Wheelabrator TECHNOLOGIES

Deadline 2: Applicant's Response to Examining Authority's Written Questions (ExQ1)

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

PINS Ref: EN010083

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Contents

1 Introduction

1.1 Purpose of this document

1.1.1 This Statement 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 Statement provides the response by the applicant to the Examining Authority's First Written Questions ('ExQ1').

1.1.3 For ease and completeness this document briefly summarises the proposed development and identifies the application site before providing each of the Questions and the Applicant's response to it.

1.2 Context

1.1.1 The application for a DCO will seek consent for the construction and operation of a 75MW waste-to-energy facility, 'the Wheelabrator Kemsley Generating Station' ("K3") and for the construction and operation of a 42MW waste-to-energy facility, 'Wheelabrator Kemsley North' ("WKN").

1.1.2 K3 is a waste-to-energy facility located adjacent to and east of the DS Smith Kemsley paper mill, to the north of Sittingbourne, Kent. Planning permission was granted for K3 in 2012 by Kent County Council with a generating capacity of 49.9MW and a waste processing capacity of 550,000 tonnes per annum. The facility is now substantially constructed and is expected to be operational in Q2 2020.

1.1.3 The applicant has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external design, generating an additional 25.1MW of electricity. However, in order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is required to seek consent for the construction of K3 at its total generating capacity of 75MW (i.e. 49.9MW consented + 25.1MW upgrade), together with the separate proposed total tonnage throughput of 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase).

1.1.4 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.

1.1.5 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.

1.1.6 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.

1.3 The Site and its surroundings

1.3.1 The K3 and WKN sites lie to the north-east of the village of Kemsley, which itself sits at the north-eastern edge of Sittingbourne in Kent. The K3 and WKN sites lie immediately to the east of the Kemsley Paper Mill, a substantial industrial complex which is operated by DS Smith.

1.3.2 In April 2018 DS Smith lodged an application for a Development Consent Order (DCO) which would allow for the construction and operation of 'K4', a gas fired Combined Heat and Power Plant within the Kemsley Mill site. This DCO was granted on 5th July 2019.

1.4 Proposed Development

Wheelabrator Kemsley – K3

1.4.1 Planning permission was granted for K3 in 2012 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 will export electricity to the grid and will supply steam to the DS Smith Kemsley Paper Mill. The construction of K3 began in 2016 and is now significantly advanced, with WTI anticipating K3 will be operational in Q2 2020.

1.4.2 WTI has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external design, generating an additional 25.1MW of electricity.

1.4.3 The 2018 consultation and publicity sought views from interested parties on an application for consent for that power upgrade and increased tonnage throughput, without any construction works being required, as an extension to the K3 facility under Section 15 of the Planning Act 2008.

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

1.4.5 A further consultation was undertaken in 2019 to advise S42 consultees and notify the public through a number of S48 notices that construction and operation of K3

is now being sought as part of the DCO, in the context of the K3 facility already being substantially constructed.

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

Wheelabrator Kemsley North – WKN

1.4.7 WKN would be an entirely new and separate waste-to-energy facility on land to the north of K3, which is currently being used as the K3 construction laydown area. 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 should a user for that steam become available.

1.4.8 WKN would have a generating capacity of 42MW and a waste processing capacity of 390,000 tonnes per annum and 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.

2 Applicant's Responses to Written Questions (ExQ1)

2.1.1 The following Table provides the reference number for each written question, identifies the required respondent, provides the question itself and then the applicant's response to that question.

ExQ1	Question to:	Question:	Applicant's Response
Q1.1.	**Principle and nature of the development, including waste recovery capacity and management of waste hierarchy**		
Q1.1.1.	KCC	KCC's Additional Submission of 4 December 2019 [AS-010] asserts a conflict in policy terms between the Proposed Developments and the Council's strategy for management of waste in the Kent Minerals and Waste Local Plan (KMWLP) proposed for modification by the Early Partial Review (EPR). The EPR Plan is said to be currently with the Planning Inspectorate for examination. Please identify which documents relating to the Local Plan examination available on the Council web site you consider to be important and relevant to this matter, explaining the significance of the alleged conflict(s) in each case, and provide copies not already submitted in this examination.	The Applicant notes this question was directed to KCC and does not consider it necessary to provide a response.
Q1.1.2.	KCC and the Applicant	In view of the fact that the WKN Proposed Development is not an NSIP how if at all should this affect the consideration which the ExA should give to the NPSs in contrast to the K3 Proposed Development?	The two National Policy Statements of relevance to the K3 and WKN Proposed Developments are EN-1 (Overarching National Policy Statement for Energy) and EN-3 (National Policy Statement for Renewable Energy Infrastructure). EN-1 states, at Section 1.4.2 that it, together with EN-3, will be the primary basis for decision making for onshore electricity generating stations generating more than 50MW. Section 1.8 of EN-3 confirms that it covers renewable energy infrastructure, including energy from waste, at 50MW or more. The ExA is referred to Section 11.2 of the Planning Statement [APP-082] in particular which sets out the position of the application in respect of the status of the NPSs with regard to the K3 and WKN proposed developments. The K3 facility is an NSIP by virtue of it being an onshore generating facility in England with a generating capacity of over 50MW and it therefore falls within the scope of the developments covered by EN-1 and EN-3. Section 104 of the Planning Act 2008 states that where a National Policy Statement has effect the Secretary of State, in making

			their decision, must have regard to any national policy statement which has effect, along with the other matters specified in Section 104, such as any local impact report, any matters prescribed and any other matters considered by the Secretary of State to be important and relevant. Part 3 of Section 104 then states that the Secretary of State must decide an application in accordance with any national policy statement, unless one of the specified circumstances would apply. The WKN facility is not an NSIP, given its generating capacity is below 50MW, and it does not therefore fall within the scope of developments covered by EN-1 and EN-3. Section 105 of the Planning Act 2008 therefore applies, and states that in cases where no national policy statement has effect then in determining applications for development consent the Secretary of State must have regard to any local impact report, any matters prescribed and any other matters considered by the Secretary of State to be both 'important and relevant'. EN-1 and EN-3 are both 'important and relevant' to the Secretary of State's decision; firstly, because of the fact that Project WKN is the 'construction of a generating station', and were it to have 8MW more capacity, there would be no question that EN-1 and EN-3 would have effect. Secondly, notwithstanding its generating capacity, the function, scale and nature of impacts of the WKN development are similar to that of K3, and it has been accepted by the Secretary of State as being nationally significant through the S35 direction and to be treated as development for which development consent is required. Therefore EN-1 and EN-3 and the matters they address remain equally important and relevant considerations in any assessment of the WKN proposed development as they do to the K3 development, and that the WKN proposed development should be decided as such by the SoS. Examples of other applications where EN-1 and/or EN-3 have been directed to have effect with respect to section 35 energy development are the Triton Knoll Electrical System (offshore wind farm connection), Nautilus Interconnector (submarine electricity cable) and the Aquind Interconnector (submarine electricity cable).

Q1.1.3.	KCC	Please supply, if not provided to the ExA, the Memorandum of Understanding of the South East Waste Planning Advisory Group (SEWPAG) that is said to commit the respective signatories to regional net self-sufficiency to be achieved and maintained as part of each authority's waste planning strategy, and comment on its planning status.	The Applicant notes this question was directed to KCC and does not consider it necessary to provide a response.
Q1.1.4.	The Applicant	Please comment on KCC's claim [AS-010] that the Proposed Development would result in waste being drawn into the SEWPAG area, contrary to the objectives of SEWPAG.	A response is provided as Appendix 1 to this document.
Q1.1.5.	The Applicant	The Applicant, in its response to the Planning Inspectorate's Scoping Opinion, refers to KCC comments on p44: "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." The Applicant replied that this is not deemed relevant to the EIA. Please justify why in your view this is not a matter relevant to the EIA.	The 'Kent Joint Municipal Waste Management Strategy' dates to 2007 and is a strategy/policy document and not legislation. It sets out Kent County Council's Waste Strategy and its partnership with 13 planning authorities and how it intends to implement the Waste Hierarchy. These matters are not pertinent to the likely significant environmental effects of the Proposed Developments and have therefore been addressed in the Waste Hierarchy and Fuel Availability Report (Document 4.6 / APP-086) submitted with the application.
Q1.1.6.	The Applicant	Surrey County Council in its RR [RR-007] state that it and other planning authorities in the south east are planning for waste on the basis of net self-sufficiency and not on the basis that Surrey's requirements will be met by facilities in Kent. What are the implications of this policy for the Applicant's strategy to take in a significant proportion of waste fuel from the south-east region?	A response is provided as Appendix 2 to this document.

Q1.2.	Environmental Impact Assessment		
Q1.2.1.	The Applicant	Information regarding the total site area of K3 and WKN has not been provided within the ES. The Applicant is asked to provide this along with an update regarding the current construction/operational status of K3 as consented.	The total DCO boundary is 12.55ha. A breakdown of each Work Area is provided below; as illustrated by the Works Plans (5.5a / APP-094 and 5.5b / APP-95) a number of the individual works areas do overlap. **Works - Area (sqm)** 1 - 63,904.68 1A - 5,433.40 1B - 3,401.27 1C - 16,866.31 1D - 24,271.49 1E - 911.28 2 - 24,271.49 3 - 6,971.23 4 - 12,784.67 5 - 3,018.71 6 - 14,511.48 7 - 911.28 The majority of the external construction of K3 has been completed. First waste fire as part of the hot commissioning of the facility commenced on the 12th March 2020 and full operation of the facility is currently scheduled to commence in June 2020.
Q1.2.2.	The Applicant	The Work Nos shown on the WKN Parameter Plan contained in Figure 2.9 of ES Chapter 2 are not consistent with the Work Nos shown in dDCO Schedule 1, replicated in R14 Table 1. In addition, dDCO R14(4) defines the WKN Parameter Plan as that certified under Article 16, although it is not one of the plans listed therein. Please explain the discrepancies and provide corrected plans as necessary.	This is noted; an amended parameter plan both as Figure 2.9 of the ES and Document 5.6 - 9812-0031-10- WKN Parameter Plan have been provided at Deadline 2 consistent with the dDCO and ES Chapter 2. The WKN Parameter Plan has also been added as a certified document in Article 16 of the DCO.

Q1.2.3.	The Applicant	The ES states that the design life of the operational Proposed Developments is up to and potentially beyond 50 years. Explain how this durational design change (which differs from that presented at the scoping stage) has influenced the Proposed Developments in terms of anticipated impacts from climate change?	The K3 and WKN Proposed Developments are not considered vulnerable to the predicted effects of climate change except by virtue of flood risk from the Swale. As set out in Chapter 10 of the ES, and agreed in consultation with the EA, K3 as constructed and the WKN Proposed Development have been and will be set above the predicted flood levels for the area taking into account climate change and raised above the 1 in 200-year (2115) flood level, which therefore covers the intended design life of the facility.
Q1.2.4.	The Applicant	Table 2.3 of the ES presents a maximum height of 30m for Work No 2(i)): administrative office, whereas it is shown as 15m in the dDCO Part 3 WKN Requirements. Please clarify the basis on which the assessments were made and correct the parameter details in the next iteration of the dDCO as necessary, to ensure that there is consistency between the ES and the DCO.	This has been corrected in the Deadline 2 version of the dDCO. The maximum height has been assessed in the ES except where express reference to any discrepancy has been highlighted in the answers to these ExQ1 questions. Where any discrepancy has occurred this has been rectified and amendments to assessments provided at Deadline 2 where required.
Q1.2.5.	The Applicant	Please provide an update regarding the status of the amended environmental permit for K3 and progress with the environmental permit for WKN. The update should provide evidence to confirm that the EA has no major permitting concerns and that the necessary environmental permit is capable of being granted (or signpost to where this information has been provided).	The K3 licence variation was submitted to the Environment Agency on the 26 September 2019. The application was duly made on the 2 December 2019. The Environment Agency are currently assessing the application and in particular the Air Quality Assessment. Initial indications from the Agency is that they should not need to issue a Schedule 5 request for further information. The WKN Permit application will be submitted not later than the 1st July 2020. A draft SOCG with the EA has been submitted at Deadline 2 and agreed in principle and confirms that the EA do not have any major permitting concerns.

Q1.2.6.	The Applicant	The reason for a 3km and a 10km distance being selected for the ZOIs is not explained under Section 3.8 of the ES or within the relevant aspect chapters. Please justify the ZOIs selected.	The 3km and 10km ZOIs have been determined in consultation with the technical consultant team (see Q1.2.7). It is noted that the ExA has requested specific justification with regard to certain topic areas. The ExA is referred to these where relevant. In summary the 3km focal point picks up all major development within a zone of influence whereby significant cumulative effect is considered most likely. At distances greater than 3km the potential for cumulative effects is considered only to be likely in-combination with large scale development or development of a similar type e.g. with direct point sources to air in accordance with EA guidance.
Q1.2.7.	The Applicant	The information contained in the ES in respect of cumulative plans and projects contain a number of errors, omissions and discrepancies. Study areas are not defined, the basis for the inclusion of the other developments in each technical assessment is not explicit, and their current planning status is not identified. It is not indicated if the list of developments was agreed with relevant consultees, such as local authorities. Please provide this information for each technical aspect considered in the ES. This could be in tabular form if the Applicant considers that would aid presentation.	Chapter 3 of the ES has been updated to provide the planning status of all cumulative sites considered in the ES and has been submitted at Deadline 2. The list of sites proposed for cumulative sites in the ES formed part of the EIA Scoping Report and two S42 consultations. Information in respect on each technical discipline is provided in the tables in Appendix 3 to this Statement.
Q1.2.8.	The Applicant	Flood Risk and Surface Water Quality – The Surface Water and Foul Drainage Philosophy are included as an approved plan within Requirement 9 dDCO, see also drawing 16315/AO/0301 Rev H and 16315/AO/0250 Rev G at Appendix B. However Schedule 3 of the dDCO lists the revisions as REV J not H, and G. Please clarify and correct any discrepancies.	The Surface Water and Foul Drainage Philosophy submitted as part of the application (Document 6.6 / APP-152) includes within Appendix B 16315/A1/P/0100 Rev U (Proposed Site Layout), 16315/AO/0250 Rev J (Site Sections) and 16315/AO/0301 Rev J (Proposed Drainage Layout) which match the references for those plans provided at Schedule 3 of the dDCO.

