



Wheelabrator
TECHNOLOGIES



Table of Amendments to the Development Consent Order (DCO)

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

PINS Ref: EN010083

Document 2.7
March 2020 - Deadline 2

Deadline 2 – Table of Amendments to the Development Consent Order (DCO)

Applicant:	EFW/WTI Holdings Ltd (Wheelabrator Technologies Inc)
Project:	Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility DCO
Date:	March 2020
Reference:	EN010083 – Document 2.7
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1.1 Purpose of this document

- 1.1.1 This Document has been prepared at Deadline 2 of the Examination by the Planning Inspectorate into an application by WTI/EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc – “WTI”) under the Planning Act 2008 for a Development Consent Order (a “DCO”) for the construction and operation of the Wheelabrator Kemsley (“K3”) and Wheelabrator Kemsley North (“WKN”) waste-to-energy generating stations on land at Kemsley, Sittingbourne in Kent.
- 1.1.2 This Document sets out the specific changes to DCO submitted at Deadline 2 along with the reason for the change.

1.2 The Proposed K3 and WKN Facilities

- 1.2.1 WTI has made an application to the SoS for a DCO for the construction and operation of the Wheelabrator Kemsley Generating Station (‘K3’) and for the construction and operation of a new waste-to-energy facility on adjacent land called Wheelabrator Kemsley North (‘WKN’).

- 1.2.2 Planning permission was granted under the Town and Country Planning Act 1990 by Kent County Council in 2012 for a sustainable waste-to-energy facility (K3). Construction of the plant began in July 2016 and is expected to be completed with the plant operational during 2020. As such the K3 facility is now substantially constructed; K3 contains two 102 megawatt thermal (MWth) lines and as consented is capable of processing 550,000 tonnes of waste per annum and has a generating output of up to 49.9 megawatts (MW).
- 1.2.3 This application seeks a DCO which, in practical terms, would permit K3 as constructed to generate an additional 25.1MW and to process an additional 107,000 tonnes of waste per annum (“the K3 Proposed Development”). In order to properly categorise and consent those increases under the Planning Act 2008 consent is being sought for the construction and operation of K3 with a generating capacity of up to 75MW and an annual tonnage throughput of 657,000 tonnes.
- 1.2.4 Development Consent is also being sought for the proposed new WKN waste-to-energy facility, which would be a single 125MWth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW (“the WKN Proposed Development”).
- 1.2.5 Consent for the K3 and WKN Proposed Developments is being sought via a single DCO through a single application to the SoS via PINS.

1.3 The Site(s)

Wheelabrator Kemsley (K3) Site

- 1.3.1 The site is located on land immediately to the east of the Kemsley Paper Mill, located 0.8km east of Kemsley, a residential suburb in the north of Sittingbourne in Kent (hereafter the ‘K3 Site’). It lies adjacent to the Swale Estuary to its east, with the Isle of Sheppey beyond and within the administrative areas of Kent County Council (KCC) and Swale Borough Council (SBC). To the south of the K3 Site lies a capped former landfill site which lies adjacent to the confluence between Milton Creek and the Swale Estuary. To the north lies an area of reedbed known as Kemsley Marshes. Access to the K3 Site is obtained from Barge Way to the north via an existing access road forming the eastern boundary of the Kemsley Paper Mill and shared with the mill operator DS Smith Ltd. The K3 Site lies in proximity to the A249 which links to both the M2 and M20 motorways to the south and with the Isle of Sheppey to the north.

Wheelabrator Kemsley North (WKN) Site

- 1.3.2 The site is located on land immediately north of the permitted K3 facility (hereafter the “WKN Site”). The WKN Site is currently being used by the Applicant as a laydown and parking area for the construction of the adjacent K3 facility. It has been cleared of vegetation and laid to concrete or hardcore with a perimeter fence.
- 1.3.3 To the east of the WKN Site lies the Swale Estuary with the Isle of Sheppey beyond. Immediately to the north lie the Kemsley Marshes beyond which lies the

Kemsley Paper Mill anaerobic digester treatment works (under construction) and to the north east a jetty operated by Knauf for the import of gypsum by barge.

1.3.4 The location of the K3 and WKN sites is shown in Figure 1.



Figure 1: Location of the K3 (green) and WKN (yellow) sites

Table of Amendments to draft Development Consent Order

Part of DCO	Change	Reason
Article 2 Interpretation: “Environmental Statement”	Date of submission version of Environmental Statement inserted.	Amended in response to the ExA's question ISH1.
Article 2 Interpretation	The definition of 'works plan' changed to 'works plans' for consistency with article 16.	Amended in response to the ExA's question ISH2.
Article 2(3) Interpretation	The words 'Requirement 14 (Detailed Design Approval) have been inserted before 'of Schedule 2'.	Amended in response to the ExA's question ISH3.
Article 2(4) Interpretation	The words 'Schedule 1 of' have been inserted after 'authorised by'.	Amended in response to the ExA's question ISH4.
Article 4(1) Effect on K3 planning permission	The word 'commence' has been replaced by 'start'.	Amended in response to the ExA's question ISH18 to avoid any confusion between the defined term 'commence' in relation to works, and 'commence' in relation to operational use.
Article 4(2) Effect on K3 planning permission	The words 'the conditions of' have been deleted before 'K3 Sustainable Energy Plant Planning Permission'.	Amended in response to the ExA's question ISH5 to clarify that the whole planning permission will cease to have effect, not just the conditions.
Article 10(6) Authority to survey and investigate the land	The word 'vehicles' has been inserted before 'apparatus'.	Amended in response to the ExA's question ISH8.

