of the Kent MWLP states that minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised so far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.
52. Policy ST1 of the Swale Borough Local Plan (Swale BLP) seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and conserving and enhancing the natural environment. Policy CP2 promotes sustainable transport and identifies a number of measures to be promoted by development proposals,

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including by making best use of capacity in the network and facilitating greater use of waterways for commercial traffic. Policy DM6 seeks to manage transport demand and impact, with development proposals generating a significant amount of transport movements to be supported by a Transport Assessment. Development proposals are expected to demonstrate that opportunities for sustainable transport modes have been taken up, and states that development will not be permitted where the residual cumulative impacts of development are severe. Proposals are expected to ensure they do not worsen air quality to an unacceptable degree. Policy DM14 sets out general development control criteria, including that proposals should achieve safe vehicular access.

53. The acceptability of 258 HGV movements (the equivalent of 129 in / 129 out) associated with the delivery of waste / fuel to the Kemsley SEP using the A249 (Dumbbell Junction), Grovehurst Road (B2005), Swale Way, Barge Way and the internal access road, together with an additional unspecified number of additional movements associated with the delivery of waste / fuel from a railway depot at Ridham Docks along Ridham Dock Road, has already been established.
54. The application is accompanied by an Environmental Statement Addendum and a Supplementary Transport Assessment which considers the potential impact of the proposed additional 90 HGV movements in the context of up to date information on traffic flows, road safety and new and other committed development (including cumulatively). In terms of the transport links between junctions / roundabouts, the Transport Assessment predicts that the proposed development would not have a significant impact on traffic flows between the Kemsley SEP and the M2 in 2023 (i.e. when all committed development and the proposed additional HGV movements are taken into account). In terms of junction assessment, it predicts that the Barge Way / Northern Site Access and Barge Way / Fleet End junctions would continue to operate within their design capacity in 2023, that the Barge Way / Swale Way junction (currently within capacity) would operate over capacity during the morning (07:30 to 08:30 hours) and afternoon (16:30 to 17:30 hours) peaks in 2023 and the A249 Dumbbell junction would continue to operate over capacity in 2023. It notes that significant vehicle queuing already occurs on Swale Way during the afternoon peak but that a mitigation scheme for the Grovehurst Road (A249) Dumbbell junction put forward at the recent Swale Local Plan Examination relating to housing development to the Southwest of Sittingbourne would improve the operation of the junction when future residential development moves forward. It should be noted that the Transport Assessment does not assume the implementation of the mitigation scheme for the purposes of assessing the development now proposed. Notwithstanding the above, the Transport Assessment also states that the proposed additional HGVs would not have a significant impact on the operation of any junction. Given this, the Transport Assessment (which adopts a worst-case approach) concludes that the impact of the proposed additional HGV movements on the local highway network would be negligible and would not result in any severe impacts on the link or junction operation



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nor on highway safety.

55. Whilst Iwade Parish Council has objected to the application as it proposes “a huge increase in lorry movements of 90 vehicles per day” and the applicant’s own Transport Assessment acknowledges that two of the junctions between the Kemsley SEP and the A249 would operate over capacity in 2023, neither KCC Highways and Transportation nor Highways England have objected. KCC Highways and Transportation has recommended that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network. KCC Highways and Transportation has also specifically stated that the Transport Assessment is robust and accords with the relevant NPPF tests and that the additional impact of the proposed development is not sufficient to warrant a contribution towards the A249 / Grovehurst Road junction improvements. Given the highway responses, I am unable to recommend that the application be refused on highway capacity or safety grounds and am satisfied that the proposed development accords with relevant planning policies in respect of these issues.
56. Whilst the NPPF and several development plan policies promote the use of sustainable transport modes, they do not preclude road use. Indeed, there are circumstances where road use will be the most sustainable transport mode. The most sustainable mode of transport for importing waste / fuel to facilities such as the Kemsley SEP is likely to be determined by the geographical distribution of available sources of waste, the quantity and reliability of the waste source (related to contractual arrangements) and the proximity of both the facility and the source(s) of waste to the necessary rail or dock infrastructure. In the case of the Kemsley SEP, it was originally envisaged that a significant quantity of waste / fuel would be delivered to Ridham Docks by rail from London and then transferred to the facility along Ridham Dock Road. However, the applicant was unable to secure the waste / fuel contract on which the rail use depended and has had to establish alternative waste / fuel sources. In the absence of a similar large contract for the delivery of waste / fuel by rail (or water), the applicant has had no choice but to seek alternatives if the Kemsley SEP is to operate and provide power to Kemsley Paper Mill. In these circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. Ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP. Whilst there is currently no specific obligation on the applicant relating to the use of water transport, the 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis. I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. I am also satisfied that if the applicant were able to secure an appropriate waste / fuel contract(s) which justified the use rail and / or water transport that it would take steps to enable use these alternative transport modes.

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57. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of noise, air quality and ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of highways and transportation.

Noise and Air Quality

58. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and that in doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 181 states (amongst other things) that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of noise and air quality, Appendix B states that considerations will include the proximity of sensitive receptors (human and ecological), including those associated with vehicle traffic movements to and from a site. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for noise and air quality in “Noise” (6 March 2014) and “Air Quality” (6 March 2014).
59. Policy DM1 of the Kent MWLP states that proposals for minerals and waste development will (amongst other things) be required to demonstrate that they have been designed to minimise greenhouse gas emissions and other emissions. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements.

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60. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and Policy DM6 seeks to minimise adverse air quality impacts associated with traffic. Policy DM14 states that development proposals should cause no significant harm to amenity and other sensitive uses or areas.
61. It has previously been established that the Kemsley SEP would be acceptable in terms of noise and air quality impacts based on condition 3 as currently worded. The proposed increase in HGV movements has the potential to increase off site road traffic noise and traffic generated pollution levels with consequential effects on ambient air quality.
62. The application is accompanied by an Environmental Statement Addendum (which considers the potential noise and vibration and air and climate impacts associated with the proposed additional 90 HGV movements) and a Supplementary Air Quality Assessment which considers air quality impacts in the context of up to date information on air quality (including cumulatively). The Environmental Statement Addendum concludes that significant noise (and vibration) effects associated with the proposed increase in HGV movements can (when considered alone and cumulatively) be screened out as not significant and that the conclusions of the original Environmental Statement remain valid. In terms of noise, the Environmental Statement Addendum points out that a 10dB(A) increase in noise is typically taken to represent a doubling of loudness, a 3dB(A) increase is generally just perceptible, that a halving or doubling of road traffic flow generally produces a 3dB(A) change in noise level and that the Transport Assessment demonstrates that the greatest increase in traffic levels on any road link would (when considered cumulatively with all existing and committed development) be 23%. In terms of air quality, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the concentrations of nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) at the facades of existing receptors would remain similar and negligible at all human receptors. The Environmental Statement Addendum and associated Supplementary Air Quality Assessment conclude that there would be a negligible effect on air quality and human health receptors that is not significant (when considered alone and cumulatively) and that the conclusions of the original air quality assessment remain valid. They also include information and conclusions on the potential impact on ecology which are addressed in the Ecology section below.
63. No objections have been received in respect of noise and air quality from KCC's Noise and Air Quality Consultant which is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive human receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. The Environment Agency has stated that it has no comments to make. I note that the Kemsley SEP is subject to an Environmental Permit which (amongst other things) regulates air emissions from the

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facility.

64. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of noise and air quality.

#### Ecology

65. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should (amongst others) apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Paragraph 176 states (amongst other things) that listed or proposed Ramsar Sites should be given the same protection as habitats sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of nature conservation, Appendix B states that considerations will include any adverse effect on a site of international importance for nature conservation (e.g. SPA, Ramsar Sites and Special Areas of Conservation), a site with a nationally recognised designation (e.g. SSSI) and ecological networks and protected species. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for ecology in "Natural Environment" (21 January 2016).
66. Policy DM1 of the Kent MWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Policy DM2 states that proposals for minerals and waste development must ensure that there is no unacceptable adverse impact on

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sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

67. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) conserving and enhancing the natural environment. As noted in paragraph 60 above, Policy DM14 states that development proposals should cause no significant harm to sensitive areas. Policy CP7 states that the Council will work with partners and developers to ensure the protection, enhancement and delivery of the Swale natural assets, in order to conserve and enhance the natural environment, including ensuring that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site. Policy DM28 states (amongst other things) that development proposals will give weight to the protection of designated biodiversity sites equal to the significance of their status (with internationally designated sites receiving the highest level of protection).
68. As noted in the Noise and Air Quality section above, the application is accompanied by an Environmental Statement Addendum and a Supplementary Air Quality Assessment which address these issues. In terms of ecology, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the annual mean nitrogen oxide (NOx) concentration would not exceed 1% of the critical level at any modelled receptors (meaning that the air quality effects on the ecologically designated sites is not considered to be significant) and that there would be minimal change to modelled nutrient deposition rates (also not considered to be significant). In terms of the potential impact on ecology and nature conservation they conclude that no significant effects are likely to occur as a result of the proposed increase in HGV movements (when considered alone and cumulatively) and that the conclusions of the original ecology assessment remain valid.
69. No objections have been received from KCC's Noise and Air Quality Consultant, Natural England, KCC Ecological Advice Service or other consultees and no representations have been made in respect of ecological issues. KCC's Noise and Air Quality Consultant is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive

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ecological receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. KCC Ecological Advice Service is satisfied that the proposed variation would not result in a negative impact on the designated sites. As Natural England has stated that it has no comments on the proposed development I am satisfied that it must be content that the proposed increase in HGV movements would not have any significant effect on the designated sites.

70. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements and the re-imposition of the other conditions imposed on planning permission SW/17/502996, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of ecology.

#### Conclusion

71. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). No other changes are proposed.
72. The principle of the Kemsley SEP has already been established by a series of planning permissions (most recently SW/17/502996) and as these have already been implemented it is only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy. In determining this, the key issues relate to highways and transportation, noise and air quality and ecology.
73. Whilst the proposed increase in HGV movements would result in additional traffic on the road network, KCC Highways and Transportation and Highways England have no objection. KCC Highways and Transportation has advised that it can find no reasonable justification for refusal and recommends that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network.
74. KCC's Noise and Air Quality Consultant has raised no objection and advised that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any sensitive human or ecological receptors and sees no grounds for refusal from changes to noise and air emissions.
75. Neither Natural England nor KCC Ecological Advice Service have raised objections. KCC Ecological Advice Service has specifically stated that it is satisfied that the proposed variation would not result in a negative impact on designated sites.

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76. Given the proximity of the Kemsley SEP to potential rail and existing water transshipment facilities, it is disappointing that waste / fuel is unlikely to be delivered to the Kemsley SEP by rail or water in the near future. However, granting planning permission for the proposed variation would not preclude either delivery mode. As noted in paragraph 56 above, the most sustainable form of transport is likely to depend on factors that are largely outside the applicant's control. In the current circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. The 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis and I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. However, it should be noted that unless the applicant is able to secure a major, long-term waste / fuel contract which can enable the viable use rail or water transport, it is likely that road transport will remain the main or only means of transporting waste / fuel to the Kemsley SEP. It should also be noted that ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP and that this would assist in providing a sustainable power supply for Kemsley Paper Mill. These and related issues are likely to be explored further as part of the Kemsley DCO application relating to the K3 power upgrade and throughput increase and WKN projects referred to in paragraph 21 above.
77. I am satisfied that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the application should be refused. I am also satisfied that any harm that would arise from the proposed development would reasonably be mitigated by the imposition of the proposed conditions. I therefore recommend accordingly.

#### Recommendation

78. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

- (a) Condition 3 of planning permission SW/17/502996 being reworded as follows:
3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.
- Reason: In the interests of highway safety.*
- (b) All other conditions included on planning permission SW/17/502996 being re-imposed.

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Case Officer: Jim Wooldridge
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Tel. no: 03000 413484
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Background Documents: see section heading
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DHA Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

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Direct Dial/Ext: 03000 413484  
Text Relay: 18001 03000 417171  
Ask For: Mr Jim Wooldridge  
Your Ref:  
Our Ref: SW/18/503317  
Date: 11 October 2018

### **TOWN AND COUNTRY PLANNING ACT 1990**

Dear Sir/Madam

**APPLICATION:** SW/18/503317 (KCC/SW/0103/2018)

**PROPOSAL:** Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant

**LOCATION:** Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD

The above mentioned planning application received for the formal observations of the County Council, as County Planning Authority has now received consideration. The County Council's Planning Applications Committee considered the application at its meeting on 10 October 2018.

I write to inform you that the County Planning Authority resolved that planning permission be GRANTED subject to conditions as set out in the attached formal notification.

Please note the conditions imposed and any informatives as described.

Yours faithfully



Sharon Thompson  
Head of Planning Applications Group

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As part of the Council's commitment to equalities if you have any concerns or issues with regard to access to this information please contact us for assistance.



Reference Code of  
Application: SW/18/503317

## KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015

### NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: Wheelabrator Technologies  
c/o DHA Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent ME14 3EN

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD and being the Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant, referred to within the application for permission for development dated 30 May 2018, received on 30 May 2018, as amplified by the details referred to in the attached schedule, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the actual date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. Unless otherwise approved beforehand in writing by the Waste Planning Authority, the development to which this permission relates shall be carried out and completed in all respects strictly in accordance with the details permitted under planning reference SW/10/444 on 6 March 2012, as amended and/or supplemented by planning permission SW/14/506680 dated 21 April 2015, planning permission SW/17/502996 dated 23 August 2017, the non-material amendment to planning permission SW/10/444 dated 27 March 2017 [i.e. building footprint, elevations, appearance and site layout] under planning reference SW/10/444/RB, the details approved pursuant to planning permission SW/10/444 on 23 September 2013 [i.e. rail strategy (condition 6),

contamination risk (condition 10), buffer management zone for ditch (condition 11), environmental management plan (condition 12), programme of archaeological work (condition 13), scheme of landscaping (condition 14) and waste bunkers (condition 20)] and 27 June 2017 [i.e. rail strategy (condition 6), buffer zone alongside western ditch (condition 11), environmental monitoring and mitigation plan (condition 12), landscaping scheme (condition 14) and storage bunkers (condition 20)], and the details submitted with the application referred to above, and as stipulated in the conditions set out above and below.

*Reason: For the avoidance of doubt and to maintain planning control over the development.*

3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In the interests of highway safety.*

4. Deleted by planning permission SW/14/506680 (dated 21 April 2015).
5. Waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to condition 3 of the permission.

*Reason: In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

6. The rail strategy approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to encourage the reduction in the number of HGV movements generated by the Development on the local public road network.*

7. With the exception of construction using the concrete slip-forming method, construction using constant pour methods for concrete laying and internal process works relating to mechanical and/or electrical equipment installation, construction activities shall only take place between 07:00 and 19:00 hours Monday to Friday inclusive and 07:00 and 16:00 hours on Saturday and Sunday with no construction activities to take place on Bank or Public Holidays subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In order to avoid any adverse disturbance to breeding birds.*

8. All piling shall be by way of Auger other than where an alternative method is required for structural reasons. In such circumstances the prior written consent of the Waste Planning Authority shall be required which shall only be given if it has been demonstrated that there is no resultant unacceptable risk to groundwater and that impact piling will not take place between 1 April and 31 August in any given year, subject to any prior written variation as approved by the Waste Planning Authority.

*Reason: In order to avoid any risks to groundwater and any disturbance to breeding birds.*

9. Noise levels as measured at the residential locations as set out in Figure 12.1 of Chapter 12 (Noise and Vibration) of the Environmental Statement (March 2010) attributable directly to the Development hereby permitted shall not exceed the background levels set out in Appendix 12.5 of the Environmental Statement (March 2010) (Operational Noise Assessment) dated 24 November 2009.

*Reason: In order to avoid any adverse impact from noise.*

10. The scheme to deal with the risks associated with contamination of the Application Site approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 23 September 2013 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that any risks to groundwater and surface waters are appropriately mitigated.*

11. The scheme for the provision and management of a buffer zone alongside and including the ditch within the west of the application area as shown on Figure 4.2 of the Planning Application Supporting Statement approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to protect the ecological value of the ditch.*

12. The detailed Environmental Management Plan including Construction Method Statement approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to protect the bio-diversity and geological interests of the Application Site and surrounding area.*

13. The programme of archaeological work approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 23 September 2013 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

14. The scheme of landscaping and tree planting approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be implemented as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: In order to help reduce the visual impact of the development.*

15. All trees and shrubs planted under the scheme as approved under condition 14 above shall be maintained for a period of 5 years. Any trees or shrubs that either die, are lost, damaged or become diseased during this 5 year period shall be replaced with a tree or shrub of the same species within the next available planting season.

*Reason: In order to help reduce the visual impact of the development.*

16. The Development hereby permitted shall be carried out strictly in accordance with either:

A. The Flood Risk Assessment (FRA) submitted in May 2017 which includes the following detailed mitigation measures:

1. The Surface Water Management and Foul Drainage Philosophy (including the drainage layout and surface water storage pond as shown on drawing referenced 16315 / A0 / 0301 Rev H and site section referenced 16315 / A0 / 0250 Rev G at Appendix B) which shall be constructed and operational prior to the acceptance of waste by the development;
2. A safe route into and out of the Application Site to an appropriate safe haven shall be identified and provided; and
3. Finished floor levels are to be set in accordance with the FRA.

or

B. A Flood Risk Assessment and Surface Water Drainage Philosophy submitted to and approved by the Waste Planning Authority in writing.

*Reason: In order to reduce the risk of flooding and ensure the safe access and egress from and to the Application Site.*

17. All surface water drainage from the Application Site discharging to a local water course shall be attenuated for a 1:100 year return storm with a limited discharge of 7 litres per second per hectare or the equivalent run off from a Greenfield site for a 1:2 storm.