Q1.2.9.	The Applicant	Impact on protected species: An Environmental Mitigation and Management Plan (EMMP) (Appendix 11.4) [APP-046] has been produced and agreed with KCC. It is indicated in ES Table 14.1 that it is secured by dDCO Requirement 6. However, Requirement 6 refers to a Rail and Water Transportation Strategy. Please correct such errors and clarify how the EMMP is secured in the DCO.	Table 14.1 'Proposed measures to mitigate potentially significant adverse effects from the K3 Proposed Development' under Ecology states that the EMMP is secured as part of Requirement 9 of the dDCO which in turn references 'approved plans and documents listed in Schedule 3' of which the EMMP is listed therein.
Q1.2.10.	The Applicant	The EMMP [APP-046] refers to the planning permission for K3 granted in May 2011 to be subject to the satisfactory agreement of a Section 106, part of which related to the production of an EMMP for the site to address ecological impacts identified during the planning process. Please explain how the s106 relates to the Proposed Developments, consider whether the dDCO adequately reflects the position and whether any further s106 agreements are envisaged to be completed between the Applicant and KCC.	Section 9 of the Planning Statement [Document 4.2 / APP-082] summarises the position regarding the Section 106 agreement signed pursuant to the original 2012 K3 planning permission. That S106 agreement made provision for reedbed habitat creation, an Employment Strategy and a scheme of relocation which delivers the habitat creation and management set out within the August 2011 Ecological Mitigation and Management Plan. The reedbed habitat creation scheme has taken place and the land in question has been transferred to the RSPB for ongoing maintenance, as provided for within the legal agreement. The Employment Strategy required through the S106 has been reproduced and included within the dDCO as a K3 approved plan/document, to ensure ongoing compliance with that during the remaining construction of K3. The Ecological Mitigation and Management Plan was revised in July 2013 and was consented through a non material amendment (SW/10/444/R) on the 2nd September 2013, thus superseding the EMMP which had been referred to within the S106. The July 2013 EMMP is also included as an approved K3 plan/document within the dDCO to ensure ongoing compliance with that. On that basis at this stage no further S106 agreements are envisaged to be completed between the Applicant and KCC.
Q1.2.11.	The Applicant	Chapter 14 of the ES provides summary tables of likely effects and mitigation/monitoring measures. Please	These have been added to the amended Chapter 14 submitted at Deadline 2.

		confirm which drawings are being referred to in ES Table 14.1.	
Q1.2.12.	The Applicant	The landscaping and tree planting scheme is described in Chapter 14 of the ES as included as an approved drawing certified in the dDCO. Please confirm whether this refers to the Approved Landscape Masterplan 16315/A1/4.21 [APP-124] listed in Schedule 3 of the dDCO or, if not, identify where this document is located.	It is 16315/A1/4.21 and has been identified in the amended Chapter 14 submitted at Deadline 2.
Q1.2.13.	The Applicant	Table 14.7 in ES Chapter 14 states there would be direct significant residual cumulative effects from the K3 and WKN Proposed Developments with other planned or proposed development on: the rural character of the Chetney and Greenborough Marshes character area; the Iwade Arable Farmland character; on walkers using the Saxon Shore Way/Footpath ZU1 south of the K3 and WKN sites and footpath ZU2 at Viewpoint 3 and 7, on views from the footpaths; and from the central high point of the Isle of Sheppey. Chapter 12 indicates that no significant residual effects have been identified. Please clarify whether or not there would be a significant residual cumulative visual effect on these receptors. Where it is considered that mitigation is not practicable or possible please provide justification.	Section 12.8 of the Chapter identifies that no significant residual effects on landscape, townscape or visual receptors would occur as a result of the WKN development. No significant residual effects result from the development in isolation. Significant cumulative effects on landscape character and visual receptors are identified in section 12.9 of the ES. This is confirmed in Tables 14.6 and 14.7. The significant cumulative effects are largely as a result of the cumulative schemes and not WKN and the WKN proposed development would make a negligible to moderate contribution to the cumulative effect. Appropriate mitigation measures are embedded within the proposed development and mitigation of the effects of the cumulative schemes is beyond the scope of the applicant.

Q1.3.	Air Quality		
Q1.3.1.	The Applicant	It is explained in para 5.3.14 of ES Chapter 5 [APP-057] that construction dust effects on ecological receptors were scoped out on the basis that it was determined that there are no sensitive ecological receptors within 50m of the application site boundary or the site traffic routes, in line with the 2014 IAQM guidance. Please confirm whether agreement was reached to that effect with any relevant consultees. If so, please provide full details and reference relevant documentation. If not, please confirm whether agreement is being sought with relevant consultees.	The formal scoping process sought to agree the methodology for the assessment and the guidance, rather than an interpretation of the results or the content of the guidance. During the scoping, it was requested that the applicant justify the use of the IAQM guidance. We responded that, in the absence of any statutory guidance for the assessment of dust from construction and demolition, the IAQM guidance was considered the most appropriate. (We advise that the Mayor of London's 'Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance' also acknowledges the lack of statutory guidance and states that assessments should adopt the methodology provided in the current version of the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction should be used. This demonstrates the weight given to this guidance The IAQM guidance uses the well-established source-pathway-receptor approach. Specifically, in relation to the 50m screening criterion, the IAQM guidance states *"The distances … take account of the exponential decline in both airborne concentrations and the rate of deposition with distance, as well as practical experience of members of the Working Group."* As set out in para 5.3.14, the IAQM considers the distances to be *'deliberately conservative'* meaning that assessments will be required for a large number of developments. Natural England's representation dated 4 December 2019 in relation to Air Quality - Construction Impacts states *"There is a potential for likely significant effect on The Swale SPA/Ramsar due to smothering of habitats by dust produced during construction. However, Natural England agrees with section 6.6 of the HRA Report [APP-044] that mitigation measures are available to minimise this risk and avoid an adverse impact. Best practice construction measures should be set out within the Construction Environment Management Plan (CEMP). Subject to this being secured, Natural England agrees this is sufficient and that no further mitigation measures are necessary."*

Q1.3.2.	The Applicant	Please explain the basis for dismissing the potential for air quality effects on the Swale Marine Conservation Zone (MCZ) arising from WKN in ES Appendix 5.4 [APP-028]: Air Quality - Assessment of Impacts on Ecological Receptors. The MCZ is identified variously in ES Chapter 11 [APP-063] as 0.02km to the south, and 25m and 15m to the east, of the application site. Please can the Applicant confirm its correct location?	The air quality critical levels and loads apply to terrestrial vegetation. The MCZ comprises sub-merged habitats making their ecology completely dominated by that of the sea. As such, they are not sensitive to aerial pollution. The MCZ is within the eastern boundary of the Order Limits (Work No.7). This has been addressed and assessed as part of the MMO Licence (see Appendix 11.7 submitted at Deadline 2).
Q1.3.3.	The Applicant	NE, in their RR [RR-006], welcomes the use of UK Air Pollution Information System (APIS) but state that the date of the last APIS update should be taken into account, and potential increases in concentrations resulting from other plans or projects that have become operational since the last APIS update need to be added to the APIS figures to ensure that potential impacts from all relevant plans and projects have been correctly assessed. Please consider whether the modelling results need updating as a result of any other developments becoming relevant to the assessment as a result of the latest APIS update, and if not, explain why not.	The APIS data were extracted on 22 October 2018 at the time the assessment was undertaken. Para 2.3.9 and 2.3.10 of the Statement of Common Ground between the Applicant and Natural England submitted at deadline 1 states: *"The background data used in the assessment presented in Appendix 5.4 of the ES is the average from the three-year period 2014-2016. It therefore still includes aerial emissions associated with both the Kemsley K2 Sludge Combustion facility, which was decommissioned in 2018, and the K1 CHP Plant which is due to be decommissioned in 2022 once the recently approved K4 CHP Plant is operational (which provide better in emissions to K1). The in-combination Process Contributions (PCs) generated in the assessment also specifically include emissions associated with K4, in addition to including those from K1 in the background, i.e. adopting a precautionary approach by double counting these emissions (the two plants would only operate simultaneously for a very short period during commissioning). The in-combination PCs also include the Kemsley AD Plant which became operational in 2018.* *At this stage, therefore, there are no further facilities with emissions to air that are either not captured by the background used in the assessment or included in the in-combination PCs."* On that basis, the APIS data used in the assessment have not been changed.

Q1.3.4.	The Applicant	NE advise in their RR [RR-006] that for the assessment of effects of the Proposed Developments on terns in the Medway Estuary & Marshes SPA the critical load (CL) for vegetated shingle habitat should be used rather than the CL for saltmarsh, as shingle is the habitat within the saltmarsh islands that terns use. Please respond to this point and explain what, if any, implications there are for the assessment findings in relation to the tern population in the SPA. This question is also relevant to the conclusions of the HRA.	As set out at para 2.3.1 of the SoCG with Natural England, '*As stated in paragraph 7.13 of the HRAR, APIS does not provide a specific critical load for vegetated shingle per se, with the tern interest feature noted on APIS as using acid stable dune grasslands with a critical load of 8-10 kgN.ha-1.yr-1. Therefore, as agreed at the meeting of the 16th January the shingle present within the saltmarsh islands on the Medway on which the terns breed is very different in character from the low-nutrient status, more stable shingles on which such vegetation usually occurs. Those at Dungeness SAC, for example, demonstrate the full continuum of successional stages from early vegetation colonisers through to scrub/heathland with the nutrient status of the shingle being naturally very low. This contrasts with the Medway, where the shingle is very dynamic, in constant flux around the salt marsh which may eventually form on it. In this location, the nutrient status of the shingle is heavily influenced by the surrounding early-pioneer salt marsh which, in turn, is dominated by that of the Medway Estuary. Therefore, on this basis, the critical load of the pioneer saltmarsh habitat used in the HRAR is considered to be more appropriate'.*

Q1.3.5.	The Applicant	Several legislative and guidance documents referenced in the assessment have been superseded prior to the submission of the DCO application, ie 'The Environmental Permitting (England and Wales) Regulations 2016 were amended, most recently in 2018; the Air Quality Strategy for England, Scotland, Wales and Northern Ireland was replaced by the Clean Air Strategy in January 2019; British Standard 6069:Part 2 was replaced in 1994; and the 2016 Local Air Quality Management Technical Guidance (LAQM.TG16) was replaced in 2018. In each case please explain the implications of such changes for the assessments of effects in respect of WKN and the practical effect of K3 and if, in each case, there are no implications please explain why not.	The 2018 amendments to the Environmental Permitting (England and Wales) Regulations since 2016 relate to radio-active material, mobile plant and medium combustion plant. The changes are not relevant to this assessment. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland did not replace by the Clean Air Strategy in January 2019 as the two documents are separate. The objectives set out in the UK Air Quality Strategy reported in Chapter 5 remain the same. The Clean Air Strategy does not affect this assessment of air quality impacts. British Standard 6069:Part 2 was replaced in 1994 but the particular point that the generic term 'dust' refers to particles up to 75 um in diameter remains the same in the update. 2016 Local Air Quality Management Technical Guidance (LAQM.TG16) was replaced in 2018. The updates are listed in Annex D of LAQM.TG16 and relate to changes to hyper-links, URLs, references. There are no changes affecting the air quality assessment provided in Chapter 5. The references have been updated in a revised version of the chapter.

Q1.3.6.	The Applicant	The methodology used for the construction dust assessment is set out in ES Appendix 5.1 [APP-025] wherein it is stated that mitigation is required for all categories above 'negligible'. Appendix 5.5 [APP-025] sets out the methodology applied to assessing traffic-related emissions and Table 5.5.6 therein identifies thresholds for describing long-term air quality impacts at sensitive human-health receptors, with the scale of effects ranging from negligible to substantial. Para 1.28 states that professional judgement was applied to determine the level of significance of an effect. The methodology applied to the stack emissions assessment is set out in the chapter and describes the model that was used to predict dispersion. In relation to all construction dust and traffic-related emissions, please identify the categories of effect that were considered to constitute a significant effect.	For construction dust, it is only possible to establish the risk of an impact as emissions are fugitive (uncontrolled). The dust impact risk has been categorised in order to determine the level of site-specific mitigation that should be applied. As stated in Appendix 5.1, "where the risk category is 'negligible', no mitigation measures are required beyond those mandated by legislation" This differs from emissions from stacks and engines exhausts which are controlled and therefore quantifiable. For these sources, modelling has been undertaken to allow the impact to be described with reference to the change in predicted concentration and the absolute concentration with the development. Professional judgement by a competent, suitably qualified professional is required to establish the significance of effect associated with the consequence of the impacts. This judgement takes into account the extent of the current and future population exposure to the impacts and the influence and/or validity of any assumptions adopted during the assessment process.
Q1.3.7.	The Applicant	The air quality modelling and assessments are based on 2021 being an opening year for the K3 Proposed Development and a construction year for WKN, and 2024 being an opening year for WKN. Please confirm whether these are still the anticipated timescales in the event that consent is granted, and if they are not, whether the modelling and assessments remain applicable, and if so why?	For the avoidance of doubt, as also confirmed under Q1.2.1, K3 as consented is expected to be fully operational by June 2020. However the K3 proposed development would not be operational until 2021. The timescales stated in Q1.3.7 for WKN remain relevant. Concentrations of combustion-related pollutants are likely to reduce over time, due to the progressive introduction of improved vehicle technologies, increasingly stringent limits on emissions and the introduction of electric vehicles. While the predicted PCs for stack emissions in the report would be unchanged for different years, the ambient concentration in future years is likely to be lower than those adopted in the assessment. Therefore, if the dates move further into the future, the PECs are likely to decrease and the predicted impacts are likely to be lower.