Part of DCO	Change	Reason
Article 13(2) and (3) Defence to proceedings in respect of statutory nuisance	The references to section 65 Control of Pollution Act 1974 have been deleted.	Amended in response to the ExA's question ISH10.
Article 16(g) Certification of plans etc	The reference of the WKN parameter plan has been moved from 16(c) to 16(g).	For consistency with the definition in requirement 1 and in response to the ExA's first written questions 1.2.2. Further information is provided in the Applicant's Further Submissions on ISH1 DCO Questions – Deadline 2.
Article 18(1) Procedure for approvals	“The Order” changed to “this Order”.	Amended in response to the ExA's question ISH12.
Schedule 2, Parts 2 & 3 Requirements	Various references to the relevant project or works number have been added throughout to clarify to which work each requirements relates.	Amended in response to the ExA's question ISH18.
Schedule 2 Interpretation	The definition of "commissioning" has been moved to Article 2(1) Interpretation.	Amended in response to the ExA's question ISH19.
Schedule 2 Requirement 2 Commencement of authorised development	The words 'Work No 1 and Work No 2' have been replaced by 'Project K3 and Project WKN'	Amended in response to the ExA's question ISH20.
Schedule 2 Requirement 4(1) – Decommissioning	The word "decides" has been replaced by "notifies the relevant planning authority that it intends to".	Amended in response to the ExA's question ISH22. A requirement to decommission has not been included as cessation of use may be temporary or

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Part of DCO	Change	Reason
		subject to approval of refurbishment plans. Any physical decommissioning works will in any event be subject to their own assessment under the planning and EIA regimes.
Schedule 2 Requirement 6(2) Rail and water transportation strategy	Rail and water transportation strategy definition moved to Requirement 1.	Amended in response to the ExA's question ISH23.
Schedule 2 Requirement 7 Amendments to approved plans	The definition of 'Approved plans' has been moved to Requirements 1 and used in requirements 7 and 9 and elsewhere as appropriate.	Amended in response to the ExA's question ISH24.
Schedule 2 Requirement 11 Trees	Definition of 'approved Landscape Masterplan' moved to Requirement 1 and reference to it in 11(1) has been corrected for clarity.	Amended in response to the ExA's question ISH27.
Schedule 2 Requirement 13 Combined heat and power	A definition of Kemsley Paper Mill has been added to Requirement 1.	Amended in response to the ExA's question ISH28. The definition of the CHP strategy in this requirement has not been moved because the purpose of the requirement is to define the CHP strategy. Therefore a separate definition in requirement would simply refer back to this requirement, making it a circular definition.
Schedule 2 Requirement 14(4) Detailed Design Approval	Duplication of "(4)" deleted. Definition of "WKN parameter plan" moved to requirement 1.	Amended in response to the ExA's question ISH30.

Part of DCO	Change	Reason
Schedule 2 Requirement 14 Detailed Design Approval – Table 1	The maximum height of Work No 2(j) Administration Office has been corrected to 30m to be consistent with Table 2.3 of the ES.	Amended in response to the ExA's first written questions 1.2.4.
Schedule 2 Requirement 16(4) Implementation and maintenance of landscaping	Reference to the 'annual landscaping maintenance plan' has been corrected to the 'approved landscaping scheme'.	Amended in response to the ExA's question ISH31.
Schedule 2 Requirements 16, 24, 25, 26 & 30	The word 'relevant' has been added before 'planning authority'.	Amended in response to the ExA's question ISH33.
Schedule 2 Requirements 19 Land contamination and groundwater	Title 'Contaminated Land and groundwater' changed to 'Land contamination and groundwater'	Amended in response to the ExA's first written questions 1.13.4.
Schedule 2 Requirement 20 Archaeology	Various amendments	Amended as requested by Kent County Council's written representation dated 2 March 2020
Schedule 2 Requirement 22 Construction environmental management plan	The correct reference has been added to the environmental statement in 22(2)(d).	Amended in response to the ExA's question ISH34.
Schedule 2 Requirement 29(1) Piling and penetrative foundation design	Corrected to reflect the restrictions in para 11.9.21 of the ES on impact piling between January and February inclusive and April to August inclusive.	Amended in response to the ExA's first written questions 1.5.13.

Part of DCO	Change	Reason
Schedule 2 Requirement 30 Employment, skills and training program	The words ' in consultation with the Economic Development Officer at Swale Borough Council' have been inserted after 'by the relevant planning authority'.	At the request of Swale Borough Council at paragraph 6.8.2 of its Local Impact Report dated 2 March 2020.
Schedule 3	The whole of Schedule 3 has been moved to Part 4 of Schedule 2. All references in the DCO to Schedule 3 have as a consequence been amended to Part 4 of Schedule 2, and subsequent Schedule numbers and references changed.	Amended in response to the ExA's question ISH35.
Schedule 3	'Revision' numbers have been moved to the 'Reference' column where those documents were never revised and retain their original date.	Amended in response to the ExA's question ISH36.