*Reason: In order to reduce the risk of flooding and ensure the safe access and egress from the Application Site.*

18. Work on the proposed drainage outfall to the Swale (as shown on Figure 4.25 Proposed Drainage Layout of the Planning Application Site Supporting Statement) shall only take place between 1 April and 31 September in any given year.

*Reason: In order to prevent any unacceptable risk to the environment.*

19. All fuels, oils and other liquids with the potential to contaminate the Application Site shall be stored in a secure bunded area in order to prevent any accidental or unauthorised discharge to the ground. The area for storage shall not drain to any surface water system. Where it is proposed to store more than 200 litres of any type of oil on the Application Site it must be stored in accordance with the provisions of the Control of Pollution (Oil Storage) (England) Regulations 2001. Where a drum or barrel has a capacity less than 200 litres a drip tray capable of retaining 25% of the maximum capacity of the drum or barrel may be used in lieu of storing the drum or barrel in the secure bunded area.

*Reason: In order to prevent any unacceptable risk to the environment.*

20. The storage bunkers into which waste would initially be tipped approved by the Waste Planning Authority under planning reference SW/10/444/RVAR on 27 June 2017 shall be installed / constructed as approved unless otherwise approved beforehand in writing by the Waste Planning Authority.

*Reason: To ensure that in the event of plant shutting down that any waste stored in the storage bunkers can be readily removed or contained in a manner so as to prevent the*

*creation of any unacceptable and unpleasant odours in the interests of residential amenity.*

21. Details of an external lighting strategy which follows best practice to reduce the impact of light spillage on the adjacent SPA and Ramsar site shall be submitted to the Waste Planning Authority for approval prior to the installation of external lighting on the Application Site. External lighting shall only be installed on the Application Site in accordance with the approved lighting strategy.

*Reason: In order to protect the bio-diversity and geological interests of the Application Site and surrounding area.*

22. Other than waste arising from within Kent all waste used as a fuel in the Sustainable Energy Plant hereby permitted shall be pre-treated. Unless otherwise agreed in writing by the Waste Planning Authority no less than 20% of the annual waste throughput shall be pre-treated waste sourced from within the area defined as Hinterland shown on the plan attached to the letter from RPS dated 17 March 2011 entitled Kent & Hinterland and which includes Kent, Tandridge, Thurrock and Medway.

*Reason: To ensure that waste processed at the plant is sourced consistent with the principles of net regional and sub-regional self-sufficiency and having regard to the proximity principle.*

23. In the event that Kemsley Paper Mill no longer requires heat and/or power from the Sustainable Energy Plan hereby permitted, the operator of the plant shall submit a scheme to the Waste Planning Authority setting out details of the steps that will be taken to identify alternative users of the heat and/or power generated.

*Reason: To ensure that the plant continues to operate as a means of providing a sustainable supply of energy.*

#### Town and Country Planning (Development Management Procedure) (England) Order 2015

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy and associated guidance and the relevant Circulars, including the NPPF and associated planning practice guidance, together with the relevant Development Plan policies, including the following:-

**Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSW1, CSW2, CSW4, CSW6, CSW7, CSW8, CSW16, DM1, DM2, DM3, DM5, DM8, DM10, DM11, DM12, DM13, DM14, DM15, DM16 and DM19.

**Bearing Fruits 2031: The Swale Borough Local Plan (July 2017)** – Policies ST1, ST5, CP1, CP2, CP4, CP7, CP8, DM6, DM14, DM19, DM20, DM21, DM22, DM23, DM24, DM28, DM30 and DM34.

Where necessary the planning authority has engaged with the applicants and other interested parties to address and resolve issues arising during the processing and determination of this planning application, in order to deliver sustainable development, to ensure that the details of the proposed development are acceptable and that any potential impacts can be satisfactorily mitigated.

The summary of reasons for granting approval is as follows:-


The County Council is of the opinion that the proposed development gives rise to no material harm or significant environmental effects (having regard to the Environmental Statement – Addendum dated May 2018 and other environmental information submitted in support of the application), is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions. More detailed reasoning for the decision can be found in the committee report (Item C1) of the Planning Applications Committee Meeting on 10 October 2018.

In addition please be advised of the following informatives:

1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to submit further details to the County Planning Authority for approval may need to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is the applicant's responsibility to ensure that such details are submitted. The County Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. The above information should be taken into account when programming the implementation of the permission. **Any development that takes place in breach of such conditions is likely to be regarded as unlawful** and may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time.
2. You are advised that this planning permission reflects:
  - (a) the development provided for by planning permission SW/10/444 dated 6 March 2012;
  - (b) the deletion of condition 4 and amendment to condition 2 of planning permission SW/10/444 by planning permission SW/14/506680 dated 21 April 2015;
  - (c) the variation of condition 16 of planning permission SW/10/444 by planning permission SW/17/502996 dated 23 August 2017;
  - (d) the non-material amendment to planning permission SW/10/444 relating to building footprint, elevations, appearance and site layout approved under planning reference SW/10/444/RB on 27 March 2017; and
  - (e) the following details approved pursuant to conditions attached to planning permission SW/10/444 (with planning references and dates):
    - (i) rail strategy (condition 6), contamination risk (condition 10), buffer management zone for ditch (condition 11), environmental management plan (condition 12), programme of archaeological work (condition 13), scheme of landscaping (condition 14) and waste bunkers (condition 20) (SW/10/444/RVAR, dated 23 September 2013); and
    - (ii) rail strategy (condition 6), buffer zone alongside western ditch (condition 11), environmental monitoring and mitigation plan (condition 12), landscaping scheme (condition 14) and storage bunkers (condition 20) (SW/10/444/RVAR, dated 27 June 2017).

Further detail on these is provided in Schedule 1 titled "Relevant permissions, non-material amendments and approved details" attached to this decision notice.

Dated this Eleventh day of October 2018

(Signed)  .....  
Head of Planning Applications Group

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP  
FIRST FLOOR, INVICTA HOUSE  
COUNTY HALL  
MAIDSTONE  
KENT ME14 1XX



## Schedule 1

### Relevant permissions, non-material amendments and approved details

Note: Where shown in *italics and underlined*, the details referred to have been superseded by a more recent approval

Planning Permission / Approval / Details	Date
<p><b>Planning permission SW/10/444</b></p> <p>The development of a sustainable energy plant to serve Kemsley Paper Mill, comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access on land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD.</p> <ul style="list-style-type: none"> <li>• Application dated 23 March 2010, as amplified in the letters from RPS dated: <ul style="list-style-type: none"> <li>○ 5 October 2010 enclosing further supplementary reports in respect of biodiversity information and information to inform an appropriate assessment together with a separate report in response to observations made by the Environment Agency;</li> <li>○ 15 October 2010; and</li> <li>○ 26 November 2010; and 17 March 2011 enclosing a plan entitled Kent &amp; Hinterland.</li> </ul> </li> </ul>	<p><b>6 March 2012</b></p>
<p><b>Planning approval SW/10/444/RVAR</b></p> <p>Details pursuant to conditions <u>6 (Rail Strategy)</u>, 10 (Contamination Risk), <u>11 (Buffer Management Zone)</u>, 12 (Environmental Management Plan), 13 (Archaeology), <u>14 (Landscaping)</u> and <u>20 (Details of the Waste Bunker)</u> of planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Details set out in the RPS letter dated 5 August 2013, received with accompanying Planning Statements entitled “Application for Approval of Details Reserved by Condition” and “Scheme for Discharge of Condition 10” dated July 2013, as amended by: <ul style="list-style-type: none"> <li>○ Drawing number 16315/A1/4.21A Rev E received with accompanying RPS letter dated 17 September 2013 and as further amended by:</li> <li>○ Drawing number 16315/A1/4.21A Rev F entitled “Landscape Masterplan”.</li> </ul> </li> </ul>	<p><b>23 September 2013</b></p>

<p><b>Planning permission SW/14/506680</b></p> <p>Section 73 application to vary conditions 2 and 4 of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation.</p> <ul style="list-style-type: none"> <li>• Application dated 11 November 2014, as amplified in: <ul style="list-style-type: none"> <li>○ The email from Jonathan Standen (RPS) dated 12 February 2015.</li> </ul> </li> </ul>	<p><b>21 April 2015</b></p>
<p><b>Non-Material amendment approval SW/10/444/RB</b></p> <p>Non-material amendments to site layout, building footprints, elevations and appearance of planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Application and letter dated 2 March 2017 with drawing numbers: <ul style="list-style-type: none"> <li>○ 4.1C Site Location Plan</li> <li>○ 4.2C Proposed Building Layout</li> <li>○ 4.3C Proposed Site Layout</li> <li>○ 4.4C SE Elevation &amp; Section</li> <li>○ 4.5C NE Elevation &amp; Section</li> <li>○ 4.6C SW Elevation &amp; Section</li> <li>○ 4.7C NW Elevation &amp; Section</li> <li>○ 4.8C SE Elevation b/w</li> <li>○ 4.9C NE Elevation b/w</li> <li>○ 4.10 SW Elevation b/w</li> <li>○ 4.11C NW Elevation b/w</li> <li>○ 4.12C Site Layout &amp; Access</li> <li>○ 4.13C Proposed Structure for Air Cooled Condenser Elevations</li> <li>○ 4.19C Typical Office and Staff Amenities Building Floor Plans</li> <li>○ 4.20C Proposed Gatehouse Floor Plan and Elevations</li> <li>○ 4.21C Landscape Masterplan</li> <li>○ 4.22C Boundary Treatment</li> <li>○ 4.24C Site Sections</li> <li>○ 4.25C Proposed Drainage Layout</li> <li>○ 4.26C Proposed Levels</li> <li>○ 4.27C Fuel Bunker Level +2.0m</li> <li>○ 4.28C Fuel Bunker Level +20.0m and Level +36.0m</li> <li>○ 4.29C Fuel Bunker Section A-A</li> <li>○ 4.30C Fuel Bunker Section B-B</li> <li>○ 4.31C Tipping Hall Layout Level +0.0m</li> <li>○ 4.32C Tipping Hall Section A-A</li> <li>○ 4.33C Overall Roof Layout Comparison Drawing</li> <li>○ 4.34C Illustration 1 of 7</li> <li>○ 4.35C Illustration 2 of 7</li> <li>○ 4.36C Illustration 3 of 7</li> <li>○ 4.37C Illustration 4 of 7</li> <li>○ 4.38C Illustration 5 of 7</li> <li>○ 4.39C Illustration 6 of 7</li> </ul> </li> </ul>	<p><b>27 March 2017</b></p>

<ul style="list-style-type: none"> <li>○ 4.40C Illustration 7 of 7</li> <li>○ 4.41C Western Ditch</li> </ul> <p><u>Note:</u> This approval further revised the details previously approved under the non-material amendments approved on 18 December 2015 (under planning reference SW/10/444RA) and 2 September 2013 (under planning reference SW/10/444/R) which are not listed here.</p>	
<p><b>Planning approval SW/10/444/RVAR</b></p> <p>Details pursuant to conditions 6 (Rail Strategy), 11 (Buffer Zone alongside the Western Ditch), 12 (Environmental Monitoring &amp; Mitigation Plan), 14 (Landscaping Scheme) and 20 (Storage Bunkers) imposed on planning permission SW/10/444.</p> <ul style="list-style-type: none"> <li>• Details submitted on 3 April 2017 within the letter from Andrew Stevenson of RPS Planning &amp; Development Ltd and accompanying documents titled “Wheelabrator Kemsley Generating Station Condition 6: Revised Rail Strategy” (dated 24 March 2017), “Kemsley EFW, Kemsley Paper Mill, Sittingbourne, Kent: Ditch Buffer Zone Management Plan” (dated January 2017) and “Kemsley Sustainable Energy Plant Environmental Monitoring and Mitigation Plan Kemsley, Kent” (dated November 2016) and drawing numbers 16315/A1/4.21 Rev K titled “Landscape Masterplan” (dated January 2017), 16315/A1/P/0220 Rev B titled “Fuel Bunker Level +2.000m” (dated 14 February 2017), 16315/A1/P/0221 Rev B titled “Fuel Bunker Level +20.000m and Level +36.000m” (dated 14 February 2017), 16315/A1/P/0222 Rev B titled “Fuel Bunker Section A-A” (dated 15 February 2017) and 16315/A0/P/0223 Rev B titled “Fuel Bunker Section B-B” (dated 15 February 2017)</li> </ul>	<p><b>27 June 2017</b></p>
<p><b>Planning permission SW/17/502996 dated 23 August 2017</b></p> <p>Section 73 application to vary condition 16 of planning permission SW/10/444 to allow an amended surface water management scheme.</p> <ul style="list-style-type: none"> <li>• Application dated 18 May 2017, as amplified and amended by: <ul style="list-style-type: none"> <li>○ the email from Andrew Stevenson (RPS) dated 6 June 2017 (09:33 hours) with attached details.</li> </ul> </li> </ul>	<p><b>23 August 2017</b></p>

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and the Town and Country Planning (Applications) Regulations 1988 and does not prevent the need to comply with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



Wheelabrator Technologies  
c/o RPS Planning & Development  
Suite D10  
Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

FAO: Andrew Stevenson

**Planning Applications Group**

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Direct Dial/Ext: 03000 413484  
Text Relay: 18001 03000 417171  
Ask For: Mr Jim Wooldridge  
Your Ref: OXF 9812  
Our Ref: SW/18/503317/R  
Date: 21 December 2018

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING ACT 2008**

Dear Sir / Madam

**APPLICATION NO:** SW/18/503317/R (initially submitted under SW/10/444/R)

**PROPOSAL:** Application for non-material amendments relating to built elevations, appearance and site layout at Kemsley Sustainable Energy Plant

**LOCATION:** Land North East of Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD.

The County Council as County Planning Authority has now considered the amended details submitted in respect of the above proposal.

The Authority hereby approves the application for a non-material amendment dated 7 November 2018 as a formal amendment to the details previously permitted under planning permission reference SW/18/503317 (dated 11 October 2018) as set out in the letter from Andrew Stevenson of RPS Planning & Development Ltd dated 7 November 2018 and as set out in Schedule 1 attached, as clarified by the email from Jon Brier of RPS Planning & Development dated 26 November 2018 which confirmed that the Non Material Amendments were intended to relate to planning permission SW/18/503317 rather than the earlier planning permission SW/10/444 (dated 6 March 2012).

Yours faithfully

Head of Planning Applications Group

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As part of the Council's commitment to equalities if you have any concerns or issues with regard to access to this information please contact us for assistance.

## Schedule 1

### Schedule of Documents considered under the Non-Material Amendment SW/18/503317/R

#### Drawings and Documents

- Letter from Andrew Stevenson of RPS Planning & Development Ltd dated 7 November 2018.
- Surface Water Management and Foul Drainage Design Philosophy Statement (ref: NK016315) prepared by RPS.
- Supporting drawings which identify the amendments sought as set out below:
  - 4.1D Permitted Site Location Plan (ref: 16315/A0/P/0060 Rev N);
  - 4.2D Proposed Building Layout (ref: 16315/A0/P/0105 Rev L);
  - 4.3D Proposed Site Layout( ref: 16315/A1/P/0100 Rev U);
  - 4.4D South East Elevation; (ref:16315/A1/P/0110 Rev U);
  - 4.5D North East Elevation; (ref: 16315/A1/P/0111 Rev T);
  - 4.6D South West Elevation; (ref: 16315/A1/P/0112 Rev U);
  - 4.7D North West Elevation; (ref: 16315/A1/P/0113 Rev T);
  - 4.8D Main Building: Proposed South East Elevation; (ref: 16315/A0/P/0125 Rev K);
  - 4.9D Main Building: Proposed North East Elevation; (ref: 16315/A1/P/0126 Rev K);
  - 4.10D Main Building: Proposed South West Elevation; (ref: 16315/A1/P/0127 Rev L);
  - 4.11D Main Building: Proposed North West Elevation; (ref: 16315/A0/P/0128 Rev K);
  - 4.12D Site Layout & Access; (ref: 16315/A1/P/0160 Rev K);
  - 4.13D Proposed Structure for Air Cooled Condenser Elevations; (ref: 16315/A1/P/0121 Rev N);
  - 4.19D Typical Office and Staff Amenities Building (UYA) Floor Plans; (ref: 16315/A1/P/0171 Rev H);
  - 4.20D Proposed Gatehouse Floor Plan and Elevation; (ref: 16315/A2/P/0172 Rev L);
  - 4.21D Landscape Masterplan (ref: 16315/A1/4.21 Rev M);
  - 4.22D Boundary Treatment (ref:16315/A0/P/0106 Rev R);
  - 4.24D Site Sections (ref: 16315/A0/0250 Rev J);
  - 4.25D Proposed Drainage Layout (ref: 16315/A0/0301 Rev J);
  - 4.26D Proposed Levels/Site Plan (ref: 16315/A1/0600 Rev H);
  - 4.27D Fuel Bunker Level +2.000m (ref: 16315/A1/P/0220 Rev D);
  - 4.28D Fuel Bunker Level +20.000m and Level +36.000m (ref:16315/A1/P/0221 Rev E);
  - 4.29D Fuel Bunker Section A-A (ref: 16315/A1/P/0222 Rev C);
  - 4.30D Fuel Bunker Sections B-B (ref: 16315/A0/P/0223 Rev C);
  - 4.31D Tipping Hall Layout Level +2.000m (ref: 16315/A1/P/0201 Rev E);
  - 4.32D Tipping Hall Section A-A (ref: 16315/A1/P/0202 Rev D);
  - 4.33D Overall Roof Layout Comparison Drawing (ref: 16315/A1/P/0200 Rev H);
  - 4.34D Illustration 1 of 7 (ref: 16315/P/0150 Rev R);
  - 4.35D Illustration 2 of 7 (ref: 16315/A1/P/0202 Rev P);
  - 4.36D Illustration 3 of 7 (ref:16315/P/0152 Rev O);
  - 4.37D Illustration 4 of 7 (ref:16315/P/0153 Rev Q);
  - 4.38D Illustration 5 of 7 (ref: 16315/P/0154 Rev O);
  - 4.39D Illustration 6 of 7 (ref:16315/P/0155 Rev O);
  - 4.40D Illustration 7 of 7 (ref: 16315/P/0156 Rev R);
  - 4.41D Proposed Western Ecological Ditch (ref: 16315/A3/0260 Rev C).