Q1.3.8.	The Applicant	ES Chapter 5 [APP-057] confirms that during operation the Environmental Assessment Level (EAL) for arsenic concentration is predicted to be exceeded in respect of the K3 Proposed Development, the K3 Practical Effect and WKN; the nickel concentration EAL is also predicted to be exceeded in respect of the K3 Practical Effect. It is stated that these would potentially represent significant effects. There then follows a standard interpretation of the modelling results for the various developments, for example in paragraph 5.6.13 [APP-057] that renders the effects not significant. Has this approach to interpreting the modelling results been agreed with relevant stakeholders and if not why not?	While the formal scoping comprised the methodology for the environmental assessment, the interpretation of the results was not covered as the potentially significant effects were not known at the time of seeking an opinion. The predictions are based on the assumption that each group 3 metal is emitted at the emission concentration limit applying to the total of all nine group 3 metals. In para 5.7.9, justification is provided for decreasing the concentration to 11% of the IED emission limit value. The Environment Agency 'Releases from waste incinerators – Guidance on assessing group 3 metal stack emissions from incinerators' version 4 (undated), outlines monitoring data from 18 Municipal Waste Incinerators and Waste Wood Co-Incinerators between 2007 and 2015. For arsenic measured concentrations were between 0.04 to 5.0% of the group 3 metals IED emission limit value. i.e. below 11%. For nickel the measured concentrations ranged from 0.5 to 44.0 % of the group 3 metals IED emission limit value. The guidance notes "that the two highest nickel concentrations are outliers being 44%, as above, and 27% of the ELV. The third highest concentration is 0.53 mg/Nm3 or 11% of the ELV". On that basis, 11% is likely to be a conservative assumption and the impacts of As and Ni are not considered to have a significant effect.
Q1.3.9.	The Applicant	In relation to IED short-term Emission Limit Values (ELVs) in respect of stack emissions from WKN during operation, Table 5.38 [APP-057] indicates that the 15-minute averaging period SO2 PC would equate to 10% of the relevant EAL, which would be considered to represent a significant effect. However it is then stated that when the 15-minute mean SO2 is added to the 'future AC' of 56.5 µg.m-3, the PEC is 82.3µg.m-3, which is below the relevant EAL of 266 µg.m-3, in which case the effect is stated not to be significant. It is unclear whence the future AC figure is derived as such data is not presented in this chapter or its	Paragraph 5.3.55 states that the impacts are not considered significant if the short-term PC is less than 10 % of the short-term Environmental Assessment Level (EAL). Table 5.38 states that the 15-minute mean SO2 PC is 'potentially significant'. i.e. it is not possible to conclude that the impact is not significant based on the PC alone. It does not indicate that it is significant. Paragraph 5.5.3 explains that "future baseline concentrations have been calculated … as the total of the existing background concentration and the process contribution for the permitted K3. This is described as the Future Ambient Concentration (known hereafter as the Future AC) to

		appendices, and it is not stated whether this approach to interpreting the modelling results was agreed with relevant stakeholders. Please clarify the position.	distinguish it from the existing Ambient Concentration." In this case, the future AC is 22.14 µg.m-3 (drawn from Appendix 5.3, Table 5.3.1) added to the modelled permitted K3.
Q1.3.10.	EA	Please explain the extent to which you are content that the methodology applied to determine the level of pollutants emitted during operation is appropriate to support the conclusions reached with regards to significant effects and the applicable EAL.	The Applicant notes this question was directed at the EA and does not consider it necessary to provide a response.
Q1.3.11.	The Applicant	Appendix 5.4 Air Quality, Assessment of Impacts on Ecological Receptors [APP-028] refers to interest features listed in Table 5.4.4, but not separated out according to the individual designated sites so it is unclear to which site each feature is relevant. In addition, the CL is indicated as not available for a number of features, however no explanation is provided for these omissions. Please update Table 5.4.4, presenting the features (where they differ between sites) separately for each designated site, and explain the omissions.	Appendix 5.4 has been revised and Elmley NNR and Milton Creek LWS have been separated out from the Swale. The omissions in CLs are due to such data not being available on APIS. This usually means that the feature is not considered sensitive to that pollutant type, as is the case for those features in Table 5.4.4 lacking a CL.
Q1.3.12.	The Applicant	It is stated in Appendix 5.4 [APP-028] that wet acid deposition is not significant compared with dry deposition and that therefore it was not considered in the assessment. No further justification of this statement is provided, nor is it indicated if it was agreed with any relevant bodies, so the basis for scoping out wet deposition out is unclear. Please provide justification for this approach and explain why impacts associated with wet acid deposition are not assessed and the extent to which there is agreement with relevant consultation bodies to following this approach, and if not, why not.	A reference was provided for the assertion that wet deposition is not significant in the near field. This was not agreed as part of the methodology but it is the generally accepted approach. In its AQTAG guidance, the Environment Agency states that "It is considered that the wet deposition of SO2, NO2 and NH3 is not significant within a short range" and "the wet deposition flux is not considered significant and is therefore not calculated." Furthermore, the IAQM 'A guide to the assessment of air quality impacts on designated nature conservation sites states that: "*Wet deposition is not normally assessed by air quality practitioners because the impacts of a project or local development plan typically occur over short distances and over timescales that are too short for wet deposition to be significant.*"

Q1.3.13.	The Applicant	It is concluded that there would be no significant effects resulting from NOx, SO2 or NH3 pollution, or acid deposition. The information in Appendix 5.4 [APP-028] on the significance criteria that was applied to the assessment states that no further assessment is needed where the long-term PC is less than 1% of the long-term environmental standard or where it is exceeded the PEC is less than 70%. However, the conclusions apply a PC threshold of an exceedance of/equal to 1%, and therefore conclude no LSE of the Proposed Developments (alone) on any designated sites. For NOx concentrations at the Medway Estuary and Marshes SPA and Ramsar site, the K3 and WKN PC equate to 1% of the CL and the PEC equates to 83% of the CL (Table 5.4.1 [APP-028]), suggesting further assessment is needed according to the stated methodology. Please clarify the basis for these conclusions and whether further assessment will be undertaken.	Appendix 5.4 has been revised and the methodology used to determine significance explained in more detail.
Q1.3.14.	The Applicant	Appendix 5.4 [APP-028] in relation to nutrient nitrogen deposition concludes that the PC exceeds 1% of the CL for several interest features (of a number of the designated sites), but that as the PECs are below the relevant CL thresholds the effects can be screened out as insignificant (except for the Eurasian reed warbler and Reed bunting). The PEC exceeds 70% of the relevant CL for several other features where the PC of the relevant CL is 1% or above. However it is not explained why a different PEC threshold to that specified in the methodology has been applied. Please explain the basis for this approach.	Appendix 5.4 has been revised and the methodology used to determine significance explained in more detail.

Q1.3.15.	The Applicant	The majority of the dimensions of the WKN buildings shown in Table 5.6 [APP-057] differ from the maximum dimensions specified in Table 1 of Requirement 14 of the dDCO; most of the dimensions in the dDCO are greater. Please explain this discrepancy and any implications it could have for the assessment.	Thank you pointing this out. The assessment has been revised to present modelling using the new dimensions, as recorded in the revised ES Chapter 5 and appendices submitted at Deadline 2.
Q1.3.16.	The Applicant	It is stated in paragraph 5.3.38 [APP-057] that the location of all buildings and the stack could vary by 5m, and suggested that such variations would cause a change in the location of the maximum impact of the plume in the short term, rather than a significant change in the magnitude of the maximum ground level concentrations. Please explain why it is assumed the changes would occur in the short rather than the long term.	Note that the chapter only stated that changes in the building location, not the stack location, would affect the impact in the short-term. As explained in the chapter, buildings create areas of low pressure on the leeward sides of buildings into which emissions from the stack are drawn. This is known as downwash. If the location of the buildings alters, this will alter the downwash. This creates greater uncertainty in the short-term predicted concentrations as the meteorological inputs vary hourly. Long-term effects are averages of predictions over a long period (eg. The average of all the hours in a year.) Variations in hourly predictions over the period of a year are therefore 'smoothed out' by the averaging process. Conversely, short-term effects are related to 'peaks' and are therefore more sensitive to changes.
Q1.3.17.	The Applicant	Cumulative effects during the operational phases of K3 and WKN are considered in relation to stack emissions and traffic-related emissions. A description is provided of the other developments that were considered in the cumulative assessments for each of the two emission sources. However the study area is not defined. Please explain the study area and the basis for the inclusion of the other developments in the assessment.	For Air Quality, Chapter 3, para 3.8.4 sets out the study area for the assessment. In the absence of any specific guidance, the cumulative assessment has used the Environment Agency distance of 10 km applicable to impacts on conservation sites. This is the maximum distance for a development of this scale.

Q1.3.18.	The Applicant	Paragraphs 5.13.9, 5.13.10 and 5.13.11 [APP-057] refer to Tables 5.37, 5.39 and 5.40 about cumulative PECs. However, that data does not appear to be relevant to the cumulative assessment. Please confirm if this is a textual error and if so identify the correct location of the information. 26 developments are identified in the list of developments considered in the cumulative assessment and PC data is provided in Tables 5.48 and 5.49, but only for four developments, one of which is not included in the list (K4). Please explain why these developments were singled out and why K4 was omitted from the list. The PC data is not provided for several listed pollutants in respect of three of the developments included in Tables 5.48 and 5.49. Please address these points and provide the missing data, as appropriate.	Yes, thank you for pointing this out. This is a text error and has been corrected in the revised chapter. Paragraph 5.13.7 to 5.13.32 takes each other development in turn and identifies the key potential emissions to air and explains the reasons for its inclusion or exclusion in the cumulative assessment. K4 has been added to the list. The three developments do not emit the same range of pollutants that would be emitted by a waste facility. The key pollutants emitted by gas-fuelled plant are NOx and CO.
Q1.3.19.	The Applicant	In relation to the cumulative traffic-related emissions assessment in [APP-057], most identified developments differ from those identified for inclusion in the cumulative assessment in ES Chapter 4 ES, Traffic and Transport [APP-056] (which appear to be mainly plan allocations). The location and/or distance from the application site of a number of other developments is lacking. The information for application 18/502190/EIHYB relates to three applications but this is not explained and reference numbers are not provided for two of the applications. Please explain why the developments considered in the cumulative air quality and traffic assessments differ and	The list of cumulative and committed developments included in the traffic data has been updated and/or clarified and an amended Chapter 5 Air Quality submitted at Deadline 2. Modelling of WKN traffic with the permitted K3 is shown in Tables 5.43, 5.44 and 5.46.

		provide the omitted details. Paragraph 5.13.46 [APP-057] states that traffic modelling provided earlier in that chapter presents the predicted impacts of WKN operating together with K3 as consented. Please identify the location of this data.	
Q1.3.20.	The Applicant	[APP-028] ES Appendix 5.4, Air Quality - Assessment of Impacts on Ecological Receptors, Tables 5.4.9 and 5.4.10 present the features grouped together for sites that are in the same geographical area rather than separated out for each individual site so it is unclear which are the relevant features for each site. In addition, the full names of the interest features are obscured and as a result many of them cannot be differentiated. Please provide an updated version of these tables that clearly presents the predictions for each site.	ES Appendix 5.4 has been revised and Elmley NNR and Milton Creek LWS have been separated out from the Swale. The column with the interest features has been expanded so they are not obscured.
Q1.3.21.	The Applicant	ES Appendix 5.4 [APP-028] states there would be no significant effects from NOx, SO2 or NH3 pollution, or acid deposition. As to the significance criteria applied to the assessment it states that no further assessment is needed where the long-term PC exceeds 1% of the long-term environmental standard but the PEC is less than 70%. However, in respect of NOx concentrations at the Swale SPA, Ramsar site and SSSI and the Medway Estuary and Marshes SPA and Ramsar site, it is predicted that the cumulative PC would be 30% and 2% of the relevant CL and the cumulative PECs would be 71% and 84% of the relevant CLs, respectively, which would suggest further assessment is needed according to the stated methodology. It appears that a 100% PEC CL exceedance may have been applied. For nutrient nitrogen deposition, Table 5.4.11, Appendix 5.4 [APP-028] highlights the interest features identified in Table 5.4.9 for which it is	ES Appendix 5.4 has been revised and the methodology used to determine significance explained in more detail.

		considered that the cumulative PC exceeds 1% of the relevant CL and the cumulative PEC exceeds the relevant CL. It states that these effects could be significant and further assessment is provided in ES Chapter 11, Ecology. However, only features for which the cumulative PC exceeded the relevant CL and the cumulative PEC exceeded 100% of the relevant CL are included, although there are a number of features identified in Table 5.4.9 for which the cumulative PC exceeded 1% and the cumulative PEC exceeded 70% of the relevant CLs. This suggests further assessment is needed according to the stated methodology. Please explain the approach that was taken in respect of these assessments and what further assessment is considered necessary and if none, why not?	
Q1.3.22.	The Applicant	[APP-028] ES Appendix 5.4, Table 5.4.13 presents the predicted emissions from traffic generated by K3 and WKN in relation to NOx together with those from the two stacks and the four developments considered in the cumulative assessment. It is concluded there would be no significant effects on The Swale SPA, SSSI and Ramsar site and Medway Estuary and Marshes SPA and Ramsar site as although the predicted PC exceeds 1% of the relevant CL at those locations the predicted cumulative PECs do not exceed the relevant CL thresholds. However, both PECs exceed 70% of the relevant CL, so the methodology that was applied is unclear. Please explain the approach that was taken in respect of this assessment and what further assessment is considered necessary and if none, why not?	ES Appendix 5.4 has been revised and the methodology used to determine significance explained in more detail.

Q1.3.23.	The Applicant	Paragraph 5.11.2 [APP-057] includes a commitment to develop and implement a Dust Management Plan. The dCEMP (ES Appendix 2.1 [APP-012]) secured by Requirement 22 dDCO, includes commitments to avoid site runoff of water or mud, and to avoid bonfires and burning of waste materials, however no further information is provided on how these would be achieved. Please provide full details of this.	The CEMP will be a key document in the tender process for an EPC contractor and will form part of the contract upon which any EPC contractor is appointed. The appointed Site Environmental/Compliance Manager will be responsible for ensuring no bonfires or burning of waste takes place. Matters relating to site runoff are addressed in section 5.6. A commitment to wheel washing facilities to address mud is also made within the dCEMP.
Q1.3.24.	The Applicant	Please provide full details of whether the approach to and results of the assessment in ES Chapter 5 [APP-057] were agreed with the relevant consultation bodies and any other key stakeholders.	The approach to the assessment in Chapter 5 was the subject of two S42 consultation exercises whereby all relevant consultees were provided the opportunity to review and/or comment on the approach taken. The Applicant has an SOCG with the NE agreed in principle and submitted at Deadline 2.
Q1.4.	**Archaeology and Cultural Heritage**		
Q1.4.1.	KCC and the Applicant	Does Requirement 20 of the dDCO adequately secure archaeological mitigation through a programme of archaeological work? Please comment on whether the definition of "permitted preliminary works" (apart from the archaeologically related works described therein) which can be undertaken in advance of commencement of the authorised development, is compatible with the approval of the WSI which under Requirement 20 may be later in time?	It is anticipated that largescale ground disturbance associated with permitted preliminary works will be contained substantially within modern made ground that is of no archaeological interest. The permitted preliminary works therefore have minimal potential to affect hitherto unrecorded archaeology. Nevertheless, an overarching WSI will be prepared and agreed with KCC ahead of any permitted preliminary works taking place. This will allow the archaeological fieldwork to be integrated as far as possible with other preliminary works and for the potential effects of such work to be offset as far as reasonably practicable. This is in keeping with the mitigation proposed in Chapter 13 of the ES.

Q1.5.	Ecology		
Q1.5.1.	The Applicant	Paras 11.3.15 and 11.3.19 of ES Chapter 11, Ecology [APP-063] state that reptile and water vole surveys, were undertaken in 2018, however paras 11.4.46 – 11.4.48 indicate that breeding bird and reptile surveys were carried out in 2018 but do not refer to water vole. The ES does not include 2018 survey reports for reptiles or water vole. Please explain the apparent discrepancy and identify the location within the application documents of the respective survey reports.	Survey data has been added to methods section of Chapter and submitted at Deadline 2.
Q1.5.2.	The Applicant	ES paragraph 11.3.9 [APP-063] notes that the intertidal area of the Swale where the second surface water outfall would be located was surveyed in 2017 and cross-refers to ES Appendix 11.7 [APP-049] as does para 11.4.43, which states that full details of the intertidal habitats can be found therein. However, Appendix 11.7 is the Marine Licence granted by the MMO in 2017 for a surface water outfall, varied in May 2019 to allow for construction and operation of a second outfall. Please identify the correct location of the information.	An amended Appendix 11.7 with full Marine Licence Application documents included in submission. This contains the full assessment of effects on Marine interest features.

Q1.5.3.	The Applicant	ES [APP-063] Figure 11.1 depicts the designated sites considered in the assessment. However: - Medway Estuary and Marshes MCZ is shown but not referenced in the chapter; (designated in December 2013, and partly extended in May 2019 for spelt only); - The Outer Thames Estuary SPA is incorrectly titled on the figure 'Outer Thames and Marshes SPA', its location is incorrectly identified as also the location of a Ramsar site, and it is identified in the chapter as 8km to the north east of the application site boundary but shown on the figure as outside the 10km study area - Queendown Warren SSSI is shown but not referenced in the chapter; - Sheppey Cliffs and Foreshore SSSI is shown as being within 10km of the application site boundary but is not referenced in the chapter - "South Thames Estuary and Marshes SSSI, SPA and Ramsar site" are shown but the SSSI designation appears to be the only applicable designation and is not referenced within the chapter - Thames Estuary and Marshes SPA and Ramsar site are not shown on the figure. Please explain each of these discrepancies; justify why the sites shown on Figure 11.1 but not referenced in the chapter were not considered in the assessment; and provide a corrected Figure 11.1.	Revised Figure 11.1 provided. Assessment of effects on Nationally-designated sites was considered to 2 km and internationally-designated sites to 10 km. Assessment of effects on Medway Estuary & Marshes MCZ (and other marine designations) are considered within the approved application for a Marine Licence and provided in a revised Appendix 11.7.
Q1.5.4.	The Applicant	In relation to modelling of HGV noise during construction, see Figures 11.5 and 11.5a (paras 11.6.10 and 11.7.21 ES Chapter 11 [APP-063]). The only figure numbered 11.5a is a 'Habitat Loss/Gain' plan that is titled 'Figure 11.6', consistent with the list of figures contained in 2019 ES Chapter 1. To correct this and other errors within other chapters of the ES, as highlighted within these Questions, please provide a signposting document that clearly identifies the correct references and document locations, etc.	Noted; the Figure reference is incorrect as this should be Figure 11.5. This has been amended in revised chapter. A number of individual ES Chapters have been resubmitted at Deadline 2 and include corrections of references where applicable.

Q1.5.5.	The Applicant	It is stated in paragraph 11.9.5 [APP-063] that the marine licence application included an ecological appraisal of the potential effects on the marine component of the Swale SPA, Ramsar site and Marine Conservation Zone, and a WFD assessment and reference is also made to ES Appendix 11.7 [APP-049] which is only a copy of the licence and does not include a copy of the application. Please identify the correct location of the marine licence application document(s) or supply copies of the same.	See amended Appendix 11.7 submitted at Deadline 2 which provides all supporting appraisals identified.
Q1.5.6.	The Applicant	NE, in their RR [RR-006] comment on the construction of the second outfall to the Swale. Please indicate if the scour protection around the existing outfall would need to be extended due to the additional flows from the proposed second outfall, and if not why not? If so, describe what the implications are for the assessment of impacts on the Swale Estuary MCZ, the marine licence and any other agreements that need to be reached with the MMO. If there are none please justify this conclusion.	The effects of the expanded outfall were considered in the application to vary the existing Marine Licence and considered acceptable by the MMO in granting the variation. A revised Appendix 11.7 is provided including the full licence variation documentation.
Q1.5.7.	The Applicant	For the Eurasian reed warbler and reed bunting features of Swale SPA the PC for nutrient nitrogen deposition was greater than 1% of the minimum CL and the relevant minimum CL was already exceeded. The minimum relevant CL listed on the APIS website for such habitat incorporates other wetland habitats more susceptible to change than reedbeds (of which this habitat is comprised), which are considered to have low susceptibility, therefore the upper end of the CL range is more appropriate for this habitat. On this basis the PC is less than 1% of the CL and so concluded not to be significant. Please state whether this approach was agreed with any key consultees, such as NE and if not why not?	Natural England have accepted this approach as set out in the draft SoCG.

Q1.5.8.	NE	Please see above question, and indicate if you consider this approach to be appropriate and if not, why not?	The Applicant notes this question was directed to NE and given the response provided for Q1.5.7 does not need to respond.
Q1.5.9.	The Applicant	For potential effects of changes to the drainage network during construction of WKN, it is stated (paragraph 11.9.8 [APP-063]) that works on site would follow 'best practice guidelines' for the management of surface water, a 'strict waste management system' would be incorporated to prevent rubbish entering reedbed areas used by breeding marsh harrier, and mechanisms would be implemented to avoid any pollution incidents 'in accordance with legislative requirements and Environment Agency guidance'. Para 5.7.2 of the dCEMP [APP-012] states only that best practice guidelines would be followed, listing items that would be located more than 20m from the application site boundary. Provide details of these measures, including what they would comprise, whether monitoring would be required, and what the remedial measures would be in the event of failure; and identify where they are secured.	The details in the dCEMP [APP-012] are examples of what would be included in the final CEMP rather than a comprehensive list of all means necessary (including that detailed in the HRAR). The dCEMP includes a requirement for a Waste Management Strategy to from part of the final CEMP and would therefore also need to be produced as part of the final CEMP. The requirement for all recommendations within the HRAR to be included in the final CEMP is secured by Requirement 11 of the dDCO.
Q1.5.10.	The Applicant	It is explained that other developments identified in the cumulative developments list in ES Chapter 3, Methodology [APP-055] were not included in the ecology assessment because there were no overlapping pathways by which cumulative effects on ecological receptors could occur, or they were too distant from the application site. Please confirm whether this approach was agreed with any relevant consultees, such as Swale Borough Council, and if not why not?	All consultees have accepted this approach, as indicated by the lack of any queries in RRs/WRs and the SoCG with NE.

Q1.5.11.	The Applicant	For potential effects arising from nutrient nitrogen deposition on Eurasian reed warbler and reed bunting features of the Swale SPA, and hen harrier, merlin, common tern and little tern features of the Medway Estuary & Marshes SPA, the modelling (ES Appendix 5.4 [APP-028]) indicates the cumulative PEC would exceed the CL. However, it is asserted that due to the nature of the particular habitats of these designated sites, application of the upper end of the CL range would be more appropriate, in which case the PEC would not exceed the CL and no significant effects are predicted. Please provide revised figures based on the upper end of the CL range which have not been provided in the chapter.	The revised Appendix 5.4 submitted at Deadline 2 includes the correction to the CL range.
Q1.5.12.	The Applicant	Para 11.9.113 [APP-063] states that ES Appendix 11.4 [APP-046] contains an updated Management Plan for the WKN site, however that document is the EMMP prepared in 2013 for K3 as consented. Furthermore there are several references in [APP-063] to mitigation measures in respect of WKN contained within the 'updated EMMP'. Please identify the correct location within the application documents of the updated EMMP, or provide it if it has been omitted.	Para 11.9.113 should state that an updated management plan for WKN will be produced, as required by Requirement 21 of the dDCO, and similar to that produced for K3 (Appendix 11.4, as submitted).
Q1.5.13.	The Applicant	For mitigation during construction of potential impact piling effects on birds using the intertidal area and on marsh harrier, the restrictions in para 11.9.21 of the ES (as Section 5.7 of the CEMP) differ from Requirement 29(1) dDCO which would prohibit impact piling in January, February, April and August. The ES proposes no piling between January and February inclusive and April to August inclusive. Requirement 29(1) appears inconsistent with Requirement 29(3) which does not restrict piling between March and October inclusive. Please explain the discrepancies and why impact piling	The dDCO has been amended to address this inconsistency. Requirement 29 of the Deadline 2 dDCO now prohibits impact piling during January, February and between April and August inclusive.

		would be acceptable in March but not in February/April.	
Q1.5.14.	The Applicant	Limited information is provided about specific mitigation measures proposed to be implemented in several areas. Please detail the proposed measures and where they are secured and clarify the title(s) of the relevant document(s) in respect of the following: ▪ In respect of light spill mitigation cross-reference is made to the Lighting Strategy, ('Proposed External Lighting Layout' in ES Appendix 11.8: 'WKN External Lighting'), otherwise referred to as a 'draft lighting design' and said to be secured in the dDCO; and to mitigation secured in the CEMP. Neither the CEMP nor Requirement 22 dDCO explicitly reference that document, and the CEMP simply states (section 5.7.7) that "lighting strategies" for construction and operation will be developed to follow good practice to minimise lighting impacts such that lighting levels at the site boundary will be no more than 1 lux; ▪ In respect of the potential for habitat loss during operation due to lack of management of the application site, para 11.9.130 states that a "detailed management regime" would be put in place as mitigation, and on that basis there would be a negligible effect; and In respect of WKN, para 11.9.156 states that post-development monitoring surveys to assess the success	The external lighting design (Appendix 11.8) is a draft lighting design that demonstrates it is possible to achieve the necessary levels of lighting during operation to ensure no effect on ecology. The CEMP includes for a specific maximum lighting level at the boundary which will ensure no effect on ecology. This is secured via compliance with Requirement 22. Requirement 23 requires that the final operational lighting design is in accordance with the principles set out in Chapter 11 (i.e. those in Appendix 11.8).

		of the proposed mitigation would be carried out for the first five years after completion of the Proposed Development and any issues, such as the loss or reduction in any of the populations of species of conservation concern, would be rectified through the implementation of "appropriate strategies to be drawn up as necessary".	
Q1.5.15.	The Applicant	Para 11.3.3 [APP-063] states that WKN was discussed with NE through their Discretionary Advice Service and NE provided the Applicant with written advice in October 2018 (contained within ES Appendix 11.6 [APP-048] - which, together with the formal scoping and consultation that was undertaken, informed the scope of this assessment. There appears no other evidence in the chapter of any agreement with key consultees, such as NE. Please state if the approach and findings of the assessment were agreed with any key consultees, such as NE and if not, why not.	The K3 development at Kemsley has been subject to numerous rounds of consultation with key consultees over the last eleven years since its inception both for the original K3 application and the subsequent IBA Recycling Facility permission (16/507687/COUNTY). As such, the issues to be addressed with respect to ecology are well known to all involved. On this basis, further consultation, beyond that undertaken, was not considered necessary.
Q1.6.	**Greenhouse Gases and Climate Change**		
	None currently. See also Q1.3.1 to Q1.3.24 above on Air Quality		
Q1.7.	**Ground Conditions**		
	None currently.		
Q1.8.	**Habitats Regulations Assessment (HRA)**		
Q1.8.1.	The Applicant	The information contained in Section 3 of the HRAR [APP-044] on the methodology applied to the assessment is limited. It does not identify the study area/zone of influence (ZOI) for the assessment of the K3 or WKN Proposed Developments nor does it explain how the European sites considered in the HRA were selected.	The study area was determined based on the potential impact pathways as a result of the proposed development. The scope of the sites to be included was agreed with Natural England (as set out in the SoCG).

		Please describe the study area used to inform the HRA assessment and explain how it was derived.	
Q1.8.2.	The Applicant	Cross-reference is made from the HRAR to information contained in 2016 survey reports. The location of these reports within the application documents is not identified. Please confirm if they are the 2016 ornithological survey reports contained in Appendix 1 of ES Appendix 11.1.	Yes, the 2016 survey data is in ES Appendix 11.1.
Q1.8.3.	The Applicant	Some population figures appear to be missing from HRAR [APP-044] Table 4.4 in respect of the Swale SPA. Please explain the reasons for the omissions and provide an updated table as appropriate.	The gaps in respect of population figures for The Swale SPA (and Ramsar) in Table 4.4 are against those species which are not interest features for that site. For example, Grey Plover is not an interest feature of The Swale SPA.
Q1.8.4.	The Applicant	Para 4.8 HRAR [APP-044] refers to the Citation for The Swale and advice from NE, described as contained in their s42 consultation response provided in 2017 for the K3 application, about the species comprising the over-wintering assemblage. It is assumed that the reference to NE's advice about K3 should refer to K4. It is unclear whether the list of over-wintering species provided relates to The Swale SPA, the Ramsar site or both. It is also unclear whether the list provided in para 4.9 of species comprising the breeding assemblage applies to either or both of the European sites. Please clarify these points.	The reference to NE's S42 response was in relation to consultation by the Applicant in 2017 regarding an application for Development Consent which would solely have sought consent for a power upgrade to K3. The paragraph has been rephrased to be clearer in the amended HRAR submitted at D2.