Ms Alison Down  
EIA & Land Rights Advisor – Environmental  
Services Team  
Major Casework Directorate  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**BY EMAIL ONLY**

**Environment, Planning &  
Enforcement**

Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

Phone: 03000 415718  
Ask for: Chloe Palmer  
Email: [chloe.palmer2@kent.gov.uk](mailto:chloe.palmer2@kent.gov.uk)

5 October 2018

Dear Ms Down,

**Re: Proposed Wheelabrator Kemsley Generating Station and Wheelabrator  
Kemsley North Waste to Energy Facility - EIA Scoping Notification and  
Consultation**

Thank you for your letter dated 7 September 2018 providing Kent County Council (KCC) with the opportunity to provide comments to the Secretary of State on the information to be provided in the Environmental Statement (ES) relating to the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North (WKN) Waste to Energy Facility.

The Scoping Report (at paragraph 1.1.3) sets out the rationale for the use of the Nationally Significant Infrastructure Projects (NSIP) regime under the Planning Act 2008. It also states that the Department for Business, Energy and Industrial Strategy issued a Direction confirming that WKN is to be treated as development for which development consent is required.

Notwithstanding the above, KCC is not currently convinced that the NSIP regime is the appropriate route for determining the WKN proposal – as opposed to a planning application submitted to the County Council for its determination. The County Council would therefore request a meeting with the applicant as soon as practically possible to discuss this further. This may have implications for the Statement of Common Ground and other material being produced to support the application.

KCC has reviewed the Scoping Report (September 2018) and for ease of reference, provides a commentary structured under the chapter headings used in the report.

## **Chapter 3. Environmental Impact Assessment**

### **3.8 Other related legislation**

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

## **Chapter 6. K3 Proposed Development**

### **6.1 K3 – Traffic and Transport**

#### *Background – Paragraph 6.1.5*

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

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

#### *Proposed Assessment Methodology – Paragraphs 6.1.20 to 6.1.22*

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

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

#### *Proposed Assessment Methodology – Paragraph 6.1.30*

It is acknowledged that scoping for the Transport Assessment will be informed by a formal meeting with the County Council, as Local Highway Authority, in due course and the requirements and matters referred to above can be clarified in greater detail.

Given the recent planning application (planning ref KCC/SW/0103/2018) to increase the maximum permitted number of HGV movements to allow for smaller refuse collection vehicles to transport waste to site in reduced payloads, this scenario will need to be considered appropriately within the Transport Assessment.



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

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

### 6.2 K3 – Air Quality

#### *Currently Known Baseline - Paragraph 6.2.3*

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

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

#### *Proposed Assessment Methodology – Paragraphs 6.2.8 to 6.2.10*

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

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

### 6.5 K3 – Human Health

#### *Currently Known Baseline – Paragraphs 6.5.3 to 6.5.6*

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

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

### 6.8 K3 – Archaeology and Cultural Heritage

#### *Paragraph 6.8.1*

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

England to ensure that increased operation does not have a negative effect on the setting of designated heritage assets.

### 6.9 K3 – Ecology

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

### K3 - Risk of accidents and disasters

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

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

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

### *Paragraph 6.11.10*

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

KCC recommends that the applicant considers the Defra 25 Year Environment Plan 2017 and the Royal Academy of Engineering / Royal Society study commissioned by Defra 2018; and whether these could feed into a holistic Environmental Resilience and Mitigation Strategy for the proposal.

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

## **Chapter 7. Wheelabrator Kemsley North Proposed Development**

### 7.7 WKN – Landscape and Visual Effects

#### *Visual Amenity – Paragraph 7.7.10*

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

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

The applicant should be aware that the County Council is working in partnership with Natural England to develop the England Coast Path in this region. This is a new National Trail walking route that will eventually cover the entire English coastline. The Coast Path is scheduled for completion by 2020 and would be affected by the proposed development. However, the applicant has not highlighted the England Coast Path within the Scoping Report. The applicant should be aware that the proposed route for the Coast Path follows the existing alignment of Public Footpath ZU1. If this proposed route is approved by the Secretary of State, the number of people walking this section of the coast is likely to increase due to the enhanced promotion and status of the National Trail.

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

### 7.8 WKN – Archaeology and Cultural Heritage

#### *Currently Known Baseline – Paragraph 7.8.5*

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

#### *Proposed Assessment Methodology – Paragraphs 7.8.9 to 7.8.13*

The County Council mostly agrees with the proposal for the assessment of the effect of the proposed WKN site on archaeology and cultural heritage. However, the County Council is of the view that the desk-based archaeological assessment should

include detailed modelling of the below ground deposits in the site, based on the results of the geotechnical work both within and on adjacent sites. The model should also be used to compare the known below ground impacts and the proposed construction ground impacts to determine the potential impact of the development on archaeology.

### 7.9 WKN – Ecology

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

### 7.10 WKN – Water Environment

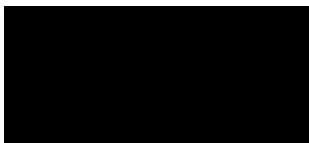
#### *Potential Significant Effects – Paragraph 7.10.7*

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

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

If you require further information or clarification on any matter in this letter, then please do not hesitate to contact me.

Yours sincerely,



**Katie Stewart**

Director for Environment, Planning and Enforcement

Encs:

- Appendix 1: Extract of Network Map



- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

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Created by:

TK

Checked by:

Issue Date:

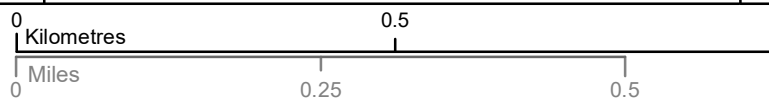
12/09/2018

Reference:

ZU1



**1:10,000**



**Tel:** 020 8541 7593  
**Email:** sue.janota@surreycc.gov.uk



Wheelabrator Technologies  
Portland House (8th Floor),  
Bressenden Place, London SW1E 5BH

Spatial Planning & Policy Team  
Surrey County Council  
County Hall  
Kingston upon Thames  
KT1 2DN

Emailed to: info@wtikemsley.co.uk

09 January 2018

Dear Sir or Madam,

### **Wheelabrator Technologies – DCO consultation**

Wheelabrator Technologies have consulted Surrey County Council on their intention to submit a DCO in 2019:

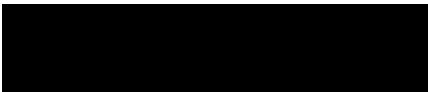
- To increase the generating capacity of Kemsley K3 facility upto 75MW, and the processing of an additional 107,000 tonnes of post-recycled waste; and,
- For a new waste to energy facility on land north of and adjacent to Kemsley K3. This would generate 42MW and would have a capacity of up to 390,000tpa.

The County Council's comments are as follows:

Surrey County Council is currently producing a new Waste Local Plan and the Draft Submission Plan will be published in mid-January 2019 for a Regulation 19 consultation. Surrey County Council note that they and other authorities in the south east are planning on the basis of net self-sufficiency and not on the basis that Surrey's requirements will be met by facilities in Kent.

We trust you will take these comments into consideration. If you require further information please contact [planning.consultations@surreycc.gov.uk](mailto:planning.consultations@surreycc.gov.uk).

Yours sincerely

  
Sue Janota  
Spatial Planning and Policy Manager

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: Avril McNamara  
Direct Dial: 0203 0454433  
Email: [avril.mcnamara@bexley.gov.uk](mailto:avril.mcnamara@bexley.gov.uk)

Our Application Reference Number: 18/03141/ALA

Date: 1<sup>st</sup> February 2019

DHA Planning Ltd

**BY EMAIL**

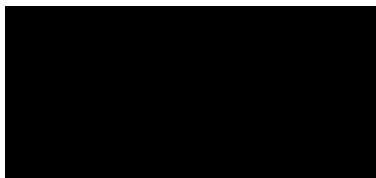
**Dear Mr Harvey**

**Re: THE WHEELABRATOR KEMSLEY K3 GENERATING STATION AND WKN WASTE TO ENERGY FACILITY, SITTINGBOURNE CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 FOR A DEVELOPMENT CONSENT ORDER RELATING TO THE INCREASE IN THE K3 GENERATING STATION CAPACITY AND WKN WASTE TO ENERGY FACILITY**

Your Reference Number: DHA/13141

- Given the distance from the London Borough of Bexley, it is considered unnecessary in this instance to provide any advice regarding the proposal.
- The London Borough of Bexley do not wish to comment on the proposed development.

Yours sincerely,



Robert Lancaster

Head of Development Management  
Growth and Regeneration

## **APPENDIX 4**

### **S46 NOTIFICATION AND ACCEPTANCE - 2018**





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

Our Ref: DHA/AP/13141/S46

3<sup>rd</sup> December 2018

Dear Mr Williams

**WHEELABRATOR TECHNOLOGIES INC.,**

**PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER: WHEELABRATOR KEMSLEY K3 GENERATING STATION AND WKN WASTE-TO-ENERGY FACILITY**

**NOTIFICATION OF A PROPOSED APPLICATION IN ACCORDANCE WITH SECTION 46 OF THE PLANNING ACT 2008**

**APPLICATION REFERENCE: EN010083**

I write pursuant to Section 46 of The Planning Act 2008 ("The Act") and hereby give notice that Wheelabrator Technologies Inc. (WTI) intend to submit an application for a Development Consent Order relating to the K3 generating station and WKN waste-to-energy facility.

Consent will be sought to increase the generating capacity of K3 from 49.9MW to 75MW, together with allowing K3 to process an additional 107,000 tonnes of post-recycled waste per annum. Consent will then also be sought through the same application for the construction and operation of WKN; a new waste-to-energy facility on land adjacent to K3 with an electrical generating capacity of 42MW which would be capable of processing up to 390,000 tonnes of post recycled waste per annum.

**Consultation under Section 42 of The Act**

Letters are being sent at the end of November and start of December 2018 to prescribed bodies, relevant statutory undertakers, specified Local Authorities and those parties with an interest in the land as prescribed by Section 42 of The Act.

It is intended that all consultees will have received those S42 letters by the 4<sup>th</sup> December 2018, to allow the S42 consultation to coincide with the commencement of the S48 period. The deadline provided for responses to the S42 consultation is the 10<sup>th</sup> January 2019, which therefore provides a 37 day period (in excess of the required minimum of 28 days) in order to provide consultees with sufficient time to respond given that period spans the Christmas to New Year period. The 10<sup>th</sup> January 2019 deadline does make provision for consultees to still have the minimum 28 day period should the delivery of any S42 packs be delayed.

planning transport design environment infrastructure

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

DHA Planning Ltd. Registered in England. Registered number: 2683290





S42 consultees have been provided with a covering letter, a copy of the S48 notice (as the proposed scheme is a development for which Environmental Impact Assessment is required), and a USB containing a draft Development Consent Order and Environmental Statement and a non-technical Preliminary Environmental Information Report, together with a set of key maps and plans to illustrate the location of the site and proposed development. Those same documents and plans are also available on the applicant's website ([www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)).

### **Section 46 of The Act**

In accordance with Section 46(1) of The Act please find enclosed with this letter the documents provided to the consultation bodies under Section 42. I have also included for reference the list of those prescribed bodies, statutory undertakers and local authorities who have been consulted.

### **Consultation under Section 47 of The Act**

WTI consulted on and agreed a Statement of Community Consultation with Swale Borough Council and Kent County Council in October 2018 and undertook consultation with the local community at the beginning of November 2018 which included the distribution of an information leaflet to around 15,000 homes and business together with three local consultation events.

The deadline provided for public comments is also the 10<sup>th</sup> January 2018 which provides a period of some 71 days from the first public consultation event. A draft Consultation Report is being prepared and will be finalised following the conclusion of the consultation period so that it can be provided to the Inspectorate for informal comment ahead of it forming part of the application.

### **Publicity under Section 48 of The Act**

The notice prepared to address Section 48 of The Act has been published in the Sittingbourne News Extra and Sheerness Times Guardian on the 28<sup>th</sup> November 2018 and will be published again in those papers on the 5<sup>th</sup> December 2018, as well as being published in the Medway Messenger on the 3<sup>rd</sup> December and 10<sup>th</sup> December 2018. The same notice is being placed in the London Gazette and a nationally circulating paper by the 5<sup>th</sup> December 2018.

The S48 notice provides the same deadline for responses, the 10<sup>th</sup> January 2019, as defined for the purposes of the S42 consultation. That provides a period of 37 days starting on the date of the second consecutive notice being placed in the locally circulating newspapers.

### **Timetable for submission**

It remains the intention of the applicant to submit the application around April 2019. We will keep the Inspectorate updated should that intention alter for any reason and will continue to liaise regarding further meetings in 2019 to discuss the draft DCO and to provide the Inspectorate the opportunity to review key application documents ahead of submission.



I trust that this letter is sufficient to satisfy Section 46 of The Act and would welcome confirmation of that in due course. Please do not hesitate to contact me should you have any queries or require anything further at this stage.

Yours sincerely



David Harvey  
Director

**Enc.**

Covering letter to S.42 consultees

Section 42 Mailing List

USB provided to S.42 consultees, containing the draft DCO, Environmental Statement, PEIR and application plans

Notice publicised under S.48 of The Act



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [WheelabratorKemsley@pins.gsi.gov.uk](mailto:WheelabratorKemsley@pins.gsi.gov.uk)

---

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

Your Ref:

Our Ref: EN010083

Date: 6 December 2018

---

Dear Mr Harvey

**Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8**

**Proposed application by Wheelabrator Technologies Inc for an Order Granting Development Consent for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility**

**Acknowledgement of receipt of information concerning proposed application**

Thank you for your section 46 Notification letter of 3 December 2018 and the following documentation:

- Covering letter to section 42 consultees.
- Section 42 Mailing List,
- USB provided to section 42 consultees, containing the draft DCO, Environmental Statement, PEIR and application plans, and
- Notice publicised under section 48 of the Planning Act 2008.

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

EN010083

I also acknowledge notification in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an environmental statement in respect of the proposed development.

I will be your point of contact for this application – my contact details are at the end of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report and any draft HRA. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

*Sian Evans*

**Sian Evans**  
**Case Manager**

Direct number 0303 444 5671

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>



# **APPENDIX 5**

## COMMUNITY CONSULTATION STRATEGY

planning  
transport  
design  
environment  
infrastructure

**SoCC Consultation Strategy for Wheelabrator Kemsley and  
Wheelabrator Kemsley North on behalf of Wheelabrator  
Technologies Inc.**

August 2018 AP/13141



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# **1 Introduction**

## **1.1 Purpose of this Document**

- 1.1.1 Wheelabrator Technologies Inc. (WTI) intends to make an application to the Secretary of State for a Development Consent Order (DCO) for a power upgrade and tonnage throughput increase to the permitted Wheelabrator Kemsley Waste-to-Energy plant (K3) and for the construction and operation of a new Waste-to-Energy facility on adjacent land to the north of K3 called Wheelabrator Kemsley North (WKN), in Kemsley to the north of Sittingbourne.
- 1.1.2 The DCO process requires consultation with various groups, including prescribed persons, local authorities and the local community to be undertaken at an early stage, so that the submitted application has already taken into account any significant issues likely to be raised by those bodies during the examination of the DCO application.
- 1.1.3 The Planning Act 2008 requires an applicant to prepare a Statement setting out how they propose to consult people in the vicinity of the land about the proposed application- the 'Statement of Community Consultation' (SoCC). This Consultation Strategy explains the approach and methodology taken within SoCC.
- 1.1.4 This Consultation Strategy and the draft SoCC have been submitted to Swale Borough Council and Kent County Council for review prior to the SoCC being published and the community consultation being carried out.

## **1.2 Current Project Status**

- 1.2.1 This document has been prepared at an early stage of the process towards seeking a DCO for the proposed K3 and WKN projects. WTI submitted a request for an Environmental Impact Assessment Scoping Opinion to the Planning Inspectorate (PINS) at the end of August 2018.
- 1.2.2 The intention is to undertake the consultation required by the Act in late 2018, with a view to submitting the DCO application with PINS in Spring 2019. Should the application be accepted by PINS it would then be subject to an examination process lasting up to 6 months, after initial acceptance and pre-examination stages.
- 1.2.3 Once the application is submitted the Local Authority will have the opportunity to produce a Local Impact Report, to be considered by PINS in determining the application, which will set out what they perceive to be the local impacts of the proposed development.

## 2 Legislative Requirements

### 2.1 The need for a DCO

- 2.1.1 Planning permission was granted under the Town and Country Planning Act 1990 by Kent County Council in 2012 for a sustainable Waste-to-Energy plant (K3). Construction of the plant began in August 2016 and is expected to be completed by August 2019. As consented, the K3 facility will have two 102MWth lines, be capable of processing 550,000 tonnes of waste per annum and have a generating output of 49.9MW.
- 2.1.2 The application for a Development Consent Order (DCO) will seek consent for the facility to operate to an upgraded power generation level of 75MW and to process an additional 107,000 tonnes of waste per annum. The project is a Nationally Significant Infrastructure Project by virtue of it being the extension of an onshore generating station in England with a generating capacity of over 50MW under Section 14(1)(a) and 15(2) of the Planning Act 2008.
- 2.1.3 The proposed new Waste-to-Energy plant, Wheelabrator Kemsley North (WKN), would be a single 125Mwth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW. WKN is not therefore a Nationally Significant Infrastructure Project (NSIP) by virtue of its generating capacity. Instead WTI made a formal application on the 1st June 2018 to the Secretary of State (SoS) for Business, Energy and Industrial Strategy under Section 35 of the Planning Act 2008 for a direction as to whether the project is nationally significant. The SoS issued their direction on the 27th June 2018 confirming that WKN is to be considered and treated as a development which requires development consent due to its context with other nationally significant projects in the vicinity, the benefits to K3 and WKN being assessed comprehensively through the same DCO process and the removal of the need for separate consents to be sought.
- 2.1.4 A single Development Consent Order will be sought for K3 and WKN through a single application to the Planning Inspectorate (PINS), prior to being determined by the Secretary of State (SoS) for Business, Energy and Industrial Strategy.