Q1.8.5.	The Applicant	Para 4.16 HRAR [APP-044] provides a list of species described as comprising the 'waterfowl within the over-wintering assemblage' of the ME&M SPA (including the spotted redshank, which does not appear to be correct); para 4.17 provides a list of species described as comprising the 'diverse assemblage of wintering species', and contains a number of additional species in addition to duplicating some but not all of those in the first list. The relevance and accuracy of the information provided is therefore unclear. Please clarify the position.	ME&M SPA Citation is provided at D2 showing spotted redshank included on the list of species that occur in nationally- or internationally-important numbers overwinter (last entry, pg2 of citation). The first list (para 4.16) is overwintering waterfowl that that occur in such numbers. The second (para 4.17) are other species that overwinter on site.
Q1.8.6.	The Applicant	The ZOIs for the five scenarios considered in the in-combination assessment are not defined; reference is made to the inclusion of other developments 'near the site', which is not explained. It is not stated whether the approach to undertaking the assessment or the developments to be included were agreed with any relevant consultee, such as NE. Please define the ZOIs and explain the basis on which they were determined.	The ZOI was defined as including any development that could have an overlapping pathway of effect. This could include, for example, overlapping construction periods. The approach to cumulative assessment is accepted by Natural England as detailed in the draft SoCG.
Q1.8.7.	The Applicant	Please identify the current planning status of the 13 developments considered in the in-combination assessment.	The planning status of these 13 developments plus all other cumulative developments in the ES is provided in the revised Chapter 3 of the ES submitted at Deadline 2.
Q1.8.8.	The Applicant	Para 7.28 of the HRAR states that NE requested more information on planning application (18/500393/FULL) in relation to air quality impacts on the SPAs and Ramsar sites. It is stated that there were potential cumulative air quality impacts which were considered in the emissions to air assessment contained in the HRAR, however it is unclear whether the assessment took into account any additional information provided by the developer on air quality impacts in response to NE's request. Please clarify the basis on which the assessment was made in respect of 18/500393/FULL and explain any	Potential cumulative air quality impacts with application 18/500393/FULL are described in Appendix 5.4 using information that had subsequently been submitted with that application. The revised HRAR has been amended to clarify.

		additional information provided by the developer, as appropriate.	
Q1.8.9.	The Applicant	The preamble to HRAR suggests a conclusion of no LSE in combination with the K3 PD and WKN no conclusion has been provided in respect of planning application reference SW/14/0224 and DCO application EN010090 (K4). Please confirm the conclusions that were reached. Please also confirm whether the in-combination assessment addressed a worst-case scenario and if not, why not.	Para 7.32 of the revised HRAR sets out a conclusion of no LSE with application SW/14/0224 while para 7.37 of the revised HRAR has been amended to make the conclusion with respect to EN010090 (K4) clearer. The in-combination assessment considered the worst-case scenario, assuming that all emissions to air had a peak concentration in the same geographic location. Clearly, given their geographic spread, this would not occur but does allow for a robust screening of effects.
Q1.8.10.	The Applicant	It is concluded that there would be no LSE in combination with any of the developments included in the assessment in respect of all five scenarios considered. The conclusion appears to relate to the screening stage but reference is made to effects identified in Section 6 of HRAR, ie in respect of appropriate assessment. The assessment appears to have combined the assessment of effects alone and the in-combination effects assessment into one process. Please clarify the basis of the in-combination assessment and provide evidence of NE's agreement to the approach.	It is assumed this is a reference to the approach to modelling of air quality - the combination of all PCs to create a single in-combination PC (as set out in Appendix 5.4) allows for a robust assessment since if there is no cumulative effect, there cannot be an effect alone. Natural England have accepted this approach, as set out in the SoCG.

Q1.8.11.	The Applicant	The location of the European sites considered in the HRA relative to the application site is shown on Figure 11.1 in ES Chapter 2 [APP-054]. It delineates an area within a 10km radius from the site; some of the identified European sites are shown as beyond this radius. There are several apparent errors/discrepancies in the Figure: - the locations of the Thames Estuary and Marshes SPA and Ramsar site are not identified; - the location of the Outer Thames Estuary SPA is also identified as that of an Outer Thames Estuary Ramsar site but there is no such designated site, and the title incorrectly includes 'and Marshes'; and - the location of a South Thames Estuary and Marshes SSSI, SPA and Ramsar site are identified although there is no such SPA or Ramsar site designation. Please provide an updated Figure that corrects these discrepancies.	An amended Figure 11.1 is provided at Deadline 2.
Q1.8.12.	MMO	It is unclear from the wording whether the varied Marine Licence issued by the MMO for K3 and WKN authorises both construction and operation. It includes a reference to operation and to the discharge of water from the outfall, which would be operational activity. However the additional submission by the MMO [AS-013] refers only to construction of the outfalls. Please confirm the activities that are covered by the licence. Please also state whether you consider that implementation of the conditions set out in the varied Licence are addressed in the requirements included in the dDCO or if not how they should be so included.	The Applicant notes this question is directed at the MMO and does not consider it necessary to provide a response.

Q1.8.13.	The Applicant	In relation to mitigation for WKN construction and demolition dust it is stated that measures will be included in the Construction Environment Management Plan (CEMP), and examples are listed in para 6.6 of HRAR which are expected to be included in the CEMP. The application CEMP (Section 5.3) [APP-012] sets out measures to be implemented that are recommended in IAQM's dust guidance, however these only include one of those listed in the HRAR, and do not include, eg damping down and the sheeting of vehicles. Para 5.3.1 of the CEMP refers to the development of a Dust Management Plan; no such draft plan is included in the application documents. Please explain fully how and where the mitigation is secured on which the conclusion of no adverse effect on integrity relies.	The details in the CEMP [APP-012] are examples of what would be included rather than a comprehensive list with all other means of dust suppression necessary (including that detailed in the HRAR) to be included in the final version. The dust management strategy is part of the CEMP and would therefore have to be produced as per Requirement 11.
Q1.8.14.	The Applicant	It is concluded that in the absence of mitigation there could be an adverse effect from noise and/or visual disturbance on the integrity of the following features of The Swale SPA and Ramsar site: Redshank; Shelduck; Teal; Lapwing; Wigeon; Avocet; Curlew; and Marsh Harrier. Proposed mitigation measures are set out in paras 6.150 – 6.151 which include the erection of a screen along the periphery of the WKN site and limits on impact piling. It is not stated where or how these are secured. Please provide this information.	The requirement for all recommendations within the HRAR to be included in the final CEMP is secured by Requirement 11 of the dDCO. Revised HRAR amended to make this explicit.

Q1.8.15.	The Applicant	Paras 6.143 and 6.144 identify activities that involve vehicle movements, people movements and construction activities such as excavation, concrete pouring and assembly, that would not take place within specified distances of nest sites in the event that Marsh Harrier is found breeding in the reedbed to the north of the WKN site during construction. However the basis on which the distances were determined and mechanisms for checking for the presence of marsh harrier and halting work if any are found, are not explained, nor is it stated how such measures are secured in the dDCO. Please provide this information.	The distances were determined based on research that informed the original K3 application. A suitable reference has been added to the revised HRAR. However, as stated in para 6.145, these distances are only relevant outside of the hoarding that will screen the development site. If such activities were needed, then a mechanism to ensure their requirement were first assessed and then implemented is provided in the revised HRAR, to be captured in the final CEMP and therefore secured by Requirement 11 of the dDCO.
Q1.8.16.	The Applicant	Construction of the new outfall for WKN would only take place between 1 April and 31 September (secured via the Marine Licence) but marsh harrier breed during April to August inclusive, which appears to present a conflict if any were discovered breeding in the reedbed. Please consider the implications of this scenario and explain how it would be resolved if it arose.	The works to the outfall would take place behind the palisade fence erected around the works areas and would therefore not be visible to marsh harrier breeding in the reedbed. As such, if the installation of the second outfall were necessary during the period when marsh harrier were breeding, the presence of the fence will ensure no visual disturbance occurred.
Q1.8.17.	The Applicant	Table 6.1 of the HRAR identifies that the following sites were taken forward for appropriate assessment in respect of the K3 Proposed Development and para 6.1 states that integrity matrices for these sites are in Appendix 2, but they have not been provided therein: - Medway Estuary and Marshes SPA and Ramsar site (urbanisation, operational air quality, hydrological changes and disturbance); - Thames Estuary and Marshes SPA and Ramsar site (operational air quality); and - Queendown Warren SAC (operational air quality). Please provide these matrices.	The 2010 HRAR was undertaken prior to various case law that would influence the decision with respect to issues to be screened in for appropriate assessment (notably People Over Wind). Further, some of the issues screened in as requiring appropriate assessment are no longer considered as significant (changes in freshwater flows/hydrology, for example) due to updated research. However, the assessment of effects with respect to the 2010 HRAR was considered robust by all consultees at the time, accounting fully for all potential effects. As outlined in the preamble to Appendix 1/2 of the HRAR, the matrices provided address the practical effect of the K3 Proposed Development, along with those of the WKN Proposed Development. The HRAR submitted at D2 has been updated to make this explicit.
Q1.8.18.	The Applicant	The 2010 HRAR for K3 as consented did not contain integrity matrices for the above sites. Please provide	As with Q 1.8.17, the 2010 HRAR was undertaken prior to various case law that would influence the decision with respect to issues to be screened in for appropriate assessment (notably People Over Wind).

		Word versions of all the matrices contained in the HRAR and any updated/corrected matrices.	Further, some of the issues screened in as requiring appropriate assessment are no longer considered as significant (changes in freshwater flows/hydrology, for example) due to updated research. However, the assessment of effects with respect to the 2010 HRAR was considered robust by all consultees at the time, accounting fully for all potential effects. As outlined in the preamble to Appendix 1/2 of the HRAR, the matrices provided address the practical effect of the K3 Proposed Development, along with those of the WKN Proposed Development. The HRAR submitted at D2 has been updated to make this explicit.
Q1.8.19.	The Applicant	There are discrepancies in the screening matrices: - The ME&M SPA features identified in Matrix 3 include 'Regularly supports in winter a diverse assemblage of wintering species', however this is not included in the list of qualifying features identified on NE's website. - The Ramsar Information Sheet (RIS) for the ME&M Ramsar site identifies the relevant Criteria as 2a, 3a (internationally important waterfowl assemblage – greater than 20,000 birds) and 3c. Matrix 4 does not include Criterion 3a and includes Criterion 5, described as an overwinter assemblage of international importance. Also the bird species identified in the Matrix, although consistent with those shown under 3c in the RIS, are identified as Criterion 6 features. - The qualifying features identified on NE's website for the TE&M SPA include a non-breeding waterbird assemblage. Matrix 5 does not include that feature but identifies the following: an 'Assemblage regularly supporting over 20,000 waterfowl'. - The RIS for the TE&M Ramsar site identifies the relevant Criteria as 2, 5 (Assemblage of international importance) and 6. Criterion 5 in Matrix 6 is identified as an 'Overwinter Assemblage of international importance' and does not include the Black-tailed godwit	ME&M SPA Citation is provided at D2 showing Regularly supports in winter a diverse assemblage of wintering species, para 3 on pg 2 of the citation. ME&M RIS provided at D2 showing criteria for selection are 2, 5 & 6. TE&M SPA Citation provided at D2 showing Article 4.2, Internationally Important Assemblage of Birds, in this case 75,019 waterfowl. The matrices/Section 4 of the HRAR have been checked and updated. A revised HRAR has been submitted at Deadline 2.

		(spring/autumn peak count species). A number of species are identified in the Matrix under Criterion 6 which are not identified in the RIS, ie ringed plover; dark-bellied brent goose; shelduck; grey plover; and redshank. Some of the information provided in Section 4 of the HRAR on the qualifying interest features of the European sites is not consistent with that in the matrices and/or with the published conservation objectives or information contained in the relevant RISs. Please explain the apparent discrepancies and provide corrected matrices as necessary.	
Q1.8.20.	The Applicant	It is stated that NE provided copies of the relevant citations to the Applicant (para 3.2). Please confirm whether it was agreed with NE that the features that were considered in the HRA were the correct qualifying features for each European site and if not, why not.	Natural England have confirmed the features assessed are correct, as set out in the draft SoCG.
Q1.8.21.	The Applicant	The evidence notes to the screening and integrity matrices contain a cross-reference to information in the HRAR but the specified paragraph numbers are incorrect so do not identify the location of the relevant supporting evidence. Please correct these references in the updated versions of the matrices.	This is updated in the revised matrices
Q1.8.22.	NE	Please confirm whether you agree that the correct sites and features were considered in the HRA and state whether you agree with the conclusions set out in the HRAR and if not, why not.	The Applicant notes this question is directed at NE and does not consider it necessary to provide a response.

Q1.9.	Landscape and Visual Impact		
Q1.9.1.	The Applicant	Paragraph 12.3.23 explains that a final design freeze has not yet been made. Please explain: - how have and what design specifications have been used to inform the assessment of likely significant effects; - what assumptions have been applied in undertaking the assessment of visual impacts with particular regard to building materials and aesthetics; and - in relation to the design, and with reference to relevant measures, how these assumptions will be secured in the DCO.	The detailed design for the consented K3 scheme has formed the future baseline for the assessment of landscape, townscape and visual effects Of the WKN Proposed Development and has been included as a fully rendered image in the photomontages at Figures 12.5 to 12.16. In terms of WKN, para. 12.3.23 states that 'Maximum design parameters have been adopted for buildings and infrastructure to ensure a worst-case scenario has been assessed'. This reflects the Rochdale envelope principle defined in Chapter 2 para. 2.9.2. Chapter 2 also defines the buildings and infrastructure that will form WKN. No detail of architectural treatments or surface finishes are included in the DCO. The maximum design parameters for WKN have been modelled in the photomontages as simple grey forms.
Q1.9.2.	The Applicant	Information regarding construction activities, lighting and plumes is limited and it is not clear how potential effects resulting from these impacts have been considered. Please explain how these impacts have been assessed. Paragraph 12.3.9 ES [APP-064] states that consideration was given to seasonal variations in the visibility of WKN, including variations in weather conditions and deciduous vegetation, but no visual representation of these is provided in the ES. Please clarify whether any visual representations of these were prepared and if so provide them.	Construction effects are described in Section 12.6 Predicted Effects of Chapter 12. Construction effects on landscape, townscape and visual resources are described in paras. 12.6.2 to 12.6.30. These include day and night time effects. The effects of proposed lighting either during construction or operation have been included throughout Section 12.6 and Section 12.10 for combined effects with cumulative schemes. Photographs have been taken in winter to ensure a worst case scenario is assessed when any deciduous vegetation is not in leaf and does not form a screen. No other visual representations have been prepared as effects are likely to be the same level or less from spring to autumn, when vegetation is generally in leaf. The visible nature of any plume is very variable due to a number of factors including, time of year, cloud cover, temperature, wind speed and direction, and the degree of saturation of the surrounding air. This makes it difficult to be specific about the visual effect of the plume due to the number of variables. Plumes are generally more likely to be produced in the winter period when temperatures are lower and the atmosphere more likely to be saturated by water vapour. Plumes in the summer period - when outdoor recreational activity is perhaps greatest - tend to be far more infrequent. Similarly, plumes are more likely to occur at night and have a low frequency of occurrence during hours of daylight. As such, the likelihood that visual receptors would witness the visible plume is significantly reduced. Whilst Chapter 12 includes no

			assessment of potential visible plumes it can be concluded that due to the industrial context, which includes visible plumes, it is unlikely that any change as a result of the proposed development would result in significant effects on landscape or townscape character or visual amenity.
Q1.9.3.	The Applicant	Section 12.8 of ES [APP-064] explains that no significant landscape and visual residual effects have been identified. This appears to be at odds with Table 14.7 in ES Chapter 14, [APP-066], where significant residual cumulative effects are identified. Please clarify the position.	Section 12.8 of the Chapter identifies that no significant residual effects on landscape, townscape or visual receptors would occur as a result of the WKN development. Significant cumulative effects on landscape character and visual receptors are identified in section 12.9 of the ES. This is confirmed in Tables 14.6 and 14.7.
Q1.9.4.	The Applicant	Visible plumes are mentioned in the LVIA but it is not obvious how this has been assessed, and there is no reference to any potential for interaction with air quality, considered in ES Chapter 5. Considering the industrial nature of the surrounding developments, how have combined visual effects on receptors from plumes been considered within the assessment, and if they have not, please justify their omission from such assessment.	The potential for any plume from the proposed stack at WKN to be visible depends on many factors including air temperature, degree of water vapour in the atmosphere, wind speed and direction, weather conditions including cloud cover and time of year. Defining the likely visual effects of visible plumes is therefore difficult due to the number of variables. Visible plumes are more likely to occur during the winter when air temperatures are lower and the atmosphere is more saturated with water vapour. Visible plumes are significantly less frequent during the summer when people are more likely to be outside enjoying the landscape or engaged in activities. Visible plumes are most likely to occur during the hours of darkness due to the increased likelihood of the factors above. Therefore high sensitivity visual receptors, such as walkers using public rights of way, have a significantly reduced opportunity to experience views of visible plumes when they are most likely to be outside. Additionally, weather conditions that reduce overall visibility in the landscape, such as fog and mist, reduce the likelihood for views of the proposals, including any visible plume. Several existing stacks at Kemsley, within the immediate vicinity of WKN, at time produce visible plumes. During the infrequent periods when the proposed stack may potentially omit a visible plume, it would be visible in the context of existing plumes that are typical of this industrial location on the Kent coast. It is considered that significant adverse effects on visual receptors, as a result of an increase in visible plumes, is highly unlikely.