### 2.2 Local Community Consultation

- 2.2.1 Section 47 of The Planning Act 2008 (the Act) places a duty on the Applicant to consult the local community. Section 47(1) states that the applicant must prepare a statement (the SoCC) setting out how the applicant proposes to consult people living in the vicinity of the land about the proposed application. Part 47(2) states that the applicant must consult each authority within part 43(1) of the Act about what is to be in the statement.
- 2.2.2 For the purposes of Section 43(1), a local authority (as defined within the Act) is one where the development falls within the local authority area. In this case the Section 43(1) authorities are Swale Borough Council and Kent County Council.
- 2.2.3 Part 47(3) of the Act provides the local authorities with a 28 day period in which to comment on the SoCC, starting on the day after the day on which the authority

receives the consultation documents. Part 47(5) requires the applicant to have regard to comments received by that deadline.

- 2.2.4 Part 47(6), as amended by the Localism Act 2011, requires the applicant to make the SoCC available for inspection by the public in a way reasonably convenient for people living in the vicinity of the land. The applicant must publish a notice stating where and when the SoCC can be inspected. Part 47(7) requires the applicant to then carry out the consultation in accordance with the SoCC.

## 2.3 Duty to Consult

- 2.3.1 In addition to the consultation of the local community under Section 47, Section 42 of the Act requires an applicant to consult:

- a) Such persons as may be prescribed;
- b) Each local authority within Section 43;
- c) The Greater London Authority if the land is within Greater London;
- d) Each person who is within one or more of the categories set out in Section 44.

- 2.3.2 Section 48 of the Act requires the applicant to publicise the application in the prescribed manner.

- 2.3.3 The application will contain a Consultation Report which will demonstrate how the applicant has complied with the requirements under Sections 42, 47 and 48.

## 2.4 Guidance documents

- 2.4.1 A number of documents produced by The Government and PINS are available which provide information and guidance on the pre-application consultation process. The following two documents are of particular relevance to this Consultation Strategy:

### ***DCLG – Planning Act 2008 – Guidance on Pre-Application Consultation<sup>1</sup>***

- 2.4.2 This document provides guidance on all aspects of the process and this Consultation Strategy and the draft SoCC has regard to this guidance. In particular the document notes, in Paragraph 11, that projects and the communities and environment in which they are located will vary considerably and that this should be reflected within the particular methods and approach to consultation which is chosen. Paragraph 13 recognises that consultation, whilst being thorough and effective, will need to be proportionate.

---

<sup>1</sup> <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

***Planning Inspectorate Advice Note 8.1<sup>2</sup>***

- 2.4.3 Advice Note 8.1: 'How the process works' states that 'the length of time taken to prepare and consult on the project will vary depending upon its scale and complexity.'

---

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## 3 The Proposed Development

### 3.1 Site Location and Context

3.1.1 Appendix 1 and 2 of the SoCC (included as Appendix A of this document) shows the site locations of both K3 and WKN.

3.1.2 There are a number of existing power generation plants within and adjacent to the proposal site, including those which provide for the needs of the energy and steam requirements of Kemsley Paper Mill, listed as follows:

- (1) **K1** – a gas turbine CHP plant located within the DS Smith Kemsley Paper Mill which provides electricity and steam to the mill. This facility is coming towards the end of its life;
- (2) **K2** – a steam generator located within the DS Smith Kemsley Paper Mill which uses waste plastic and sludge as a source to provide steam to the mill;
- (3) **K4** – a gas turbine CHP plant located within the mill site which provides electricity and steam to the mill and will be the replacement for K1;

3.1.3 From 2019 K3 will provide steam to the paper mill and clean, sustainable electricity to power UK homes and businesses. **WKN** is an entirely new and distinct Waste-to-Energy plant which sites to the north of and adjacent to K3 and will operate completely independently. This will provide electricity to power UK homes and businesses via the National Grid distribution network

### 3.2 Wheelabrator Kemsley (K3)

3.2.1 The proposed application seeks a Development Consent Order to permit the K3 facility to operate to an upgraded power generation level of 75MW (an additional 25.1 MW), through internal operational efficiency changes to the facility, and to process an additional 107,000 tonnes of waste per annum. Those changes would not require any changes to the physical scheme as originally consented by KCC/SW/10/444 (as subsequently amended).

3.2.2 The additional waste will be brought to the site in HGVs or in refuse collection vehicles via Barge Way from the north of the Paper Mill.

### 3.3 Wheelabrator Kemsley North

3.3.1 The proposed application seeks a Development Consent Order to construct and operate a new Waste-to-Energy plant, Wheelabrator Kemsley North (WKN).

3.3.2 The facility would comprise a single 125Mwth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of up to 42MW. WKN will operate as a standalone facility completely independent from K3.

3.3.3 Whilst the design of the facility is not yet finalised it will essentially be a smaller single line version of the adjacent K3 two-line Waste-to-Energy plant. The plant

will comprise a series of interlinked buildings together with internal access roads, landscaping and drainage.

- 3.3.4 As with the adjacent K3 facility, all waste will be brought to the site in HGVs or in Refuse Collection Vehicles via Barge Way from the north of the Paper Mill. Once arriving at the site, the lorries access the site via a weighbridge and then manoeuvre on site and dock into the tipping hall. The WKN facility will then combust the waste imported to the site to generate hot gases that in turn are used to produce steam and ultimately electricity.

### **3.4 Environmental Impact Assessment**

- 3.4.1 Both K3 and WKN are developments of a type listed in part 10 Schedule 1 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (hereafter the EIA Regulations) with a capacity exceeding 100 tonnes per day. All development of a type listed in Schedule 1 of the EIA Regulations constitute EIA Development as defined in the EIA Regulations and the DCO applications are therefore required to be accompanied by an Environmental Statement (ES), prepared in accordance with the EIA Regulations.

- 3.4.2 For the ease of the examining authority, statutory consultees and interested parties, in addition to the different facilities to which the two DCOs relate, two Environmental Impact Assessments will be undertaken to consider K3 and WKN individually as well as cumulatively with each other and with other relevant consented and planned projects.

### **3.5 Anticipated environmental impacts**

- 3.5.1 An EIA Scoping Opinion has been requested from the Planning Inspectorate.
- 3.5.2 The Scoping Report submitted to PINS identifies the potentially significant environmental impacts which may occur from K3 and WKN, which are to be assessed individually as well as cumulatively with each other and with other consented projects in the area.
- 3.5.3 For K3 the potential significant impacts identified are limited by the fact that the facility is already consented and being constructed, and that the only changes are therefore the increased generating capacity and tonnage throughput increase. In summary they are:
- (1) Traffic and transport effects from increased operational HGV's and RCVs arising from the increased tonnage throughput;
  - (2) Air quality effects arising from the flue gas treatment system and additional vehicles
  - (3) Operational noise from vehicles;
  - (4) Any human health impacts arising from air quality, altered on site activities and transport movements;
  - (5) Ecology impacts arising from impacts on interest features from emissions to air from increased vehicles.

3.5.4 For WKN the potentially significant impacts arising from the construction and operation of the proposed plant are:

- (1) Traffic and transport impacts from operational HGVs and RCVs
- (2) Dust and emissions during construction and operational stages, including from operational vehicles
- (3) Climate change vulnerability and construction, operational and decommissioning stage Greenhouse gas emissions;
- (4) Noise and vibration from construction and operation, including operational traffic;
- (5) Human health impacts arising from construction, operation and decommissioning;
- (6) Localised contamination and asbestos risk to groundworkers;
- (7) Landscape and visual impacts during construction and once constructed;
- (8) Direct impacts on buried archaeology and impacts on the setting of heritage assets;
- (9) Ecology impacts, including loss of habitat and air quality, noise, water quality impacts on bird interest features;
- (10) Impacts on the water environment during construction and operation.

3.5.5 The Scoping Opinion from the Planning Inspectorate will set out their assessment of what issues should be considered within the Environmental Impact Assessment.

3.5.6 The potential significant impacts summarised above have been used to inform the SoCC and this consultation strategy. The key environmental issues which have the potential to directly impact on the local community are:

- (1) Traffic and transport;
- (2) Dust and emissions (air quality)
- (3) Construction and operational noise and vibration;
- (4) Landscape and visual impact.

The assessments of those issues have not yet been completed. However the approach taken to identifying the zone of influence and those parties who are to be directly contacted as part of the S47 consultation has been determined with regard to the likely potential extent of those impacts, for example, the potential distance from the site at which landscape and visual impacts could occur, or the anticipated routing of vehicles travelling to and from the proposed development.



## **4 Kent County Council Statement of Community Involvement (January 2011)**

- 4.1.1 The KCC Statement of Community Involvement sets out how KCC intend to involve the community in planning matters relating to minerals and waste development framework policies and applications such as development management cases and minerals and waste schemes.
- 4.1.2 The SCI states that involvement in planning should be appropriate to the level of planning, undertaken from the outset, continuous with clearly stated opportunities for involvement, transparent and accessible and planned as an integral part of plan making. The SCI then reflects a number of priorities set by the Kent Partners Compact Report (January 2009), such as considering a mix of engagement methods and preparing appropriate engagement documents.
- 4.1.3 The main themes set out within the KCC SCI, which are of relevance to the consultation required for the K3 and WKN projects under S47, are as follows:
- (1) Use of traditional methods of consultation, such as letters, newspaper advertisements, press releases and reports, whilst taking advantage of opportunities created by new technology, such as email and websites.
  - (2) Encouraging consultation through the ability for responses to be received via a range of methods, such as paper based, online surveys and group or area specific meetings.
  - (3) Promoting dialogue, for example through workshops or targeted discussions with specific groups.
  - (4) Ensuring accessibility to consultation, to avoid barriers of age, culture, language, geographical isolation, lifestyle or general indifference/scepticism, by ensuring documents are accessible in terms of language, making materials available by different methods, making provision for alternative language and formats, widely promoting the consultation process and specific events, and holding events at appropriately accessible venues and at varying times.
  - (5) Ensuring proportionality; balancing the level of consultation with the subject of that consultation.
  - (6) Allowing adequate time at an appropriately early stage in a process for consultation to be undertaken;
  - (7) Being clear and relevant in all documentation;
  - (8) Being efficient in the co-ordination of consultation by combining different consultations where possible and consulting using representative or consultative groupings where possible.
- 4.1.4 Those themes and examples of good practice have been reflected within the approach taken to the K3 and WKN public consultation, as set out within this document and the SoCC itself.

## 5 Swale Borough Council – Statement of Community Consultation (2018)

5.1.1 The Swale Borough Council Statement of Community Involvement (SCI) was adopted in March 2018 and sets out the manner, principles and strategy for the Council to consult and engage with the community on planning applications and planning policies. Many of these principles of consultation are relevant as part of the DCO application a Swale Borough Council (SBC) will have a greater understanding of how to engage with those that live within the Borough. The relevant aspects of the SCI have been considered as part of this Consultation Strategy and summarised below:

### 5.2 General Principles

5.2.1 Section 3 defines SBC's interpretation of 'involvement' as interaction between the planning team and the community which occurs on three different levels:

- (1) Participation – active involvement in identifying needs and priorities, such as workshops;
- (2) Consultation – consulting the community on their views, such as through on-line consultation processes and surveys; and
- (3) Information – providing information, such as adverts in newspapers, notices on Swale's website and publishing reports.

5.2.2 SBC recommends other organisations adopt these principles when involving the community in the planning process.

5.2.3 SBC lists a set of rules for their consultations as follows:

- Seek views as early as possible;
- Ensure involvement is open to all;
- Take into account duties under the Equality Act 2010;
- Choose consultation processes that are proportionate in type and scale to the potential impacts of the proposed plan;
- Target consultation to include people whom are considered would be most affected by the particular proposals or plans, and where possible including known interest/community/residents' groups;
- Provide sufficient information for people to comment effectively;
- Create concise consultation documents, without understating the complexities of any issues or decisions;
- Avoid unnecessary jargon;
- State clearly how to respond and by when;
- Aim to make all representations publicly available;
- Tell people who participate in the consultation how to access the results;
- Ensure that information received through consultation processes complies with the Data Protection Act 1998 and the Freedom of Information Act 2000

### 5.3 Who will SBC involve in Consultations?

#### *Who SBC will Involve in Plan Making?*

- 5.3.1 Section 4 outlines the main groups to be consulted as Central, Regional and Local Government organisations, statutory bodies, community, voluntary, resident and interest groups, members of the public, Parish/Town Councils, local businesses and developers/agents.
- 5.3.2 Moreover, the NPPF requires the involvement of all sections of the community in planning decisions. Where appropriate the Council would consult residents and businesses on proposals.

#### *Hard to Reach Groups*

- 5.3.3 The SCI recognises that the population of Swale is varied and dispersed and therefore a devising the most effective means of consultation can be difficult. There may also be issues in identifying representative groups to be consulted on behalf of ethnic minority groups or socially excluded groups.
- 5.3.4 Barriers to engagement for hard to reach groups in Swale may include a lack of access to computers and the internet, language barriers, difficulties accessing Swale's three offices, the working community not having the time to engage, young people, people with low literacy and ethnic minority and cultural groups.
- 5.3.5 A range of consultation methods have been set out in Appendix 1 of the SCI which lists how the Council will involve the community in the planning process and the benefits of each method. These methods have been assessed below in terms of their relevance to the DCO process:

- **Swale Borough Council Website** – Useful starting point and included in the Consultation Strategy;
- **Email Notifications** – Included in the Consultation Strategy where email addresses are provided by consultees;
- **Swale Borough Council social media platforms** – Unlikely to be used in the Consultation Strategy and is at SBC's discretion;
- **Formal advertisements in local press** – This will be included in the Consultation Strategy where there are statutory requirements to publish notices;
- **Press releases** – These will be included in the Consultation Strategy in a more informal manner to engage with the community;
- **Consultation documents available for sale, CD or inspection at Council offices, by post and on the web** – The SoCC, key documents and application documents will be made available at convenient locations, online (where possible) and available for purchase either in hard copy or CD formats;

- **Leaflet, newsletters and brochures** – This will be included in the Consultation Strategy as it enables updates to share with the local community;
- **Formal written letter** – Those within the Zone of Influence will receive formal written letters;
- **Public Exhibitions/Public meetings/presentations** – These will be undertaken as part of the Consultation Strategy;
- **Notices displayed on a site** – Notices are a statutory requirement and will be part of the Consultation Strategy.
- **Through partnership organisations and focus groups, existing forums/panels** – not included as part of the Consultation Strategy but can be included if necessary;
- **Councillor networks** - Councillors will be contacted directly and will be encouraged to share information with their local communities;
- **One to one meetings and briefings**– not included as part of the Consultation Strategy but can be included if necessary depending on the responses from stakeholders and whether these are requested;
- **Parish and Town Council networks/publications** - organisations such as Parish Councils will be contacted directly, and it will be at their discretion to share information through their networks and publications;
- **Questionnaire/surveys** - those attending the exhibitions will have the opportunity to fill in a questionnaire which may provide some qualitative data, if appropriate; and
- **Workshops** – not included as part of the Consultation Strategy but can be included if necessary;

#### **5.4 Role of elected members**

- 5.4.1 The SCI recognises the importance that the 27 councillors have in dispersing information to their local communities and can encourage involvement in the planning process. This resource will be used to disseminate information regarding the DCO application.

#### **5.5 Summary**

- 5.5.1 The Swale Borough Council SCI identifies the methods by which the Borough Council intend to consult the local community on planning applications and the local plan and sets out a number of factors considered in arriving at that strategy. As such it provides a useful guide to formulating the Consultation Strategy to be undertaken in respect of the K3 and WKN DCO application.
- 5.5.2 As demonstrated above the proposed Consultation Strategy aligns closely with the methods and approach to public engagement used by the Borough Council.

## 6 Public Consultation Strategy

### 6.1 Project Specific Considerations

6.1.1 There are a number of project specific considerations which need to be taken into account throughout the consultation on the K3 and WKN schemes.

#### *Avoiding local confusion*

6.1.2 WTI have previously consulted the local community, in 2017, on the proposed power upgrade to the K3 plant. As the K3 element of the proposal has changed, with a tonnage throughput increase now proposed, and given consent is now also being sought for the WKN facility, it will be necessary to reconsult the local community afresh. However the consultation material will need to make clear the differences between the two schemes and ensure that the community are aware that representations made in 2017 will not form part of the current application.

6.1.3 In addition DS Smith consulted the local community on the K4 CHP plant which is currently being examined by the Planning Inspectorate and which is an NSIP project close to the site of K3 and WKN. Due to the names and proximity of the respective projects there is the potential for confusion to occur and the consultation materials will need to be suitably clear to ensure the public are able to distinguish between the respective projects.

#### *Making representations on K3 or WKN*

6.1.4 K3 is an NSIP, whilst WKN has been directed as a project for which development consent is required. The two projects are separate, but for efficiency and ease of the promotor, the Inspectorate and other stakeholders both projects are being sought through a single DCO application. The consultation materials will need to make the local community aware of the relationship between the projects and provide the ability for those responding to make specific comments relating to either project, should for instance a respondent be in support of one project and not the other.

### 6.2 Aims and Objectives

6.2.1 The following aims and objectives have been devised to shape the pre-application public Consultation Strategy to be undertaken, and reflect the project specific considerations set out above:

- (1) To notify stakeholders of the proposed K3 and WKN developments at an early stage in the process to inform them about the context, function and expected environmental impacts of the two proposed projects;
- (2) To provide clarity between the first K3 consultation, the current K3 consultation, WKN and the Combined Heat and Power plants (K1, K2 and K4) of the adjacent DS Smith Paper Mill.
- (3) To inform stakeholders about the process through which a Development Consent Order is sought from the Planning Inspectorate and the stages where they can be involved;

- (4) To provide an early opportunity for stakeholders to comment on and shape the proposed development and to resolve any queries they may have;
- (5) To allow the project team the opportunity at an early stage in the process to reflect the comments made on the proposed developments and to feedback to stakeholders.

## 7 Who should be consulted

7.1.1 Section 47(1) of the Planning Act 2008 requires an application to consult people living 'in the vicinity of the land' about the proposed development.

### 7.2 What is the Zone of Influence

7.2.1 The Planning Act 2008 does not explicitly define the term 'vicinity' due to the bespoke and broad nature of the type of projects which can be considered NSIPs. The Zone of Influence refers to the area where people are likely to be directly affected by the proposed development. The Zone of Influence is determined by the applicant and must proportionate in terms of scale and inclusion.

7.2.2 As noted in Section 3.5 of this Consultation Strategy, the Zone of Influence which has been defined reflects the extent of the anticipated environmental impacts which will arise from K3 and WKN.

7.2.3 The DCO application for K3 proposes to only increase the power output and the throughput of waste with the Waste-to-Energy facility itself already being consented and constructed. Therefore, the overall impacts arising from the DCO are limited, and will be associated with highways, air quality and noise effects arising from the additional vehicle movements. For that reason the Zone of Influence

7.2.4 Conversely, the DCO application for WKN comprises an entirely new waste-to-energy facility. As a completely new development there are the potential for other environmental effects to arise, such as landscape and visual impacts.

7.2.5 The Zone of Influence is shown in Appendix A of this Consultation Strategy and Appendix D of the SoCC. A zone of 5km around the K3/WKN site has been identified and will form the focus of direct consultation. That zone reflects the approach taken to the previous consultation on the proposed K3 power upgrade DCO. 5km is a radius which is considered appropriate given the potential environmental effects which could arise from the scheme.

7.2.6 The Zone of Influence incorporates all those residential properties, businesses and areas closest to the proposed development. Within this Zone of Influence, it is considered that these residents and businesses will be the most affected by the proposed development particularly through their close proximity, ability to view or hear the proposed development or the proposed vehicle movements.

### 7.3 Wider Community

7.3.1 Whilst the Zone of Influence will be the focus of direct consultation, the methods of engagement employed within the SoCC will also ensure that residents, businesses and users of areas beyond the ZOI are still made aware of the proposals and have the ability to be involved in the process. Those methods will include elements such as newspaper adverts and press releases and the project website.

## 7.4 Understanding the Local Community

- 7.4.1 According to the 2011 census there were a total of 7,621 people living within the ward of Kemsley, which includes the site locations, the industrial area to the north west and the residential area to the south west, as shown in Figure 7.1 below.



Figure 7.1: Kemsley ward

- 7.4.2 Of the 7,261, 5,448 people are aged between 16 to 74 in which 4,187 are economically active (some 77%). In Total, 80% of the population over the age of 16 has some type of qualification and around 92% of people identified themselves as being White in terms of ethnic group. Other large ethnic groups in the area comprised Black/African/Caribbean/Black British (4.5%), Asian/Asian British (1.6%) and Mixed/multiple ethnic groups (1.5%).
- 7.4.3 The sites are within the Swale 007D Lower Super Output Area as defined in the Census, with the immediate surrounding community falling within the Swale 007B and 007E areas. According to DCLG mapping Swale 007D is within the 40% least deprived neighbourhoods in the country, based on indices of multiple deprivation. The level of deprivation is similar in Swale 007B and slightly higher still in Swale 007E.



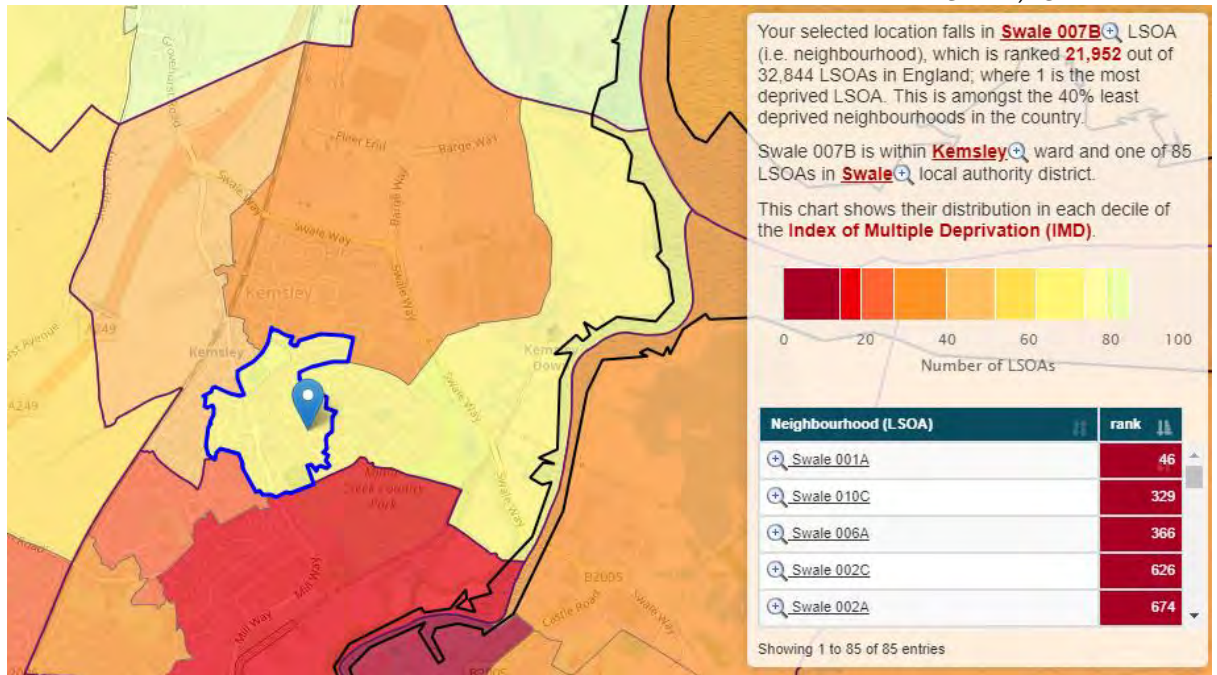


Figure 7.2: Indices of Multiple Deprivation (source DCLG)

7.4.4 Whilst the population of area immediately close to the two site locations is primarily white, employed and qualified with a relatively low level of deprivation, the surrounding areas vary considerably as shown by the Indices of Multiple Deprivation in figure 7.2.

7.4.5 Therefore, a typical range of communication methods would be sufficient to ensure that the immediate community around the proposed projects are being informed and that similarly typical methods of response will provide sufficient opportunity for that community to respond. However, the increased levels of deprivation in the surrounding area could be an indicator of, for example, lower levels of qualifications, so an appropriately wide range of communication methods and options for engaging with the DCO process will need to be provided.

7.4.6 In this instance the Consultation Strategy will employ a range of consultations methods as listed in section 4.2 of this document.

## 7.5 Summary

7.5.1 The Consultation Strategy will therefore focus on those people living or working permanently within the zone of influence.

7.5.2 In addition, it will need to ensure that three further elements of the local community are addressed:

- (1) Those people who temporarily move into or through the zone of influence;
- (2) Local politicians, Ward Members and Parish Councils;
- (3) The wider community around the Zone of Influence.

7.5.3 Within these groups, the Consultation Strategy must also ensure that a sufficiently wide and appropriate range of methods are used, to ensure that hard to reach

groups become aware of the proposed scheme and have the opportunity to comment.

## 8 How should they be Consulted?

### 8.1 Stage 1: Informing people of the proposals

8.1.1 The Consultation Strategy acknowledges the role of the internet as a means of providing information to local stakeholders in which they can comment on an application or contact the project team given it is widely accessible. Nevertheless, the Consultation Strategy is also aware that not everyone will be able to access the internet. Therefore, alternative means of providing information such as via post or telephone will be used to ensure everyone has the same opportunity to make comments or raise queries.

#### *Direct mailing to residents and businesses*

8.1.2 Residents and businesses within the defined Zone of Influence will be contacted directly by post to inform them about the proposed development and advise on the DCO application process that is to be undertaken.

#### *Direct contact with other stakeholders*

8.1.3 It is proposed that a number of local bodies, organisations and politicians are to be contacted. This will include any gateway organisation that can provide access and engagement with those hard to reach groups of the community. In this instance, advice would be sought from Swale Borough Council and/or the local Councillors regarding the gateway organisations or other means to involve the hard to reach groups.

8.1.4 The SoCC makes provision for some key local stakeholders, such as local Members and Parish Councils, to be informally consulted ahead of the formal consultation process.

8.1.5 DS Smith are a key local employer and given the vicinity of the proposed projects to the DS Smith paper mill WTI will therefore be discussing the proposals with them to determine how best to engage with the DS Smith staff, to make them aware of the proposals and how to engage with the DCO process.

8.1.6 The proposed list of local bodies which will be formally consulted is attached in Appendix B of this Consultation Strategy

#### *Project website?*

8.1.7 A project website is available at: [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk) and will be developed ahead of the formal consultation to provide an overview of the projects together with a link to the Planning Inspectorate webpage. The project website will be updated in due course as the project progresses and will provide the opportunity for respondents to comment on the proposals at the appropriate stage.

### **Media Releases**

- 8.1.8 Media releases will be used to ensure that local news publications can provide information on the project and the ongoing consultation process. The publication of the SoCC notice in local papers will also be used to publicise the exhibitions.

### **Posters and Leaflets**

- 8.1.9 Posters and leaflets will be used to publicise the exhibitions and to provide details of the project and PINS websites. They will be placed in strategic local locations in order to engage with the maximum number of people.

## **8.2 Stage 2: Public consultation events**

- 8.2.1 Public exhibitions are to be held on [DATES/TIMES TO BE SET] [nb – exhibitions will take place over a range of days and times to ensure as wide an opportunity as possible is given for involvement]

- 8.2.2 The exhibitions will be publicised by the SoCC, SoCC notice, direct letters to local residents and business, a press release and posters in strategic locations. The project website will also display the exhibition details and any party that has contacted the project team to be kept informed will also be contacted directly.

- 8.2.3 The exhibition enables the opportunity to present information regarding the proposed development and will be staffed by the project team who will be able to discuss the proposal with the attendees in detail and answer any queries. Those who attend will have the opportunity to register their interest in the project in order to be kept informed on the project in the future. There will also be asked to complete a questionnaire where they can provide written comments.

## **8.3 Stage 3: Consultee led Involvement**

- 8.3.1 The project team will review responses received from local consultees and will have regard to any requests for additional forms of engagement where appropriate, such as attending Parish Council meetings or holding more focused drop in sessions for particular groups. This will ensure the consultation strategy remains flexible and able to engage with any groups or parties which have not been identified, and in particular the hard to reach groups.

## **8.4 What information will be provided?**

- 8.4.1 The public consultation events are intended to provide information on the proposed development, the DCO process and the expected environmental impacts in a clear, concise and accessible format. This will be supported by exhibition boards that will summarise this information in an engaging manner and the direct mailings will be accompanied by a summary leaflet providing similar information as the exhibition boards.

- 8.4.2 A separate Preliminary Environmental Information Report (PEIR) will be produced for the purposes of the S42 and S47 consultation. The purpose of the PEIR is to provide a summary of the intended environmental impacts of the proposed development in accessible language, free from technical jargon wherever possible.

- 8.4.3 At this stage of the process the PEIR contains information of a preliminary nature and we are actively seeking comments on this information. This will then assist in shaping and define the Environmental Impact Assessment and the final project design. More detailed environmental information can then be provided if requested by individual residents or groups

## **8.5 Timing of consultation**

- 8.5.1 The consultation will be undertaken within a limited time in accordance with the formal requirements of Section 47 of the Planning Act. That period will commence shortly before the public exhibitions, at the start of [DATE], at the point at which the SoCC is published. At the same time targeted mailings will be undertaken and other stakeholders contacted directly.
- 8.5.2 Responses to the consultation will be required by [DATE]. [nb – the period set for responses will take account of the Christmas break if required by providing a longer time for comments]
- 8.5.3 Other consultation elements, such as the website, have been made live prior to the formal consultation period commencing and will continue to operate subsequent to the formal time limited consultation period to continue to update the local community on the progress of the application. There will still be the opportunity to contact the project team generally with queries outside of the specified period for representations on the proposed scheme.

## **9 What will the Outcomes be?**

### **9.1 Data obtained from the consultation process:**

- (a) Contact details (post, email or both) of interested parties;
- (b) A set of comments made on the proposed scheme, either through the questionnaires provided at the exhibition or via the website; and
- (c) A set of queries raised by interested stakeholders, either at the exhibition or through the website.

### **9.2 Processing consultation data**

- 9.2.1 The Consultation Report will be produced to accompany the DCO application which will analyse and summarise the comments received during the consultation events. The Report will be made publicly available as part of the application and will also be published on the project website.
- 9.2.2 Responses will be analysed via a range of qualitative and quantitative methods, depending on the question type. All consultation material will make clear to respondents that their responses will be summarised within the Consultation Report but that personal information about the respondent will remain confidential.

### **9.3 Further steps**

- 9.3.1 The Consultation Strategy that is proposed is considered to be appropriate and proportionate to meet the requirements of the relevant legislation and endeavours to ensure that all parts of the local community can get involved in the application process and have their say. However, it also provides the flexibility to respond to specific requests for further engagement where necessary. Should further consultation work be required the necessary steps will be implemented to enable this.

## **10 Summary**

- 10.1.1 WTI will be submitting an application to seek a Development Consent Order from the Secretary of State for an upgrade and increased tonnage throughout to the Wheelabrator Kemsley K3 generating station and for the construction and operation of the Wheelabrator Kemsley North (WKN) waste-to-energy facility in Kemsley, Sittingbourne.
- 10.1.2 Prior to submitting the application WTI are required by the Planning Act 2008 to consult with people in the vicinity of the land regarding the proposals. They must first set out within a Statement of Community Consultation (SoCC) how they intend to carry out that consultation, and consult with Swale Borough Council and Kent County Council regarding the content of the SoCC prior to that being made public.
- 10.1.3 This Consultation Strategy has been submitted to Swale Borough Council and Kent County Council alongside the draft SoCC to explain the rationale taken to public consultation by WTI.
- 10.1.4 Swale BC and Kent CC have a statutory 28 day period in which to comment on the draft SoCC, beginning on the day after they receive the SoCC and this Consultation Strategy. The WTI project team look forward to receiving the responses within that period and would be pleased to discuss the SoCC and this Consultation Strategy document during that time if that would be helpful.

## **11 Appendix A – Zone of Influence**



## 12 Appendix B – Proposed Local Consultees

- (1) Swale Borough Council;
- (2) Kent County Council;
- (3) MP for Sittingbourne and Sheppey;
- (4) Kent County Members representing;**
  - (a) Swale West
  - (b) Swale East
  - (c) Sittingbourne North
  - (d) Sittingbourne South
  - (e) Sheppey
- (5) Swale Borough Council Members representing;**
  - (a) Queenborough and Halfway
  - (b) Sheppey Central.
  - (c) Bobbing, Iwade and Lower Halstow
  - (d) Kemsley;
  - (e) Milton Regis
  - (f) Murston;
  - (g) The Meads
  - (h) Chalkwell
  - (i) Roman
  - (j) Homewood
  - (k) Borden and Grove Park; and
  - (l) Hartlip, Newington and Upchurch
- (6) Parish Councils;**
  - (a) Bobbing;
  - (b) Iwade;
  - (c) Minster-on-Sea
  - (d) Lower Halstow;

- (e) Newington;
- (f) Tonge;
- (g) Bapchild;
- (h) Queenborough; and
- (i) Borden

**(7) Other organisations;**

- (a) The Sittingbourne Society
- (b) The Swale Locality Board
- (c) Swale Community Empowerment Network

## **APPENDIX 6**

# KCC AND SBC CORRESPONDENCE RE SOCC/COMMUNITY CONSULTATION

## David Harvey

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**From:** Chloe.Palmer2@kent.gov.uk  
**Sent:** 10 October 2018 16:25  
**To:** David Harvey  
**Cc:** Francesca.Potter@kent.gov.uk  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Thank you for your prompt response.

Kind regards,

Chloe

**Chloe Palmer** | Graduate Planning Officer | Strategic Planning and Infrastructure | Kent County Council | 1<sup>st</sup> Floor, Invicta House, Maidstone, ME14 1XX | Tel: 03000 415718 | [Chloe.Palmer2@kent.gov.uk](mailto:Chloe.Palmer2@kent.gov.uk) |

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**From:** David Harvey <david.harvey@dhaplanning.co.uk>  
**Sent:** 10 October 2018 15:39  
**To:** Palmer, Chloe - GT EPE <Chloe.Palmer2@kent.gov.uk>  
**Cc:** Platts, Sarah - GT EPE <Sarah.Platts@kent.gov.uk>; Potter, Francesca - GT EPE <Francesca.Potter@kent.gov.uk>; JimWilson@swale.gov.uk; RossMcCardle@swale.gov.uk  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Hello Chloe,

Thanks for the email – as requested I have set out our expected wording below which has been amended to ensure clarity regarding the area which will be targeted for the leaflet drop. Let me know if it would help to discuss further.

Regards

David

2.1.15 We have defined a consultation zone which covers an area within a 5km radius of the application site, which is consistent with the zone previously defined for the previous K3 power upgrade consultation. The consultation zone will be the focus of elements of our consultation, such as leaflet mailing, posters and press releases and is illustrated in Appendix D. However, our consultation strategy will ensure that those living and working in or travelling through the wider area outside the consultation zone will still be aware of our proposals and have the opportunity to provide comments on them.