Q1.9.5.	The Applicant	Lighting could have an effect on ecology, which is not addressed within the LVIA but considered in ES Chapter 11 Ecology. Paragraphs 11.9.76 and 11.9.135 of ES Chapter 11 provide limited information on how the final operational lighting scheme is to be secured in the DCO. Please explain and clarify how the mitigation for effects of the lighting scenarios required throughout each of the different phases of the development would be secured in the DCO.	A description of the likely lighting proposals within the proposed development, including number, type and height, is included in para. 12.6.32 and has informed the assessment within ES Chapter 12. Measures would be adopted to ensure lighting is directional and light spill is controlled to minimise effects on landscape character, visual amenity and ecology. Chapter 2 para. 2.9.13 references BS EN12464-2:2014 Lighting of Work Places, Outdoor Works and adherence to ensure nuisance and disturbance are minimised. In terms of construction lighting, Requirement 22 provides for the approval of a Construction Environmental Management Plan and states that the CEMP should be in accordance with the draft CEMP submitted as Appendix 2.1 of the ES. The draft CEMP includes at Paragraph 3,3 the provision that construction lighting will be designed so as to avoid disturbance to wildlife, amongst other provisions
Q1.9.6.	The Applicant	Please confirm that the LVIA is based on the same parameters and dimensions that have been provided in ES Chapter 2 and that this is reflected in the dDCO or if not, why not?	There was a discrepancy between the maximum building height used in the ZTV (boiler hall) and that presented in Chapter 2. The stack height of 99m is correct and remains unchanged. Chapter 12 has been amended as required (submitted at Deadline 2) and the ZTV for the tallest building has been amended to ensure the maximum parameter heights have been used. Figures 12.1, and 12.4 have been revised to align with parameters and dimensions in Chapter 2 of the ES. Analysis of the figures indicate that there is a barely discernible difference in the new ZTV and the submitted ZTV. The illustrative photomontages have been checked and these have been produced using the maximum parameters in Chapter 2 and therefore are not required to change. This has resulted in no change to the assessment of effects throughout Chapter 12 of the ES. It should be noted that Chapter 13 Cultural Heritage has been checked and utilises the WKN Parameters as set out in Chapter 2.

Q1.9.7.	The Applicant	In respect of the list of cumulative developments, please clarify the following discrepancies and omissions: - paragraph 3.8.4 of the ES identifies 46 schemes to be considered for potential cumulative effects, however Table 12.7 [APP-064] only lists 24; - paragraph 12.9.3 [APP-064] explains that only 2 schemes have been assessed within a 3km to 10km radius of the DCO site boundary as they are tall structures which would have the greatest intervisibility, but does not identify building heights within Table 12.7; - the developments are described as being located at distances and in locations that would preclude any likely significant effects, but which schemes fall within the 3km ZoI or the 10km ZoI is not identified in Table 12.7; and - there is no description of the status of the developments that have been identified, or of their relationship to the Proposed Developments.	Para. 12.9.2 states the reasons for selecting cumulative schemes within 3km of the proposed development that are relevant to the assessment of effects on landscape, townscape and visual resources. Para. 12.9.3 states the reasons for selecting cumulative schemes that are located between 3km and 10km from the proposed development. Professional judgement has been used to identify the cumulative schemes that can be excluded from the assessment as they lie within dense urban areas, form small scale infill developments or are low level in nature and are highly unlikely to result in a cumulative effect with a large scale, energy infrastructure development. This approach is supported by para. 3.8.4. ES Chapter 3 contains further detail regarding the status of the cumulative developments.
Q1.9.8.	The Applicant	Please explain in detail how the proposed landscaping would mitigate the effects on landscape and visual receptors, and how if at all the landscaping proposals would serve other purposes such as biodiversity improvements. Please also describe in detail how these effects would change as the proposed planting matures. What effort is the Applicant making to discuss and agree the planting specification/species mix with the relevant consultation bodies?	A landscape proposal scheme would be secured by way of Requirement 15 of the dDCO, which would provide the opportunity for the relevant planning authority (i.e. KCC) to review and comment on the species and seed mix to be used. An outline of the landscape mitigation proposal is included in section 12.7 of the ES. The scheme would form an extension of the consented scheme associated with the neighbouring K3 development. Plant communities would be specified that reflect the local landscape. The use of native tree, shrub, grassland and marginal species would seek to contribute to biodiversity targets. The tree and shrub planting would provide some low level screening of the base of the WKN however, the upper parts of the development, due to their height and scale, would remain visible in the long term. Levels of landscape, townscape and visual effects stated within chapter 12 are based on a 'worst case' year one scenario, after the implementation of the landscape scheme, but before the planting has established or matured.

Q1.9.9.	The Applicant	A summary of effects for Viewpoint 11 has not been provided. Please address this.	Receptors at Viewpoint 11, pedestrians on the King's Ferry Bridge, has been added to Table 12.6 of Chapter 12 of the ES submitted at Deadline 2 alongside receptors at Viewpoint 4, pedestrians using roadside footway on Swale Way. Both receptor groups are of medium sensitivity, would experience a negligible change in view that would result in a negligible level of effect.
Q1.9.10.	The Applicant	ES Chapter 14, Table 14.1 [APP-066] indicates that trees and shrubs would be maintained for a period of 5 years under Requirement 11 of the dDCO. Please provide further details of this and identify any proposed monitoring and remedial measures.	Requirement 11 should not be read in isolation and should be read in-combination with Requirement 16 which sets out maintenance, monitoring and remedial measures for all landscaping.
Q1.9.11.	The Applicant	ES Section 12.8 of the ES explains that no significant landscape and visual residual effects have been identified. This appears to be at odds with the Table 14.7 where significant residual cumulative effects are identified. The Applicant is asked to clarify the discrepancy.	Section 12.8 of the Chapter identifies that no significant residual effects on landscape, townscape or visual receptors would occur as a result of the WKN development. Significant cumulative effects on landscape character and visual receptors are identified in section 12.9 of the ES. This is confirmed in Tables 14.6 and 14.7.
Q1.9.12.	The Applicant	In ES Appendix 12.1, LVIA Scoping Correspondence with KCC [APP-051] viewpoints 13, 14 and 15 were agreed to be omitted from the assessment as unlikely to provide clear visibility of the proposals when the K3 scheme was completed. Please explain the reference to a view from Conyer which KCC considered more relevant and whether this has been included in the viewpoints and if not why not.	A viewpoint at Conyer has not been included in the assessment as the settlement does not coincide with the ZTV. The ridge of slightly higher ground at Blacketts Road obscures most views beyond to the west. The large barns and outbuildings at Blacketts Farm are located directly in the line of sight to the proposed development and would provide a screen.
Q1.10.	**Noise and Vibration**		
	None currently but see Q1.5.4 above on Ecology, Q1.8.14 above on HRA and Q1.14.1 below on Other Matters.		

Q1.11.	Traffic and Transport		
Q1.11.1.	The Applicant	Has the Transport Assessment (TA) been amended to include information up to the date of submission in 2019 and if not, why not?	The applicant met with KCC on 10 February 2020, during which KCC explained the reasoning behind their comment, which has formed the basis of this question 1.11.1. KCC advised the Applicant that TEMPRO traffic growth rates should be applied to the observed traffic flows to bring these up to date for 2019 and all future assessment years (2024 and 2031). The Applicant advised KCC that TEMPRO is considered in Section 5 of the Transport Assessment [Document 3.1- Appendix 4.1 / APP-020, 021 and 022]. The Applicant advised KCC that TEMPRO growth rates have not been applied because the number of dwellings and employment included in future years by other committed and cumulative developments far exceeds the number of dwellings and employment contained within TEMPRO and the methodology adopted in Section 5 of the Transport Assessment is robust as it already incorporates more than the equivalent TEMPRO estimates. The Applicant notes from paragraph 7.4 of KCCs Local Impact Report that KCC have now accepted this methodology and that KCC are now satisfied that the baseline conditions used in the traffic modelling are acceptable to them.
Q1.11.2.	The Applicant	The TA includes a 2031 (end of Local Plan) assessment, along with a 2021 interim assessment to account for construction traffic. Since the date of submission KCC notes in its Additional Submissions [AS-010] that a committed scheme has now been approved for the Grovehurst/A249 junction following a successful Housing Infrastructure Fund application. Will the Applicant, in response to KCC's request, complete sensitivity testing for the Proposed Development's impact on the new junction arrangement so that this application does not undermine the housing delivery benefits for which the grant was approved and if not, why not?	The applicant met with KCC on 10 February 2020, during which the Applicant asked KCC to provide details on the traffic modelling undertaken at the A249 Grovehurst junction as part of its Housing Infrastructure Fund application. Specifically, the Applicant asked KCC to provide details on the assumptions behind the modelling in terms of traffic growth and the allowances made for other emerging developments within the modelled traffic flows. Although KCC were unable to advise on these assumptions during the meeting, KCC has agreed to provide details on the assumptions to the Applicant. Upon receipt of these assumptions, the applicant will analyse them and discuss these with KCC to determine if there is a requirement to undertake any additional sensitivity modelling work. The Applicant is committed to working with KCC in this regard.

Q1.11.3.	The Applicant	KCC notes [AS-010] that the Future Year Junction Assessments for Swale Way/Barge Way demonstrate that this junction is operating beyond capacity in all future scenarios tested, with no mitigation being proposed. Does the Applicant agree with this finding and the comments of KCC that this is considered unacceptable and due to the high volume of HGV's is a safety and capacity concern? If not, please explain why.	Assessments on the operation of the Swale Way/ Barge Way roundabout are set out in Sections 7 to 11 of the Transport Assessment [Document 3.1- Appendix 4.1 / APP-020, 021 and 022]. Each of these three future year baseline assessments are the same across Sections 7 to 11, with the exception of those where the consented K3 is excluded from the baseline position in order to assess the K3 Proposed Development (the consented K3 is in the baseline in the assessments that assess the practical effects of the K3 Proposed Development). The assessments show that the Swale Way/Barge Way roundabout currently (using 2017 traffic flows) operates within capacity. In 2024 and 2031, the addition of traffic flows generated by committed developments (developments that have planning consent but are not yet generating any traffic) adds 334 vehicle movements onto the eastbound Swale Way entry to the roundabout during the AM peak hour (07:30 to 08:30). 232 of these vehicle movements turn right from Swale Way towards Eurolink Industrial Estate and 102 of these turn left from Swale Way onto Barge Way. Of the 232 vehicle movements that turn right, 172 of these will be generated by Eurolink V. As a result of these committed development traffic flows, the eastbound Swale Way entry to the roundabout is predicted to operate in excess of capacity during the AM peak hour in 2024 and 2031. This is as a result of the above additional traffic flows generated from these committed developments. The roundabout is predicted to remain operating within capacity during the PM peak hour in 2024 and 2031. The Applicant agrees with KCC that the Swale Way/Barge Way roundabout is predicted to operate in excess of capacity in the 2024 and 2031 future baseline years; on the eastbound Swale Way entry during the AM peak hour only. The Applicant notes that this is caused by the addition of traffic flows generated by committed developments, in particular, Eurolink V. The Applicant also notes from the Eurolink V planning application that its impact was not assessed at the Swale Way/Barge Way roundabout. This appears to be an oversight as had the impact of Eurolink V been assessed at this roundabout, it is likely that a requirement for mitigation for the Eurolink V traffic flows (172 right turning vehicles from the eastbound Swale Way entry during the AM peak hour) would have been identified.

			Notwithstanding, Sections 7 to 11 of the Transport Assessment assesses the impact of the K3 Proposed Development and the WKN Proposed Development in both highway capacity and highway safety terms and Section 14 examines the impact further. The Transport Assessment concludes that the traffic generated by these would not result in an impact that is unacceptable or severe. On this basis, no mitigation is proposed for the K3 Proposed Development and the WKN Proposed Development.
Q1.11.4.	The Applicant	Does the Applicant agree that the surrounding highway network is over capacity at Junction 5 of the M2 and the Grovehurst junction?	The Applicant recognises that there are capacity constraints at the M2 Junction 5 and the A249 Grovehurst Roundabout during peak times. At the M2 Junction 5, during the AM peak hour, the southbound A249 entry currently operates in excess of capacity and during the PM peak hour, the southbound A249 entry and northbound A249 entry currently operate in excess of capacity. The Applicant notes that an improvement scheme for the M2 Junction 5 has been designed and a Public Inquiry has been called for 28th April 2020 to enable planning consent to be granted. HEs current estimations, assuming planning consent is granted, is that the improved scheme will be open to traffic in Winter 2021 / Spring 2022. In this regard, the Applicant notes HEs Relevant Representations dated 4th December in which, HE state 'Highways England cannot allow any further development that is likely to impact on M2 Junction 5 in its current format without appropriate mitigations' and 'Highways England will seek Grampian condition(s) which would prohibit the DCO proposals being brought into use until such time as both schemes [M2 Junction 5 and A249 Grovehurst roundabout schemes] were completed and open to public traffic in full'. The Applicant met with HE on 28th January 2020 where HE confirmed this position and confirmed it was a position being taken for all other developments that would generate traffic through the M2 Junction 5. The operation of the A249 Grovehurst roundabout is assessed in Sections 7 to 11 of the Transport Assessment; during the AM peak hour, 3 of the 7 arms currently operate in excess of capacity (the southbound A249 entry, the westbound Swale Way entry and Grovehurst Road) and during the PM peak hour 2 of the 7 arms currently operate in excess of capacity (the northbound A249 entry and the westbound Swale Way

			entry). The Applicant is aware that KCC have been awarded £38M from the Housing Infrastructure Fund to provide improvements to key junctions, including additional capacity to the A249 Grovehurst roundabout, for which a scheme has been designed and costed as part of that application. The Applicant understands that all HIF monies must be spent by 2024 i.e. the A249 Grovehurst scheme must be open to traffic by 2024 at the latest. Indeed, paragraph 7.21 of KCCs LIR sets out they envisage the scheme to be open by 2022 / 2023. This suggests that significant improvements to highway capacity could be provided at the junction by mid 2022 / 2023. The Applicant is aware of the residential planning applications for South Iwade, North Iwade, Land Adjacent to Quinton and Phase 1 of NW Sittingbourne. The applicant is aware that as part of their discussions with KCC and Swale Borough Council, these developments are agreeing to the imposition of planning conditions that will restrict their full occupation until the A249 Grovehurst scheme is open to traffic. There must therefore be a significant degree of confidence that the A249 Grovehurst scheme will progress in accordance with these timescales, otherwise these developers would be unlikely to agree to such planning conditions for commercial reasons. The Applicant notes that WKN will not be operational until 2024 which would therefore be after the opening of the A249 Grovehurst improvement scheme. The Applicant suggests that KCC can provide assurance to the ExA on the deliverability of the A249 Grovehurst junction scheme providing improvements to highway capacity by mid 2022 / 2023. As part of those discussions between the applicants of the residential planning applications and KCC, the Applicant understands that KCC is agreeing development thresholds before infrastructure is required, for example, KCC have agreed that 450 dwellings can be occupied at North West Sittingbourne before highway improvements would be required at the A249 Bobbing junction (which, alongside the A249 Grovehurst junction improvement works, formed part of the HIF monies secured by KCC). The Applicant notes from KCCs latest consultation response on the Land

			North of Quinton Road application that KCC will shortly provide their requirements in terms of development triggers for the A249 Grovehurst junction. In this regard, the Applicant notes that HE have changed their position. HE's Relevant Representations dated 4th December state 'Highways England cannot allow any further development that is likely to impact on M2 Junction 5 in its current format without appropriate mitigations' and 'Highways England will seek Grampian condition(s) which would prohibit the DCO proposals being brought into use until such time as both schemes [M2 Junction 5 and A249 Grovehurst roundabout schemes] were completed and open to public traffic in full'. The Applicant then met with HE on 28th January 2020 where HE confirmed this position and confirmed it was a position being taken for all other developments that would generate traffic through the M2 Junction 5. However, HE have stated in their February 2020 consultation responses to these residential planning applications that the South Iwade (70 dwellings) and a proportion of NW Sittingbourne (91 dwellings) can proceed before any highway works at either M2 Junction 5 or the A249 Grovehurst junction. The Applicant notes that HE has not submitted its Local Impact Report. Given their recent change in position for the South Iwade and NW Sittingbourne applications, the Applicant assumes that HE will adopt a similar and consistent position for the K3 and WKN Proposed Developments. The Applicant suggests that HE can advise the ExA on this shift in position and confirm that the K3 and WKN Proposed Developments will be considered in the same and consistent manner being able to progress prior to highway improvement works being implemented.

Q1.11.5.	The Applicant	Please comment on KCC's claim [AS-010] that the application fails to consider use of the adjacent operational dockyard and redundant railway siding, which is within one mile of the application site. Please detail what factors prevent the delivery now or in the future of large quantities of waste generated by the proposal via rail or water.	The Applicant's position regarding the use of alternative methods of transportation is documented in full within the K3 and WKN Rail and Water Transportation Strategies (Document 4.8/APP-088, Document 4.9/APP-089) which accompany the application. As those reports note the Committee Report for the original K3 application (Document 4.2/APP-082 - Planning Statement – Appendix C) makes clear that the assessment of the original K3 application was on the basis that '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.' The original planning permission was granted on the basis of a Condition (6) which required a strategy to encourage the use of the railway in the vicinity of the application as a means of transporting waste deliveries to be submitted to and approved by KCC and thereafter implemented. The Rail and Water Transportation Strategies make clear that it is recognised that transporting fuel by rail is potentially a more viable mode of transporting fuel, but in order for it to be used it has to be logistically feasible. The same applies to transportation by water. The original K3 Rail Strategy submitted in 2014 and its revision in 2017 both made the case that it was not feasible or viable to transport the available fuel to the site by rail or water. They therefore proposed to periodically review the position regarding the feasibility of transportation by alternative methods. Both those strategies were approved by KCC. The desirability in both viability and environmental terms of transporting fuel by alternative methods is agreed by the Applicant. Similarly it is agreed that unlike some waste-to-energy facilities K3 and WKN would have the benefit of theoretically being able to receive fuel by either rail or water, albeit with works required to accommodate the anticipated level of freight which would be required. Therefore the K3 and WKN Rail and Water Transportation Strategies make provision for the continued review of the position regarding alternative transportation methods, should the necessary contracts to make that possible and viable be secured.

Q1.11.6.	The Applicant	Please comment on KCC's claim that without investigations into the use of the available and alternative methods of delivery, the application would not comply with the National Planning Policy Framework (NPPF) which states that development should seek to encourage sustainable travel, lessen traffic generation and its detrimental impacts, and reduce carbon emissions and negative climate impacts.	As set out in the response by the Applicant to Q1.11.5, the benefits of the use of alternative methods of transportation in respect of sustainability, traffic generation and environmental effects are acknowledged and the Rail and Water Transportation Strategies submitted as part of the application are submitted to a proportionate and reasonable approach to ensure that the ability of K3 and WKN to use alternative methods of fuel transportation has been assessed and will continue to be assessed periodically moving forward. The periodic review approach taken within the K3 and WKN application is the same as that consented within the original K3 application, and whilst that pre-dates the first 2012 NPPF, the approach of continuing to review the ability to use alternative methods of transport was approved through the subsequent 2014 and 2017 Rail Strategies submitted to discharge the relevant condition of the original K3 planning permission. Furthermore, as noted in the K3 and WKN Rail and Water Transportation Strategies, EN-3: Renewable Energy, encourages multi-modal transport and recognises the environmental advantages of rail or water transportation but notes that whether such methods are viable is likely to be determined by the economics of the scheme. As stated in the Introduction to the NPPF, the application for K3 would be determined in accordance with the relevant national policy statements for major infrastructure, with the NPPF being a relevant other matter, with EN-3 then also being a. relevant and important matter in the assessment of WKN. The approach taken to the use of alternative methods of transportation is considered to be appropriate in accordance with EN-3 in that respect, by recognising the benefits of the use of alternative transportation methods but also the economic limitations placed on the use of those.

Q1.11.7.	The Applicant	The Preliminary Environmental Impact Report (PEIR) provided information as to the expected trip generations from the development, however KCC sought justification of the submitted numbers of movements, requesting details of all current movements and arrival departure times for the current construction of the K3 plant to provide a basis for justifying the construction movements. KCC further requested details of movements associated with the Applicant's operational Ferrybridge waste to energy site to help assess the peak hour movements from this site. KCC state no evidence on these matters has been forthcoming. Please comment including whether you are willing to supply the requested information, and if not explain why not. In the absence of such evidence please comment on whether the submitted operational hourly movements averaged across the day can be justified, and the impact on the extended peak hours movements properly assessed, and in each case if so, explain why.	The planning consent for K3 (SW/10/444) has no requirement or obligation for movements of construction vehicles to be recorded. As such, the construction contractor has not recorded or kept any records of construction vehicle movements. The Applicant met with KCC on 10 February 2020 and explained this. The Applicant notes from KCCs Local Impact Report that they accept this along with the methodology for estimating the WKN Proposed Development construction vehicle movements. During the Applicants meeting with KCC on 10 February 2020, KCC advised that they were able to obtain HGV movement data for the Waste to Energy facility at Allington, Kent. The Applicant and KCC discussed the differences between the facilities at Ferrybridge and Allington in comparison to the K3 and WKN Proposed Developments, in particular neither have 24/7 HGV access, Allington is a municipal facility with a majority of local Refuse Collection Vehicles whilst Ferrybridge comprises a high proportion of feed from the Barnsley, Doncaster and Rotherham (BDR) waste facility which skews its HGV movements away from what would be considered average. The Applicant and KCC both acknowledged these differences and that the HGV movement data from Ferrybridge and Allington is expected to be different to that for the K3 and WKN Proposed Developments. Nonetheless, the Applicant has agreed to obtain and share the HGV movement data for Ferrybridge and KCC has agreed to obtain and share the HGV movement data for Allington. The Applicant and KCC has agreed to review the HGV movement data for Ferrybridge and Allington in the context of the K3 and WKN Proposed Developments, whilst being mindful of the differences between the facilities. The Applicant is currently obtaining the HGV movement data for Ferrybridge and will share this with KCC.

Q1.11.8.	The Applicant	[APP-056] ES Chapter 4, explains assumptions for HGVs trip generation. At paragraph 4.6.19 for assessing the K3 Proposed Development, it is assumed that 20% of HGV waste deliveries would be from neighbouring areas and 80% from south/north London. As the construction of K3 as consented was due to be completed in late 2019 and is either soon to be operational or already operating it is assumed that the sources of waste and therefore trip distributions are now known. Please confirm whether your previous assumptions remain appropriate, and if not explain what the implications are for the assessment.	The Applicant considers the assumption of no more than 20% of waste deliveries arising from neighbouring areas remains appropriate, based on expected waste inputs into K3 from Sittingbourne and Sheppey. Notwithstanding, even if the waste arisings were different, owing to the layout of the adjoining highway network whereby, other than very local deliveries from the immediate surrounding area, which is finite, HGV movements would still travel through the A249 Grovehurst roundabouts and the M2 Junction 5. Therefore, even if the waste arisings were different, there would be negligible changes to the movement of HGVs within the study area and to those that have been assessed and the conclusions of the assessments as submitted would not change.
Q1.11.9.	KCC	Please detail what information requested from the Applicant at the meeting in February 2019 referred to in the additional submission dated 4 December 2019 [AS-010] and not covered in these Questions, has not been received, but relates to an important and relevant matter to consider, and why.	The Applicant notes this question is directed at KCC and does not consider it necessary to provide a response, given the responses provided to other questions within the Traffic and Transport section.
Q1.11.10.	HE	HE is invited to comment on the above matters including in relation to the attention it draws in its RR [RR-004] to the potential for the Proposed Development to impact the safe and efficient operation of the Strategic Road network (SRN), particularly the A249 and the M2 in the vicinity of Sittingbourne.	The Applicant notes this question is directed at Highways England and does not consider it necessary to provide a response, given the responses provided to other questions within the Traffic and Transport section.

Q1.12.	**Water Environment**		
Q1.12.1.	The Applicant	The Surface Water Management and Foul Drainage Design Philosophy Statement [APP-152] contains several design criteria and specifications. How would these be captured within the DCO?	The K3 Surface Water Management and Foul Drainage Design Philosophy Statement (APP-152) is included in Schedule 3 of the dDCO as a certified document and as such is addressed by Requirement 9 which states that the K3 development must be carried out in accordance with the approved plans and documents in Schedule 3.
Q1.12.2.	The Applicant	Please identify where each of the specifications in the Philosophy Statement [APP-152] are reflected in the various plans and strategies set out in ES Chapter 10 and its relevant appendices.	Section 4 (p11) of the 2017 Addendum to the 2010 K3 ES (Document 3.3, APP-077) reflects out the various recommendations and specifications which are included within the Philosophy Statement (APP-152).
Q1.12.3.	The Applicant and KCC	In Article 18(4) dDCO should the authorised development not be commissioned until the surface and foul water drainage systems have been constructed and approved by the relevant planning authority?	It is considered that the Requirement makes the appropriate provisions, in ensuring in the first instance that details of surface and foul water drainage systems are approved (1), that the systems must be constructed in accordance with the approved details (3) and that the systems must be constructed prior to the surface and foul water drainage systems have been constructed.
Q1.12.4.	The Applicant	ES Appendix 11.7: Marine Licence Surface Water Outfall to Swale [APP-049] licences K3 CHP Limited to discharge clean surface water via an attenuation pond, from the K3 facility and the WKN Proposed Development into the intertidal area of the Swale Estuary. There are two options for the construction of the outfalls. Figure 4.25D [APP-127] appears to show 'Outfall A1 (Type A)'. Please explain which of Option A and Option B is to be implemented and how have both of these options been considered in the ES. Please supply all Schedule documents referred to in the Marine Licence [APP-049].	Option A reflects the original option to discharge clean surface water from K3. Option B reflects the amended approach which now allows for the discharge of clean surface water from both K3 and WKN, which is a benefit over the previously proposed amended position which would have allowed for discharge from K3 and the previously consented IBA facility. If Development Consent is granted for WKN then Option B would be implemented. The ES does not consider the outfall, given consent has been granted for that already by the Marine Management Organisation.

Q1.13.	Draft Development Consent Order		
Q1.13.1.	IPs other than the Applicant	With respect to matters raised in RRs or WRs but which were not discussed in ISH1 and in your view require changes to the dDCO please identify the changes that you require, referring to Articles, Requirements and any other provisions as necessary, providing your preferred drafting where possible and explain why it is proposed and what it aims to achieve. Please cross-reference responses to this question to your RR, WR and to other questions in ExQ1 as necessary.	The Applicant notes that this question is directed at other IP's.
Q1.13.2.	The Applicant	There is a missing "in" before "the environment statement" in Requirement 20(1). Please confirm this will be addressed in the next iteration of the dDCO.	This has been corrected in the revised dDCO provided at Deadline 2.
Q1.13.3.	The Applicant	[APP-013] ES Appendix 3.1 - Scoping Report, states that an application for a standalone IBA facility on the proposed site of WKN was submitted in 2016, approved by KCC in February 2017 (KCC/SW/0265/2016). It is stated the facility has not been constructed and the Applicant has decided not to implement this planning permission and will be looking to surrender their IPPC permit for the facility shortly. Please comment on how the implementation of the planning permission itself has been made or would be made definitively unenforceable, whether within the dDCO or otherwise, such that it has been unnecessary to take it into account in assessing the Proposed Development.	Planning permission was granted by KCC for the Incinerator Bottom Ash facility under reference KCC/SW/16/507687 on the 9th February 2017. Condition 1 of the consent required the development to be begun no later than the expiration of 3 years from the date of the permission, i.e. 9th February 2020. Condition 5 of the consent requires information regarding the potential risk posed from contamination to controlled water receptors and site end users to be provided prior to the commencement of development. That planning condition has not been discharged and no lawful start was made on site prior to the expiry of the planning permission on the 9th February 2020 in order to implement the consent, which has therefore now lapsed.
Q1.13.4.	The Applicant	The EA in its RR [RR-001] state that in Requirement 19 the title "Contaminated Land and groundwater" should actually state "Land contamination and groundwater". Do you agree and if so please amend accordingly?	This has been corrected in the revised dDCO provided at Deadline 2.