2.1.18 We will be sending just over 15,000 project leaflets to properties, businesses and other occupiers within an area which takes the A2 as the southern boundary and runs west to Lower Halstow, north to Rushenden and east to Tonge. The project leaflet will provide further information on the proposed schemes and will also be sent to selected local organisations such as parish councils.

**David Harvey**  
**Director**

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

Mobile: 07939 853872



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---

**From:** [Chloe.Palmer2@kent.gov.uk](mailto:Chloe.Palmer2@kent.gov.uk) <[Chloe.Palmer2@kent.gov.uk](mailto:Chloe.Palmer2@kent.gov.uk)>  
**Sent:** 10 October 2018 15:31  
**To:** David Harvey <[david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)>  
**Cc:** [Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk); [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk); [JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk);  
[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)  
**Subject:** FW: WTI - K3 and WKN Projects - Draft SoCC

Dear David,

Thank you for your email below. Could you please confirm that exact rewording proposed for paragraphs 2.1.15 and 2.1.18. Could you also please clarify if the following wording will still be included in paragraph 2.1.15;

*'However, our consultation strategy will ensure that those living and working in or travelling through the wider area outside the consultation zone will still be aware of our proposals and have the opportunity to provide comments on them.'*

I would appreciate a prompt response as I am conscious of today's deadline.

Kind regards,

Chloe

**Chloe Palmer** | Graduate Planning Officer | Strategic Planning and Infrastructure | Kent County Council | 1<sup>st</sup> Floor, Invicta House, Maidstone, ME14 1XX | Tel: 03000 415718 | [Chloe.Palmer2@kent.gov.uk](mailto:Chloe.Palmer2@kent.gov.uk) |

---

**From:** David Harvey <[david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)>  
**Sent:** 09 October 2018 14:41  
**To:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>; Platts, Sarah - GT EPE <[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk)>; Potter, Francesca - GT EPE <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Dear all,

I wanted to bring one further intended change to the K3/WKN SoCC to your attention ahead of the consultation on that closing.

The draft SoCC sets a consultation zone of 5km around the proposal site which is consistent with the zone defined for the previous K3 consultation. The previous SoCC agreed ahead of the K3 exhibition stated that 15,000 resident and business addresses within that zone would be contacted with leaflets –

with the actual distribution area being from the north of the A2 from Bobbing in the west to Tonge in the east. My understanding is that the leaflet distribution within that area also reflects the approach taken for the original K3 planning application.

I confirm we intend to take the same approach within the consultation on the K3/WKN proposals by directly leafleting a similar area to the north of the A2 and by ensuring that our other activities such as posters and publicity in newspapers reaches the entire consultation zone. In that respect I intend to reword 2.1.15 and 2.1.18 slightly to reflect and clarify that approach.

I trust that is an appropriate approach but please let me know if you have any queries, or any other issues with providing your comments on the SoCC tomorrow.

Regards

David

**David Harvey**  
**Director**

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Mobile: 07939 853872



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**From:** David Harvey

**Sent:** 12 September 2018 08:12

**To:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>;

[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk); [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)

**Subject:** WTI - K3 and WKN Projects - Draft SoCC

Dear all,

Further to our recent meetings at the Kemsley K3 facility to discuss the K3 and WKN proposals please find attached the draft Statement of Community Consultation, together with an explanatory Consultation Strategy. We are finalising the intended dates and times of the public exhibitions which will then be included in the final SoCC when published. As we have discussed the approach taken to public consultation broadly reflects that taken for the previous K3 consultation, and is therefore wider in scope to the approach taken for the K4 DCO.

I would be grateful if you could confirm that you have received the attached. As you are aware the Planning Act provides for a period of 28 days for comments on the SoCC, starting on the day after which it is received, and we would therefore welcome any comments on the attached by the 10<sup>th</sup> October. Please do not hesitate to contact me during that time if you have any queries.

Regards

David

**David Harvey**  
**Director**

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

Mobile: 07939 853872



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

## Environment, Planning & Enforcement

Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

Phone: 03000 415718  
Ask for: Chloe Palmer  
Email: [chloe.palmer2@kent.gov.uk](mailto:chloe.palmer2@kent.gov.uk)

**BY EMAIL ONLY**

10 October 2018

Dear Mr Harvey,

### **Re: Proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North Waste to Energy Facility – Draft Statement of Community Consultation and Consultation Strategy**

Thank you for providing Kent County Council (KCC) with the opportunity to comment on the draft Statement of Community Consultation (SoCC) and the explanatory Consultation Strategy (September 2018) relating to the proposed Wheelabrator Kemsley Generating Station and Wheelabrator Kemsley North (WKN) Waste to Energy Facility.

The County Council has reviewed the draft SoCC and Consultation Strategy submitted by the applicant and for ease of reference, provides a commentary structured under the chapter headings used within the reports.

### **Draft Statement of Community Consultation (SoCC)**

#### **Introduction**

##### *Quick Facts*

The draft SoCC outlines that previous representations made as part of the Scoping Report consultation in December 2016 to January 2017 on the proposed power upgrade to the K3 plant only, will not form part of the current application and will need to be resubmitted. The County Council recommends that the upcoming statutory consultation builds upon the feedback collected in the previous Scoping Report consultation in 2016, and where previous representations made are still relevant, they should be included as part of the evidence base.



## **The Proposed Developments**

The County Council suggests that more clarity would be helpful in the description of the proposed developments in order to establish a clear understanding of the planning history and energy generation processes from the various plants in Kemsley.

## **The Application Process**

*The Application Programme – paragraph 2.1.18*

Paragraph 2.1.18 states that a Consultation Report will be available to view on the Planning Inspectorate website and project website. The County Council suggests that a link to the websites should be included, as well as details of when the Consultation Report is likely to be available.

## **Environmental Impact Assessment**

*Paragraphs 2.1.4 to 2.1.6*

This section of the draft SoCC describes the purpose of the Environmental Impact Assessment (EIA). KCC recommends that the paragraph provides a full scope of the role of the EIA which should include topics such as traffic and transport.

## **Public Consultation – Context**

*Scope and Circulation of the SoCC – paragraph 2.1.13*

The County Council would like to request that the location to view hard copies of the SoCC at the Kent County Council offices is changed to 'County Hall Reception, County Hall, Maidstone, Kent, ME14 1XQ', which is open to the public.

The County Council also suggests that the applicant ensures that permission is sought from Sittingbourne Library in advance, in order to ensure that the library is able to make provision for the public to view the documents provided. Sittingbourne Library can be contacted on 03000 413131 or at [sittingbournelibrary@kent.gov.uk](mailto:sittingbournelibrary@kent.gov.uk).

## **Public Consultation – Activities and Events**

The County Council notes that there is no inclusion of public consultation via social media. There is no requirement or instruction to utilise social media but its use may increase the awareness of the consultation by reaching those who may not read local newspapers.

*Targeted Mailings – paragraph 2.1.19*

The County Council recommends an amendment to the phrase 'hard to reach groups'. These groups tend to be hard to engage in the process, as opposed to hard to reach. Therefore, KCC recommends the alternative phrase 'seldom heard'.

### *Project Website – paragraph 2.1.21*

The County Council suggests that this paragraph should clarify when responses can be submitted (i.e. throughout the consultation period, as opposed to just when consultation events themselves are held).

### **Contact Details and Next Steps**

#### *Contact Details - paragraph 2.1.30*

The County Council would like to request that the location to view hard copies of project documentation at the Kent County Council offices be changed to 'County Hall Reception, County Hall, Maidstone, Kent, ME14 1XQ', which is open to the public.

### **Appendix F**

It should be noted that Kent County Council should be under the heading of 'County Councils', rather than 'Councils'.

### **Appendix H**

The location plans for Kent County Council and Swale Borough Council are labelled incorrectly and should be corrected. There is also no reference provided to explain where these buildings are located.

The County Council suggests that a plan for the Sittingbourne Library location should be included, given it is proposed to be used as a location in which the project documents are also able to be viewed.

### **Consultation Strategy**

#### **5 Swale Borough Council – Statement of Community Consultation (2018) 10**

##### *5.3 Who will SBC involve in Consultations?*

##### *Hard to Reach Groups – paragraph 5.3.4*

The County Council recommends an amendment to the phrase 'hard to reach groups'. These groups tend to be hard to engage in the process, as opposed to hard to reach. Therefore, KCC recommends the alternative phrase 'seldom heard'.

### **6 Public Consultation Strategy**

#### *6.1 Project Specific Considerations*

##### *Avoiding Local Confusion – paragraph 6.1.2*

It is outlined that previous representations made as part of the Scoping Report consultation in December 2016 to January 2017 on the proposed power upgrade to the K3 plant only, will not form part of the current application and will need to be

resubmitted. The County Council recommends that the upcoming statutory consultation builds upon the feedback collected in the previous Scoping Report consultation in 2016, and where previous representations made are still relevant, they should be included as part of the evidence base.

### *6.2 Aims and Objectives – paragraph 6.2.1*

The County Council suggests this is reviewed to ensure that it is clear in its intention.

## **7 Who Should Be Consulted?**

### *7.2 What is the Zone of Influence – paragraph 7.2.2*

The County Council would suggest including a rationale for the Zone of Influence in the SoCC.

### *7.2 What is the Zone of Influence – paragraph 7.2.3*

The final sentence of this paragraph appears to be incomplete.

### *7.4 Understanding the Local Community – paragraph 7.4.5*

The County Council suggests that consultation material is reviewed by the applicant to ensure it is provided in plain English in order to assist with the understanding of the project whilst also providing the required level of detail.

### *7.5 Summary – paragraph 7.5.1*

There should be consistency throughout the document in the use of capitalisation i.e. 'Zone of Influence'.

## **8 How Should They Be Consulted?**

### *8.1 Stage 1: Informing People of the Proposals*

The County Council notes that there is no inclusion of public consultation via social media. Whilst there is no requirement or instruction to utilise social media, its use may increase the awareness of the statutory consultation, as it is a preferred communications channel for some audiences and it could help reach those who may not read local newspapers.

### *8.5 Timing of Consultation – paragraph 8.5.1*

It is recommended that a reasonable notification time is provided to enable participants to make arrangements to attend the exhibitions.

## **9 What Will the Outcomes Be?**

### *9.2 Processing Consultation Data – paragraph 9.2.2*

In addressing how responses will be published, the County Council notes that the draft SoCC states names of respondents will be published in the report. However, publication of names alongside responses could create a barrier to people responding, and therefore it is recommended that this approach is not taken forward.

---

If you require further information or clarification on any matter in this letter, then please do not hesitate to contact me.

Yours sincerely,



**Katie Stewart**

Director for Environment, Planning and Enforcement

## David Harvey

---

**From:** Ross McCardle <RossMcCardle@swale.gov.uk>  
**Sent:** 10 October 2018 16:21  
**To:** David Harvey  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Dear David,

No further comments from my side. I'm happy with Chloe's suggestions and your revised wording.

Kind regards,  
Ross.

Ross McCardle | Senior Planner | Development Management  
Swale Borough Council | Swale House | East Street | Sittingbourne | Kent ME10 3HT | Tel: 01795 417108 | Email:  
[rossmccardle@swale.gov.uk](mailto:rossmccardle@swale.gov.uk) | [www.swale.gov.uk](http://www.swale.gov.uk)



*Finally could we please ask you to complete our very short questionnaire on the service that you have received from Swale Borough Council. Your response will be anonymous, will take less than 2 minutes to complete and will help us to improve our service; <https://www.surveymonkey.co.uk/r/swale-planning>*

---

**From:** David Harvey [mailto:david.harvey@dhaplanning.co.uk]  
**Sent:** 10 October 2018 15:39  
**To:** Chloe.Palmer2@kent.gov.uk  
**Cc:** Sarah.Platts@kent.gov.uk; Francesca.Potter@kent.gov.uk; Jim Wilson; Ross McCardle  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Hello Chloe,

Thanks for the email – as requested I have set out our expected wording below which has been amended to ensure clarity regarding the area which will be targeted for the leaflet drop. Let me know if it would help to discuss further.

Regards

David

2.1.15 We have defined a consultation zone which covers an area within a 5km radius of the application site, which is consistent with the zone previously defined for the previous K3 power upgrade consultation. The consultation zone will be the focus of elements of our consultation, such as leaflet mailing, posters and press releases and is illustrated in Appendix D. However, our consultation strategy will ensure that those living and working in or travelling through the wider area outside the consultation zone will still be aware of our proposals and have the opportunity to provide comments on them.

2.1.18 We will be sending just over 15,000 project leaflets to properties, businesses and other occupiers within an area which takes the A2 as the southern boundary and runs west to Lower Halstow, north to Rushenden and east to

Tonge. The project leaflet will provide further information on the proposed schemes and will also be sent to selected local organisations such as parish councils.

**David Harvey**  
**Director**

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

Mobile: 07939 853872



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**From:** Chloe.Palmer2@kent.gov.uk <Chloe.Palmer2@kent.gov.uk>

**Sent:** 10 October 2018 15:31

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

**Cc:** Sarah.Platts@kent.gov.uk; Francesca.Potter@kent.gov.uk; JimWilson@swale.gov.uk;  
RossMcCardle@swale.gov.uk

**Subject:** FW: WTI - K3 and WKN Projects - Draft SoCC

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I would appreciate a prompt response as I am conscious of today's deadline.

Kind regards,

Chloe

**Chloe Palmer** | Graduate Planning Officer | Strategic Planning and Infrastructure | Kent County Council | 1<sup>st</sup> Floor, Invicta House, Maidstone, ME14 1XX | Tel: 03000 415718 | [Chloe.Palmer2@kent.gov.uk](mailto:Chloe.Palmer2@kent.gov.uk) |

---

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

**Sent:** 09 October 2018 14:41

**To:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>; Platts, Sarah - GT EPE <[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk)>; Potter, Francesca - GT EPE <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>

**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

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I trust that is an appropriate approach but please let me know if you have any queries, or any other issues with providing your comments on the SoCC tomorrow.

Regards

David

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**Director**

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Mobile: 07939 853872



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---

**From:** David Harvey

**Sent:** 12 September 2018 08:12

**To:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>;

[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk); [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)

**Subject:** WTI - K3 and WKN Projects - Draft SoCC

Dear all,

Further to our recent meetings at the Kemsley K3 facility to discuss the K3 and WKN proposals please find attached the draft Statement of Community Consultation, together with an explanatory

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I would be grateful if you could confirm that you have received the attached. As you are aware the Planning Act provides for a period of 28 days for comments on the SoCC, starting on the day after which it is received, and we would therefore welcome any comments on the attached by the 10<sup>th</sup> October. Please do not hesitate to contact me during that time if you have any queries.

Regards

David

**David Harvey**  
**Director**

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Mobile: 07939 853872



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## David Harvey

---

**From:** David Harvey  
**Sent:** 16 October 2018 07:38  
**To:** 'Chloe.Palmer2@kent.gov.uk'  
**Cc:** RossMcCardle@swale.gov.uk  
**Subject:** K3/WKN - Amended SoCC  
**Attachments:** K3 & WKN DCO SoCC FINAL (tracked).pdf; K3 & WKN DCO SoCC FINAL (clean).pdf

Good morning Chloe,

Further to KCC's comments on the draft SoCC we are intending to publish our SoCC notice in the papers tomorrow, with the SoCC on deposit to view at that stage.

Alongside that I thought it would be useful to provide a further version for information which responds to your comments- for ease I have attached that as a clean and tracked version (minus front cover and some of the appended plans at this point).

The attached refers to the exhibitions we have booked and I confirm I will update you both after those so that you can review levels of attendance. We have decided to extend our consultation period so that it matches our intended S42 consultation period, and it will now close on the 10<sup>th</sup> January 2019 – thereby giving well in excess of the minimum 28 days required.

I have been reviewing social media use with WTI's PR firm. WTI themselves do not have any UK twitter feed or similar channels on which to publicise events. One option we did consider was putting out a notification of the consultation events via the KCC/SBC twitter feeds or similar – albeit I acknowledge there may be concerns with that approach regarding impartiality. If you have any views on that please let me know – otherwise I have amended the text of the SoCC to refer to the fact that we will continue to consider the use of social media and to use that where possible.

If you do have any comments or concerns regarding the amendments proposed in the attached please let me know, and happy to discuss if necessary. I do also note the comments on the Community Consultation Strategy document which we are amended but which remains a context document for the SoCC so not something we are making public at this stage.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)  
Mobile: 07939 853872



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## David Harvey

---

**From:** David Harvey  
**Sent:** 06 November 2018 14:41  
**To:** 'Francesca.Potter@kent.gov.uk'; 'RossMcCardle@swale.gov.uk'  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Hello Francesca and Ross,

Further to our correspondence below we had our consultation events at the end of last week;

- Thursday 1<sup>st</sup> – Kemsley Community Centre – 1:00pm to 5:30pm – 7 attendees
- Friday 2<sup>nd</sup> – Kemsley Community Centre – 10:00am to 4:00pm – 9 attendees
- Saturday 3<sup>rd</sup> – Iwade Village Hall – 10:30am to 2:00pm – 13 attendees

We have had a total of 4 questionnaires returned to date, together with a further submission via the website and a couple of emails to the project email address. A number of attendees have taken questionnaires away with them so hopefully those will also be returned.

In summary we circulated some 15,000 leaflets within the area identified in the SoCC, to the north of the A2, together with three weeks of notices in the Sittingbourne Messenger and Sheerness Times Guardian, articles in the Sittingbourne Messenger, posters in key locations and the setting up of a project website. Based on the level of publicity undertaken and the low levels of attendance we do not consider any further consultation events to be necessary – particularly when there is still the opportunity for anyone interested to view the exhibition boards and to complete the questionnaire via the website, or to request those from us via email, phone or post, with an extended period provided to the 10<sup>th</sup> January for comments to be made. However please let me know if you disagree with that stance.

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:** David Harvey  
**Sent:** 04 October 2018 14:36  
**To:** Francesca.Potter@kent.gov.uk; RossMcCardle@swale.gov.uk  
**Cc:** JimWilson@swale.gov.uk; Sarah.Platts@kent.gov.uk  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Hello Francesca,

Thanks for the response. Unfortunately we have been similarly restricted with the Saturday booking – the hall is available from 10-2:30 so we have specified 10:30 – 2 to allow for sufficient set up and clear away time prior to the next booking coming in. There was no better availability on that day in the other halls, or indeed on other Saturdays around there.

I understand that for the previous K3 exhibitions the times and visitors were as follows:

- 21 visitors on Thursday at Kemsley Community centre (1pm to 7pm)
- 18 visitors on Friday at Green Porch Parish Hall (10am to 4pm)
- 10 visitors on Saturday at Iwade Village Hall (10am to 1pm)

It therefore appears there was a similar issue with Saturday availability last time around as well.

On that basis please let me know if you have fundamental concerns at this stage, subject to an update after the exhibitions in terms of number of attendees. Our intention would be to select further events if required based on the levels of attendance at the three proposed currently, for instance holding a further Saturday event if that was the best attended and there was considered a need for further exhibitions.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)  
Mobile: 07939 853872



planning transport design environment infrastructure

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

Maidstone Office: 01622 776226 | Crawley Office: 01293 763086

---

**From:** [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk) <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>  
**Sent:** 28 September 2018 09:53  
**To:** David Harvey <[david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)>; [RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)  
**Cc:** [JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk); [Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk)  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Thanks David for providing the update.

I note the restrictions on the evening consultation but I wonder if perhaps the Saturday slot should be perhaps extended to start a little earlier, and maybe also finish later to be able to better allow attendees who cannot attend during the week a chance of being able to attend at the weekend.

I appreciate the monitoring of the number of attendees to review if further dates are required, do you currently have any dates and locations in mind as to when these events may be?

Kind regards,

---

**From:** David Harvey <[david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)>  
**Sent:** 28 September 2018 09:45  
**To:** Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>  
**Cc:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Platts, Sarah - GT EPE <[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk)>; Potter, Francesca - GT EPE <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>  
**Subject:** Re: WTI - K3 and WKN Projects - Draft SoCC

Thanks Ross,

Just to clarify, having reread my email, we intend to hold all of those three exhibitions to ensure we are giving people as much opportunity as possible to come.

Regards

David

Sent from my iPhone

On 28 Sep 2018, at 09:23, Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)> wrote:

Dear David,

I would suggest the Saturday option as having most potential for attendees. The 16.00/17.30 close on the weekdays may exclude anyone working normal office hours.

Kind regards,  
Ross.

**Ross McCardle | Senior Planner | Development Management**  
**Swale Borough Council | Swale House | East Street | Sittingbourne | Kent ME10 3HT | Tel: 01795 417108 | Email: [rossmccardle@swale.gov.uk](mailto:rossmccardle@swale.gov.uk) | [www.swale.gov.uk](http://www.swale.gov.uk)**  
<image002.jpg>

*Finally could we please ask you to complete our very short questionnaire on the service that you have received from Swale Borough Council. Your response will be anonymous, will take less than 2 minutes to complete and will help us to improve our service;*  
<https://www.surveymonkey.co.uk/r/swale-planning>

---

**From:** David Harvey [<mailto:david.harvey@dhaplanning.co.uk>]  
**Sent:** 28 September 2018 07:54  
**To:** Jim Wilson; Ross McCardle; [Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk); [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)  
**Subject:** RE: WTI - K3 and WKN Projects - Draft SoCC

Dear all,

Further to my email below I thought it would be useful to provide an update on the intended dates/times of the public exhibitions as those were not included in the consultation SoCC.

As you will note we indicated in the SoCC that we intended to hold an exhibition at the Green Porch Community centre – however availability there appears to be extremely limited. We have therefore concentrated on the Kemsley community centre and Iwade village hall as the nearest logical venues to the proposal site and the local community potentially most affected. As you will note evening availability at those venues is also very limited, particularly when avoiding the Friday evening given I think that would probably dissuade people from attending.

- Thursday 1<sup>st</sup> Nov - Kemsley community centre - 1pm to 5:30pm
- Friday 2<sup>nd</sup> Nov- Kemsley Community Centre - 10am to 4:00pm
- Saturday 3<sup>rd</sup> Nov – Iwade Village Hall - 10:30am to 2:00pm

I would welcome any views you have at this stage. As you will be aware levels of attendance at the previous K3 and K4 consultation events was very limited. I would provide you with an update in terms of numbers of attendees following these exhibitions, and based on those numbers would then be happy to review with you whether further events might be considered necessary.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)  
Mobile: 07939 853872

<image003.jpg>

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---

**From:** David Harvey  
**Sent:** 12 September 2018 08:12  
**To:** Jim Wilson <[JimWilson@swale.gov.uk](mailto:JimWilson@swale.gov.uk)>; Ross McCardle <[RossMcCardle@swale.gov.uk](mailto:RossMcCardle@swale.gov.uk)>;  
[Sarah.Platts@kent.gov.uk](mailto:Sarah.Platts@kent.gov.uk); [Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)  
**Subject:** WTI - K3 and WKN Projects - Draft SoCC

Dear all,

Further to our recent meetings at the Kemsley K3 facility to discuss the K3 and WKN proposals please find attached the draft Statement of Community Consultation, together with an explanatory Consultation Strategy. We are finalising the intended dates and

times of the public exhibitions which will then be included in the final SoCC when published. As we have discussed the approach taken to public consultation broadly reflects that taken for the previous K3 consultation, and is therefore wider in scope to the approach taken for the K4 DCO.

I would be grateful if you could confirm that you have received the attached. As you are aware the Planning Act provides for a period of 28 days for comments on the SoCC, starting on the day after which it is received, and we would therefore welcome any comments on the attached by the 10<sup>th</sup> October. Please do not hesitate to contact me during that time if you have any queries.

Regards

David

**David Harvey**  
**Director**

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

Mobile: 07939 853872

<image003.jpg>

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This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify [postmaster@swale.gov.uk](mailto:postmaster@swale.gov.uk)

**From:** [David Harvey](#)  
**To:** [Jim Wilson](#); [Ross McCardle](#); [Sarah.Platts@kent.gov.uk](#); [Francesca.Potter@kent.gov.uk](#)  
**Subject:** WT1 - K3 and WKN Projects - Draft SoCC  
**Date:** 12 September 2018 08:11:00  
**Attachments:** [image001.jpg](#)  
[K3 & WKN DCO SoCC Draft Sept 18.pdf](#)  
[K3 & WKN SoCC Community Consultation Strategy Sept 18.pdf](#)

---

Dear all,

Further to our recent meetings at the Kemsley K3 facility to discuss the K3 and WKN proposals please find attached the draft Statement of Community Consultation, together with an explanatory Consultation Strategy. We are finalising the intended dates and times of the public exhibitions which will then be included in the final SoCC when published. As we have discussed the approach taken to public consultation broadly reflects that taken for the previous K3 consultation, and is therefore wider in scope to the approach taken for the K4 DCO.

I would be grateful if you could confirm that you have received the attached. As you are aware the Planning Act provides for a period of 28 days for comments on the SoCC, starting on the day after which it is received, and we would therefore welcome any comments on the attached by the 10<sup>th</sup> October. Please do not hesitate to contact me during that time if you have any queries.

Regards

David

**David Harvey**  
**Director**

Email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)  
Mobile: 07939 853872

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## **APPENDIX 7**

### **FINAL SOCC**



**Wheelabrator**  
TECHNOLOGIES

## **Wheelabrator Kemsley (K3) and Wheelabrator Kemsley North (WKN) Waste-to-Energy Facilities**



## **Statement of Community Consultation (SoCC)**

October 2018

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## Terminology

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- **CHP** – a Combined Heat and Power Plant
- **DCO** – a Development Consent Order, which provides a consent for building and operating an NSIP;
- **WtE** – waste-to-energy - the combustion of waste material to provide electricity and/or heat;
- **EIA** – Environmental Impact Assessment;
- **ES** – Environmental Statement;
- **MW** – Megawatt – the measure of electrical power produced;
- **MWth** – Megawatt Thermal – the measure of thermal power produced;
- **NSIP** – a Nationally Significant Infrastructure Project, for which a Development Consent Order needs to be sought;
- **PEIR** – Preliminary Environmental Information Report, summarising the likely environmental impacts of the proposed development;
- **SoCC** – Statement of Community Consultation. Sets out how a developer will consult the local community about a proposed NSIP.
- **WTI** – Wheelabrator Technologies Holdings Inc – The Applicant.

# Introduction

---

## Context

- 1.1.1 Wheelabrator Technologies Inc. ('WTI') intend to apply for a Development Consent Order from the Secretary of State for Business and Industrial Strategy ('BEIS') for a power upgrade and increased throughput of our Wheelabrator Kemsley ('K3') facility and for a new Wheelabrator Kemsley North Waste-to-Energy Facility ('WKN').
- 1.1.2 This document is the Statement of Community Consultation (SoCC). It has been produced by WTI and sets out how we intend to consult the local community on our proposals as we prepare our application, prior to it being submitted to the Planning Inspectorate. We have consulted Swale Borough Council and Kent County Council on the content of this document and our proposed approach to public consultation prior to this SoCC being released.
- 1.1.3 This SoCC provides an overview to the proposed developments and the Development Consent Order application process and explains how you will be able to learn more and be involved.

## Quick Facts

- 'K3' - A proposed power upgrade to 75MW and increased tonnage throughput for the K3 Waste-to-Energy facility, which is already being constructed to a lower consented operating capacity of 49.9MW;
- 'WKN' - A separate proposed Wheelabrator Kemsley North Waste-to-Energy facility (WKN) with a generating capacity of 42MW;
- A single application for a Development Consent Order is to be submitted to the Secretary of State, via the Planning Inspectorate, for the upgrade and increased tonnage throughput of K3 and for the construction and operation of WKN;
- The local community will be consulted on the proposals via a range of methods in late 2018, including consultation events at local venues. Preliminary Environmental Information will be prepared by WTI so that the likely environmental impacts of the proposed developments can be reviewed;
- We welcome comments and the opportunity to discuss our proposals. We previously consulted the public on the proposal for the power upgrade of the K3 facility in 2017 and will be reappraising the comments made then. However we are now reconsulting the community as the scope of the proposed development has changed and it is still important that you provide us with your comments as part of this consultation, so that we can ensure all views are being taken into account.
- The consultation period will start on Thursday 1<sup>st</sup> November 2018 and all consultation responses must be received by 5pm on Thursday 10<sup>th</sup> January 2019.

# The Proposed Developments

---

**The applicant: Wheelabrator Technologies is an industry leader in the safe and environmentally sound conversion of everyday residential and business waste - and other renewable waste fuels - into clean energy.**

## Site Context

2.1.1 The K3 and WKN sites lie adjacent to the Kemsley Paper Mill to the north-east of Sittingbourne in Kent, which is operated by DS Smith.

2.1.2 There are a number of existing and proposed power generation and Waste-to-Energy facilities within and adjacent to the separate DS Smith Paper Mill, which are listed here for context and which are shown on Figure 2.1.

- **K1** – an existing gas turbine CHP facility located within the DS Smith Kemsley Paper Mill which uses gas to generate electricity and steam for use within the paper mill. This facility operated by E.On on behalf of DS Smith; it is coming towards the end of its operational life and will be replaced by K4 (see below);
- **K2** – a steam generator located within the DS Smith Kemsley Paper Mill which is operated by E.On on behalf of DS Smith and which uses waste plastic and sludge as a source to provide steam to the mill;
- **K3** – a waste-to-energy facility being constructed by Wheelabrator Technologies Inc. to the east of the DS Smith Kemsley Paper Mill complex which from 2019 will provide steam to the mill and electricity to the main grid (see below for further details).
- **K4** – a gas turbine CHP facility which would be located within the mill site to replace K1 and used to provide electricity and steam to the mill. K4 is an NSIP and therefore requires its own Development Consent Order. An application for a DCO was submitted to PINS by DS Smith in April 2018, with a decision expected around mid-2019.
- **WKN** – a new waste-to-energy facility proposed by WTI to the east of the paper mill site and to the north and adjacent to K3. The facility would provide electricity to the grid and will be capable of generating steam for export.



Figure 2.1 – Existing, under construction and proposed energy facilities

### Wheelabrator Kemsley - K3

- 2.1.3 Planning permission was granted for K3 in 2010 by Kent County Council under reference SW/10/444. As consented and being constructed K3 can process up to 550,000 tonnes of waste each year and has a generation capacity of 49.9MW. K3 would export electricity to the grid and would supply steam to the DS Smith Kemsley Paper Mill. The construction of K3 began in 2016 and WTI anticipates it being operational in late 2019.
- 2.1.4 The current generating capacity of K3 is 49.9MW. Technical advances in design would allow K3 to generate up to 75MW without any change to the design, shape or size of the facility. The DCO being sought would therefore allow for an increased generating capacity to 75MW.
- 2.1.5 Separately, WTI has identified opportunities for K3 to process more waste and through the DCO application will be seeking consent for a further 107,000 tonnes of waste to be processed each year.





K3 – Construction progress at October 2018

## Wheelabrator Kemsley North - WKN

- 2.1.6 **WKN** would be an entirely new and distinct waste-to-energy facility to the north of K3, able of operating separately from K3. WKN would provide clean, sustainable electricity to power UK homes and businesses via the National Grid distribution network and would have the ability to export steam in the future.
- 2.1.7 WKN would have a generating capacity of 42MW and would be a self-contained and fully enclosed facility with its own reception hall, waste fuel bunker, boiler, flue gas treatment, turbine, air-cooled condensers, transformers, office accommodation, weighbridge, administration building, car parking and drainage. WKN would have its own grid connection to allow for the exporting of electricity to the national grid.

## Summary

- 2.1.8 In summary, if the K3, K4 and WKN applications are all approved then the resulting situation would be as follows:
- **K2 – Operated by E.On on behalf of DS Smith** - supplying steam to the Kemsley paper mill by combusting waste plastic and paper sludge;
  - **K3 – WTI operated** - supplying up to 75MW of electricity to the grid and steam to the Kemsley Paper Mill using the waste-to-energy process;

- **K4 – Operated by E.On on behalf of DS Smith** – supplying up to 68MW of electricity to the Kemsley paper mill (exporting any excess to the grid) and steam to the paper mill using a gas fired turbine system;
- **WKN – operated by WTI** – supplying up to 42MW of electricity to the grid with the potential to generate steam.

# The Application Process

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## Nationally Significant Infrastructure Projects

- 2.1.9 The Planning Act 2008 states that the construction or extension of an onshore generating station of more than 50MW constitutes a 'nationally significant infrastructure project' (NSIP). In those cases an application for a **Development Consent Order** must be made instead of an application for a planning permission.
- 2.1.10 In this instance, the proposed increase in the power output of K3 from 49.9MW to up to 75MW means the development is an NSIP. WKN is not an NSIP as its generating capacity of 42MW is below that 50MW threshold. Instead the Secretary of State has directed that WKN is to be treated as a development for which Development Consent is required.
- 2.1.11 WTI will therefore be making one application to the Secretary of State, via the Planning Inspectorate, for a single Development Consent Order which if granted would give consent for the power upgrade and increased throughput of K3 and the construction and operation of WKN.
- 2.1.12 There are two National Policy Statements which are relevant to the proposed development. EN-1 is an Overarching National Policy Statement for Energy and EN-3 is a National Policy Statement for Renewable Energy Infrastructure. The K3 power upgrade and throughput increase will be determined in accordance with those relevant NPS's. The NPS's will be an important and relevant consideration for WKN, as it is not an NSIP by virtue of its generating capacity.

## Development Consent Order Applications

- 2.1.13 Applications for Development Consent Orders are made to the Secretary of State for Business, Energy and Industrial Strategy via the Planning Inspectorate. The Planning Inspectorate acts as the Examining Authority and will examine the proposal and environmental information submitted by the applicant and make a recommendation to the Secretary of State, who will then be responsible for determining the application.
- 2.1.14 The Planning Inspectorate website provides further details on the examination of applications for Development Consent Orders:  
<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>
- 2.1.15 Advice Note 8 provides an overview of the process for members of the public and explains the six stages of examination which are as follows:



## The Application Programme

- 2.1.16 We are currently at the Pre-Application stage of the K3 and WKN project.
- 2.1.17 We will be consulting on the K3 and WKN proposals at the same time, but it will be possible to make comments individually about each proposal. Public consultation events will take place on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> November 2018, as set out within this document.
- 2.1.18 Once the consultation period has closed the WTI project team will review all of the comments submitted and consider how any concerns can be addressed within the proposed scheme. We anticipate at this stage undertaking a single round of public consultation.
- 2.1.19 A Consultation Report will be produced and submitted with the application. This document will summarise the consultation undertaken, the representations received and how WTI has had regard to them. It will be available to view on the Planning Inspectorate website and the project website once the DCO application is submitted to the Planning Inspectorate and for the lifetime of the examination process.
- 2.1.20 It is currently anticipated that the application will be submitted to the Inspectorate early in 2019. Further updates on the progress of the application will be provided by the Planning Inspectorate and project websites and all the application documents, when submitted, will be available to view on the Planning Inspectorate website, or in alternative form on request.
- Project website: [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)
  - PINS website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/wheelabrator-kemsley-generating-station-k3-and-wheelabrator-kemsley-north-wkn-waste-to-energy-facility/?ipcsection=overview>

## Environmental Impact Assessment

---

- 2.1.4 The DCO application will be accompanied by an Environmental Statement (ES) which will provide a detailed Environmental Impact Assessment (EIA) to identify any likely significant environmental impacts and benefits which are expected to arise from the proposed development and which will identify any mitigation measures to be proposed to control or reduce environmental impacts.
- 2.1.5 An EIA Scoping Opinion is being sought from the Planning Inspectorate. The Scoping Opinion will identify those environmental issues expected to be relevant to the proposed development, which will be assessed in the Environmental Statement. The Planning Inspectorate will seek the views of statutory consultees before setting out what the scope of the Environmental Statement should be.
- 2.1.6 It is currently anticipated that the Environmental Impact Assessment will cover the following topics:
- Traffic and Transport;
  - Air Quality;
  - Climate Change;
  - Noise and Vibration;
  - Human Health;
  - Ground Conditions (Contamination);
  - Landscape and visual resources;
  - Archaeology and cultural heritage;
  - Ecology;
  - Water environment;
  - Risk of accidents and disasters.
- 2.1.7 A Preliminary Environmental Information document will be produced when we consult the public, to summarise the anticipated environmental effects of the K3 and WKN schemes so that you can make an informed assessment of the proposed development. The Environmental Assessment of the proposals will assess the proposed K3 upgrade and throughput increase and the proposed WKN facility individually, as well as in combination with each other and cumulatively with other planned and consented projects in the surrounding area.

## Public Consultation – Context

---

### Context

- 2.1.8 The Planning Act 2008 requires an applicant to consult specific bodies and the local community and to publicise an application before any application for a development consent is submitted.
- **Section 42** – we will consult prescribed consultees, as defined by the relevant legislation, which includes statutory bodies such as the Environment Agency and Natural England, the emergency services, county Councils and local authorities.
  - **Section 47** – we are consulting the local community, as set out within this SoCC.
  - **Section 48** – we will publicise a notice detailing the intended application in national and local newspapers.
- 2.1.9 The results of the consultation and publicity must be reported within the DCO application within a Consultation Report.

### Previous Consultation

- 2.1.10 A previous SoCC was published in February 2017, with subsequent consultation events taking place during 2017. That consultation related solely to the proposed power upgrade of the K3 facility.
- 2.1.11 We have noted the representations received during that previous consultation. However, as the scope of the proposed application has now changed, to include a throughput increase for K3 as well as the proposed WKN facility, we need to give the community the chance to comment on the proposals as they now stand. It is therefore important to submit comments to the consultation now taking place, even if you have previously commented on the K3 proposals.

### Scope and circulation of the SoCC

- 2.1.12 As required by the Planning Act, Swale Borough Council and Kent County Council have been given the opportunity to review and comment on this SoCC prior to it being made public.
- 2.1.13 Notices relating to the availability of this SoCC have been published in the Sittingbourne News Extra, the Sheerness Times Guardian and the Medway Messenger newspaper.
- 2.1.14 Copies of the SoCC have been made available at the following locations, with typical opening hours shown:

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

2.1.15 The final SoCC has also been sent directly to the local MP, Ward Members, Parish Councils and selected local interest groups and local forums.

## Public Consultation - Activities and Events

---

**We will be using a range of methods to consult with the local community to ensure that both those living, working and moving through the area around the application site and those further afield are aware of the proposals and have the opportunity to comment.**

### Consultation Zone

2.1.16 We have defined a consultation zone which covers an area within a 5km radius of the application site, which is consistent with the zone previously defined for the previous K3 power upgrade consultation. The consultation zone will be the focus of elements of our consultation, such as leaflet mailing, posters and press releases and is illustrated in Appendix C. However, our consultation strategy will ensure that those living and working in or travelling through the wider area outside the consultation zone will still be aware of our proposals and have the opportunity to provide comments on them.

### Pre-Consultation Engagement

2.1.17 Where appropriate we will be engaging informally with specific local stakeholders, such as local Members and Parish Councils, ahead of our formal consultation process. The methods employed will vary depending on the stakeholder in question but are likely to include correspondence and potentially meetings with those parties.

### Public Exhibitions

2.1.18 We will be holding three public exhibitions at local venues where we will be providing further information on the proposals and where members of the project team will be present to discuss the schemes. There will be the opportunity to complete a questionnaire to submit your responses at those exhibitions.

### Leaflet Mailings

2.1.19 We will be sending just over 15,000 project leaflets to all properties, businesses and other occupiers within an area which takes the A2 as the southern boundary and runs west to Lower Halstow, north to Rushenden and east to Tonge. The project leaflet will provide further information on the proposed schemes. The project leaflet will also be sent to selected local organisations such as parish councils.

### Targeted Mailings

2.1.20 We will be contacting local interest and action groups (for example the Sittingbourne Society, the Swale Locality Board, Swale Community Empowerment Network and the Swale Seniors Forum) to provide information about the proposals. This will ensure we engage with 'seldom heard' groups, who might not otherwise become aware of our proposals or consultation.



## Posters

- 2.1.21 Posters informing the local community about the proposals and consultation events will be placed in community halls and in other suitable locations within key parishes in the vicinity of the proposal site.

## Project Website

- 2.1.22 There is a project website ([www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)) which provides further information about WTI and the K3 and WKN proposals. Project documentation, such as the project leaflet and Preliminary Environmental Information, will be available to download from the website. When we hold our consultation events it will be possible to view the exhibition boards and to submit a response via the project website during the consultation period (between the 1<sup>st</sup> November 2018 and the 10<sup>th</sup> January 2019).

## Media Advertising

- 2.1.23 We will be releasing details of the proposed development to the media when appropriate, in order to publicise the proposals and consultation events. If opportunities arise we will publicise the project and exhibitions via existing new media channels including twitter and project websites where appropriate.

## Stakeholder Meetings

- 2.1.24 We will arrange meetings with stakeholders if a need for those is identified or if a meeting is specifically requested.

## Public Consultation - Timeline

---

### Public Exhibitions

2.1.25 The following public exhibitions will take place:

- (1) Thursday 1<sup>st</sup> November 2018 – 1:00pm to 5:30pm  
Kemsley Community Centre (The Square, Ridham Avenue, Kemsley, ME10 2SL)
- (2) Friday 2<sup>nd</sup> November 2018 – 10:00am to 4:00pm  
Kemsley Community Centre (The Square, Ridham Avenue, Kemsley, ME10 2SL)
- (3) Saturday 3<sup>rd</sup> November 2018 – 10:30am to 2:00pm  
Iwade Village Hall (Ferry Road, Iwade, ME9 8RG)

### Responses

2.1.26 We are required to provide a period of at least 28 days for responses to be received. The consultation period will start on the 1<sup>st</sup> November 2018 and will end at 5pm on Thursday 10<sup>th</sup> January 2019.

## Contact Details and Next Steps

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### Responses

- 2.1.27 All responses should be made in writing, either to the contact details provided below or directly at the exhibitions.
- 2.1.28 All responses will be taken into account as we prepare the application. The Consultation Report submitted with the application will detail how we have addressed any responses received. Any comments received will be made public but no personal information will be published.
- 2.1.29 WTI and their project team take reasonable care to comply with the requirements of the General Data Protection Regulation. Our Privacy Notice is available on the project website: [www.wtikemsley.co.uk/privacy-policy/](http://www.wtikemsley.co.uk/privacy-policy/)

### Contact Details

- 2.1.30 You can find out more about the scheme, contact the project team or submit responses via:

- The project website: [www.wtikemsley.co.uk](http://www.wtikemsley.co.uk)
- Email: [info@wtikemsley.co.uk](mailto:info@wtikemsley.co.uk)
- Post to: FREEPOST WHEELABRATOR KEMSLEY
- Calling (freephone): 0800 062 2982

- 2.1.31 Copies of project documentation can be downloaded from the project website or viewed in hard copy at the following locations:

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

- 2.1.32 Copies of documentation can be made purchased, subject to a reasonable charge, by contacting WTI on the details above. Please contact us if you need any of the application documents in an alternative format or language.

## Next Steps

- 2.1.33 We look forward to engaging with you during the forthcoming consultation period. Following the conclusion of the consultation period we will review all the responses received as we continue to prepare the application.
- 2.1.34 We anticipate submitting the application by April 2019. The Planning Inspectorate will have up to 28 days to decide whether to accept the application for examination. During the following three months after acceptance there will be a Preliminary Meeting to discuss the programme for the examination of the application, which should take place within a six-month period. The Planning Inspectorate then have three-months to make a recommendation to the Secretary of State, who has a further three-months to determine the application. We would therefore anticipate the application being determined by mid-2020.

# APPENDIX A

## K3 and WKN Site Location

---



**Legend**

 Site Location

TITLE  
**Appendix 1 - Site Location**

CLIENT  
Wheelabrator Technologies Inc

PROJECT  
WK and Wheelabrator Kemsley North

SCALE AT A3 DATE JOB NO.  
1:25,000 September 2018 13141



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

t: 01622 776226  
e: info@dhaplanning.co.uk  
w: www.dhaplanning.co.uk

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community. Contains public sector information licensed under the Open Government Licence v3.0.

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# APPENDIX B

## K3 and WKN Site Extent

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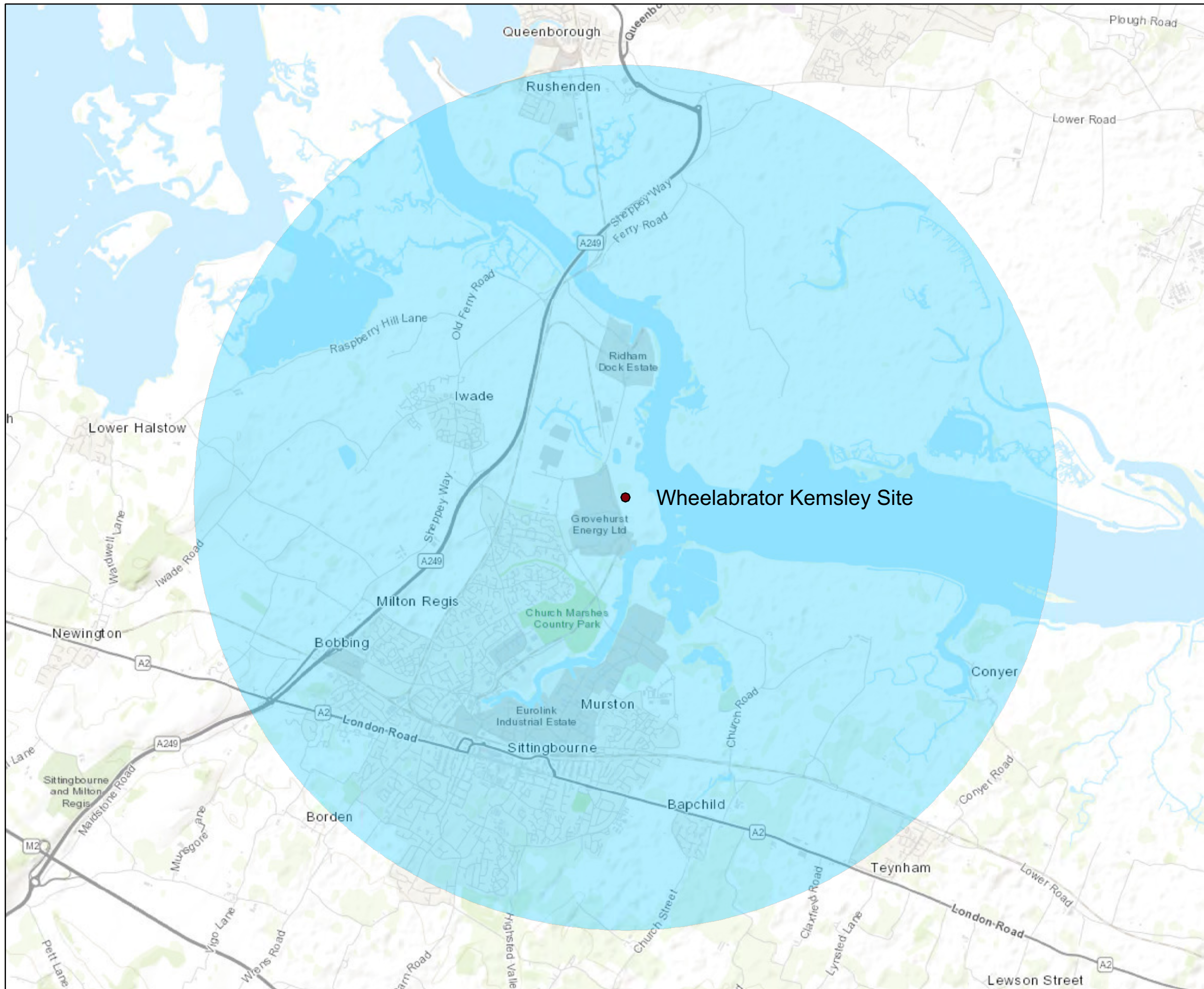


# APPENDIX C

## Consultation Zone

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**Legend**

- Wheelabrator Kemsley Site
- 5km Consultation Zone

TITLE  
**Appendix 3 -  
 Consultation Zone**

CLIENT  
 Wheelabrator Technologies Inc

PROJECT  
 WK and Wheelabrator Kemsley North

SCALE AT A3 1:69,639      DATE September 2018      JOB NO. 13141

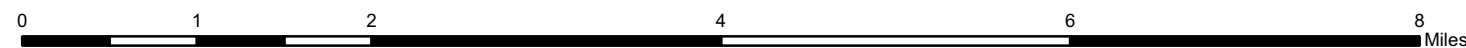


Eclipse House, Eclipse Park, Sittingbourne Road  
 Maidstone, Kent ME14 3EN

t: 01622 776226  
 e: info@dhaplanning.co.uk  
 w: www.dhaplanning.co.uk

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# APPENDIX D

## Local newspapers

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- Sittingbourne News Extra
- Sheerness Times
- Medway Messenger

# APPENDIX E

## Councils

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### County Councils

- Kent County Council

### District and borough councils

- Swale Borough Council

### Parish councils

- Bobbing Parish Council
- Iwade Parish Council
- Minster-on-sea Parish Council
- Lower Halstow Parish Council
- Newington Parish Council
- Tonge Parish Council
- Bapchild Parish Council
- Queenborough Parish Council
- Borden Parish Council

# APPENDIX F

## Constituencies and wards

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### Constituency

- Sittingbourne and Sheppey County

### Wards – Kent County Council

- Swale West
- Swale East
- Sittingbourne North
- Sittingbourne South
- Sheppey

### Wards – Swale Borough Council

- Queenborough and Halfway
- Sheppey Central
- Bobbing, Iwade and Lower Halstow
- Kemsley
- Milton Regis
- Murston
- The Meads
- Chalkwell
- Roman
- Homewood
- Borden and Grove Park
- Hartlip Newington and Upchurch

# APPENDIX G

## Location of Exhibition Venues and Document Deposit Locations

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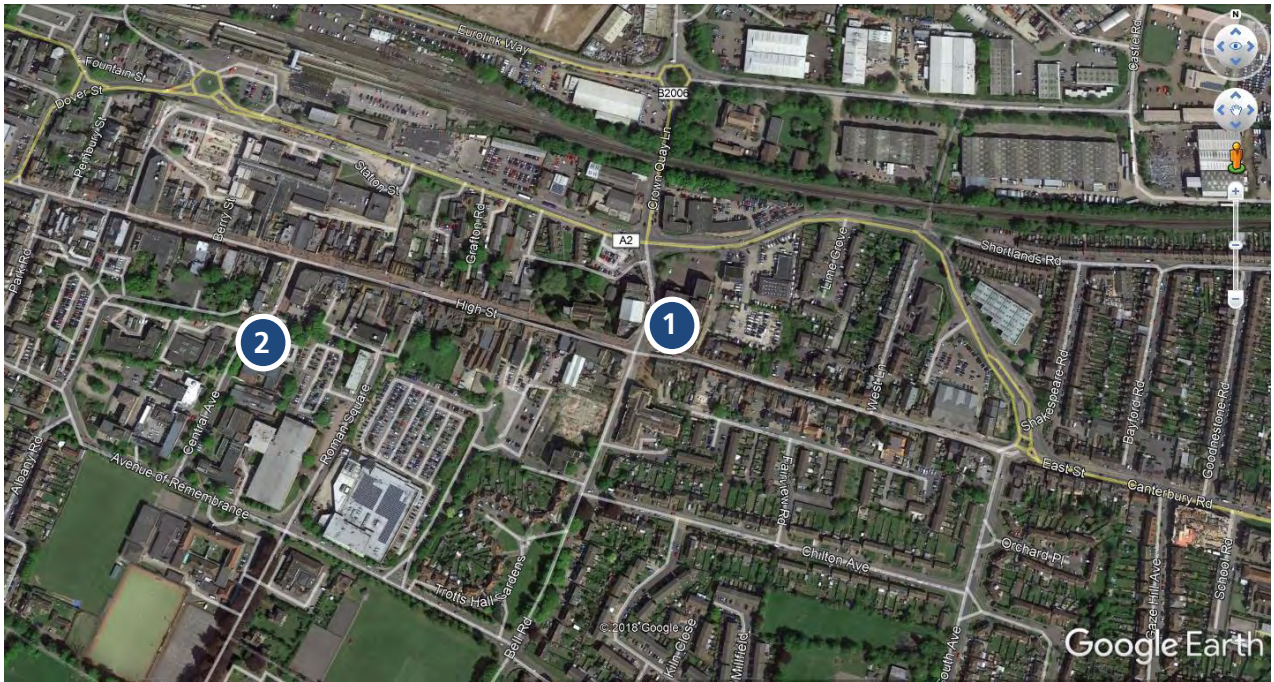


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- 1) Iwade Village Hall (Ferry Road, Iwade, ME9 8RG)**
- 2) Kemsley Community Centre (Kemsley Community Centre, The Square, Ridham Avenue, Kemsley, ME10 2SL)**

**1) Swale Borough Council offices (East Street, Sittingbourne, ME10 3HT)**

**2) Sittingbourne Library (Central Avenue, Sittingbourne, ME10 4AH)**



**3) Kent County Council offices (County Hall Reception, County Hall, Maidstone, Kent, ME14 1XQ)**