Q1.13.5.	The Applicant	Article 2 [AS-002] refers to "the 2016 Regulations" as the Environmental Permitting (England and Wales) Regulations 2016, these Regulations have been amended a number of times since then including by an amendment that has yet to commence. The current version of these Regulations is The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018. Please consider how these changes should be reflected in the dDCO.	The reference to the 2016 Regulations is correct and does not need to be changed. The primary purpose of the Environmental Permitting (England & Wales) (Amendment) (No. 2) Regulations 2018 (according to its Explanatory Memorandum) is simply to amend the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154, "the 2016 Regulations"), so as to transpose parts of Council Directive 2013/59/EURATOM of 5 December 2013 on laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation. Therefore the 2016 Regulations remain the relevant and current consolidated Regulations.
Q1.14.	**Other Matters**		
Q1.14.1.	Applicant	KCC [AS-010] consider improvements to the existing PRoW network should be adopted as mitigation for the potential negative impacts of the development on path users, for example surfacing improvements along Public Footpath ZU1/The Saxon Shore Way to enhance accessibility for path users. Please comment on KCC's request and whether it is accepted that the Proposed Development may have a detrimental impact on path users due to deteriorating air quality and noise effects arising from the development.	The Applicant does not consider that the proposed development would give rise to detrimental impacts in air quality or noise terms on users of the public right of way particularly given they would have a transitory short term presence. The Applicant's view is therefore that a contribution towards footpath improvements would not be necessary to make the development acceptable in planning terms.

APPENDIX 1

Response to ExQ1.1.4

Please comment on KCC's claim [AS-010] that the Proposed Development would result in waste being drawn into the SEWPAG area, contrary to the objectives of SEWPAG.

Applicant's Response:

1) As is made clear throughout the Waste Hierarchy and Fuel Availability Report [Document 4.6, reference APP-086, the 'WHFAR'], K3/WKN has been submitted as regional capacity; to accept waste from administrative areas beyond Kent. The Study Area considered within the WHFAR includes administrative areas that lie beyond the SEWPAG area. Consequently, KCC is correct to state that waste would be brought into the SEWPAG but is incorrect to identify this as contrary to the objectives of SEWPAG.

2) This approach is aligned with both policies of proximity principle and self-sufficiency, as set out in European legislation, and national and local policy (including that of the authorities within SEWPAG).

3) Paragraphs 4.1.6 to 4.1.10 of the WHFAR explains that:

> `*4.1.6 Paragraph 2 of Article 16 of the rWFD also requires that the network of disposal and recovery installations referred to in paragraph 1 shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of the types of waste referred to in paragraph 1. Paragraph 2 indicates that the network of facilities to be established should 'enable Member States to move towards that aim (i.e. self-sufficiency) individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste*.'
>
> *4.1.7 Paragraph 3 of Article 16 requires that Member States ensure that the network of facilities shall enable waste to be disposed of or waste referred to in paragraph 1 to be 'recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.'*

4.1.8 This is an important principle and avoids wastes being disposed of outside of the European Union where appropriate facilities may not operate sufficiently to ensure waste management occurs without endangering human health or harming the environment.

4.1.9 However, the wording 'recovered in one of the nearest appropriate installations' is important. The concept involves elements other than just distance: the installation chosen for any tonne of waste may be one of several; and it cannot be any installation, it needs to be an appropriate installation.

4.1.10 Energy recovery facilities, such as K3/WKN, are not required to be the, only, closest, installation to the waste; they are required to be 'one of the nearest appropriate installations'.'

4) The point is further considered in the WHFAR from paragraph 4.2.41, with paragraph 4.2.42 advising:

`*Though the aim is for each waste planning authority to manage its own waste, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. The guidance notes that the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.*' The guidance being referenced is Planning Practice Guidance on Waste[1].

5) Defra, through the 2014 document titled 'Energy from waste, A guide to the debate'[2] (the 'EfW Debate Guide') confirms this approach at paragraph 152:

`*The proximity principle arises from Article 16, "Principles of self-sufficiency and proximity", of the revised Waste Framework Directive (2008/98/EC), the EU legislation that governs waste management.* ***The principle is often over-interpreted*** *to mean that all waste has to be managed as close to its source as possible to the exclusion of other considerations,* ***and that local authorities individually need the infrastructure required to do so. This is not the case. Indeed the final part of the Article itself states, "The principles of proximity and self-sufficiency shall not mean that each Member State has to possess the full range of final recovery facilities within that Member State".*** *Clearly if not even the entire country needs to have the full range of facilities, a specific local authority does not have to. While there is an underlying principle of waste being managed close to its*

[1] https://www.gov.uk/guidance/waste [05.03.2020@13:52]
[2] https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate [05.03.2020@14:03]

source, there is no implication of local authorities needing to be self-sufficient in handling waste from their own area.' (emphasis added)

6) Paragraph 154 continues:

'*… There is nothing in the legislation or the proximity principle that says accepting waste from another council, city, region or country is a bad thing and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle. …*'

7) What is believed to be the current Memorandum of Understanding between the Waste Planning Authorities of SEWPAG (dated April 2017 and stated at paragraph 10.1 to be applicable '*for a three-year period to 31st December 2020*', the 'SEWPAG MoU') also recognises this point.

8) At paragraph 6.4, the SEWPAG MoU states

'*Paragraph 263 of the Government Review of Waste Policy in England 2011 states that "there is the need for councils to work together and look at waste management needs across different waste streams and across administrative boundaries." It further states that "There is no requirement for individual authorities to be self-sufficient in terms of waste infrastructure and transporting waste to existing infrastructure to deliver the best environmental solution should not be considered a barrier."*'

9) Paragraphs 7.1 and 7.2 continue on this theme, setting out the terms of agreement between the authorities:

'*7.1 The Parties recognise that there will be a degree of cross-boundary movement of waste. In light of this, the Parties will plan on the basis of net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. All parties accept that when using this principle to test policy, it may not be possible to meet this requirement in full, particularly for hazardous and other specialist waste streams.*

7.2 In keeping with the principle of net self-sufficiency for each waste local plan area, the Parties will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other waste local plan area which are basking their waste policies on achieving the principle of net self-sufficiency.'

10) The approach of the SEWPAG authorities is not injured in any way by K3/WKN. There is no policy apparent within the development plan documents of the SEWPAG

authorities that restricts waste from any one area going to another. There is also no requirement on any of the constituent authorities to send waste to K3/WKN; indeed it is not within the gift of these planning authorities to determine where waste goes for treatment or disposal, other than, perhaps, local authority collected wastes. This point is also recognised in the SEWPAG MoU, at paragraph 7.8:

> *'The Parties recognise that private sector businesses (and, therefore, commercial considerations) will determine whether new merchant waste management recycling and treatment facilities will be built and what types of technology will be used.'*

11) K3/WKN is a merchant facility; it is proposed in response to a recognised commercial need for additional recovery capacity to divert residual wastes from landfill; it does not rely upon any one local authority waste contract. It provides a sustainable treatment for wastes that would otherwise be disposed of to landfill, or lost to the local economy through being exported overseas. This strategy entirely accords with a key objective of SEWPAG, as set out at paragraph 7.6 of the SEWPAG MoU:

> `*The Parties agree that the challenge to be addressed is to implement the waste hierarchy and to enable better, more sustainable, ways of dealing with waste to reduce the current dependence on landfill*.'

12) To conclude, as a regional facility K3/WKN may well draw waste in from beyond Kent and beyond the SEWPAG area. This is a positive strategy, designed to deliver the waste hierarchy within the south east and to provide for the sustainable recovery of residual wastes, enabling their diversion from landfill.

APPENDIX 2

Response to ExQ1.1.6

Surrey County Council in its RR [RR-007] state that it and other planning authorities in the south east are planning for waste on the basis of net self-sufficiency and not on the basis that Surrey's requirements will be met by facilities in Kent. What are the implications of this policy for the Applicant's strategy to take in a significant proportion of waste fuel from the south-east region?

Applicant's Response:

1) Waste arisings in Surrey, and their subsequent management, were not included in the Waste Hierarchy and Fuel Availability Report [Document 4.6, reference APP-086, the 'WHFAR']; simply as a result of how the Study Area was defined. However, reference to the Waste Data Interrogator for year 2018 indicates that there were approximately 350,000 tonnes of municipal waste disposed of to landfill within Surrey in 2018; this indicates a need for additional recovery capacity that could be provided by K3/WKN.

2) As is made clear throughout the WHFAR K3/WKN have been submitted as regional capacity; to accept waste from administrative areas beyond Kent. This strategy is aligned with the policy of self-sufficiency.

3) Paragraph 4.1.6 of the WHFAR explains that:

> '*Paragraph 2 of Article 16 of the rWFD also requires that the network of disposal and recovery installations referred to in paragraph 1 shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of the types of waste referred to in paragraph 1. Paragraph 2 indicates that the network of facilities to be established should 'enable Member States to move towards that aim (i.e. self sufficiency) individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.*''

4) The point is further considered in the WHFAR from paragraph 4.2.41, with paragraph 4.2.42 advising:

> '*Though the aim is for each waste planning authority to manage its own waste, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. The guidance notes that the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to*

increase recycling without resulting in local overcapacity.' The guidance being referenced is Planning Practice Guidance on Waste[3].

5) A relevant and important matter is that there is no policy (at either the national or local level) that requires all planning authorities, or all administrative areas, to provide all waste management needs within that area. This is confirmed by Defra, through the 2014 document titled 'Energy from waste, A guide to the debate'[4] (the 'EfW Debate Guide').

> '*The proximity principle arises from Article 16, "Principles of self-sufficiency and proximity", of the revised Waste Framework Directive (2008/98/EC), the EU legislation that governs waste management.* ***The principle is often over-interpreted*** *to mean that all waste has to be managed as close to its source as possible to the exclusion of other considerations,* ***and that local authorities individually need the infrastructure required to do so. This is not the case. Indeed the final part of the Article itself states, "The principles of proximity and self-sufficiency shall not mean that each Member State has to possess the full range of final recovery facilities within that Member State".*** *Clearly if not even the entire country needs to have the full range of facilities, a specific local authority does not have to. While there is an underlying principle of waste being managed close to its source, there is no implication of local authorities needing to be self-sufficient in handling waste from their own area.*'[my emphasis added)

6) Paragraph 154 continues:

> '*… There is nothing in the legislation or the proximity principle that says accepting waste from another council, city, region or country is a bad thing and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle. …*'

7) The implication for the policy of net self-sufficiency is that K3/WKN complies with it, net self sufficiency is delivered by K3/WKN.

8) Further, the strategy for K3/WKN wholly complies with paragraph A26 of the Surrey Waste Plan[5], which states:

> '*Self-sufficiency is sought on a pragmatic basis and does not necessarily mean counties such as Surrey dealing with all of their own waste. There are circumstances when it makes sense for waste to be imported or exported between different geographical areas for treatment or disposal. Instead, net self-sufficiency is sought, where provision is made for waste management capacity equivalent to the amount of waste arising and needing management within each waste planning authority's boundary.*'

[3] https://www.gov.uk/guidance/waste [05.03.2020@13:52]
[4] https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate [05.03.2020@14:03]
[5] https://www.surreycc.gov.uk/__data/assets/pdf_file/0018/30447/Surrey-Waste-Plan-May_2008minusEpages.pdf [05.03.2020@14:10]

9) It also complies with Strategic Objective 1 of the emerging new Surrey Waste Plan[6], as set out at section 3.1:

> '*Strategic Objective 1: To make sure enough waste management capacity is provided to manage the equivalent amount of waste produced in Surrey.*
>
> *3.1.1.1 Under national policy the WPA is required to identify sufficient opportunities to meet the identified needs of its area for the delivery of waste management infrastructure31. The principle of net self-sufficiency means that Surrey should provide enough waste management facilities to manage the equivalent amount of waste to that arising within the county.*'

10) The approach to self-sufficiency is expressed in similar words across development plan policy of the authorities included within SEWPAG and within the WHFAR Study Area. K3/WKN complies with it providing recovery capacity for wastes that cannot otherwise be reused or recycled. It does nothing to prevent any other waste management facility to be provided within other administrative areas.

[6] https://www.surreycc.gov.uk/__data/assets/pdf_file/0007/215179/current-2020-01-07-Submission-SWLP-Part-1-Tracked-Changes-compressed.pdf [05.03.2020@14:16]

APPENDIX 3

Response to ExQ1.2.7

Table 1: ES topic chapter responses to EXQ1.2.7	
ES Chapter	**Approach to Cumulative Assessment**
4. Traffic and transport	As set out in paragraph 4.3.7 of the ES, the study area for the traffic and transport chapter is defined by assessing the change in traffic flows on highway links as a result of the development being assessed. Given that each assessment scenario in Chapter 4 of the ES has different development traffic flows, the study area for each is or could be different. Each assessment in Chapter 4 of the ES sets out the study area for that assessment, for example, when assessing the effects of the K3 Proposed Development (the first assessment within Chapter 4 of the ES), paragraphs 4.6.23 to 4.6.28 consider the change in traffic flows on highway links and identify the study area. This process is undertaken for all subsequent assessments in Chapter 4 of the ES. A table **(Table A below)** setting out how all the sites listed in Chapter 3 of the ES have been considered has been provided. In addition, some minor amendments/clarifications have been made to Chapter 4 Traffic and Transport and this has been submitted at Deadline 2.
5. Air Quality	In the absence of any specific guidance, the cumulative assessment has used the Environment Agency distance of 10 km applicable to impacts on conservation sites. This is the maximum distance for a development of this scale. Some minor amendments/clarifications have been made to Chapter 5 Air Quality to help clarify the approach to considering the sites identified in Chapter 3 and this has been submitted at Deadline 2. In short, the assessment considers other development which have point source emissions to air and/or will generate road traffic emissions.
6. Climate change	As set out in section 6.13 of Chapter 6: "The sensitive receptor affected by the effects of both the K3 and WKN Proposed Developments is the 'global atmospheric mass of the relevant GHGs and consequent warming potential, expressed in CO2-equivalents' and its 'high' sensitivity has been

	defined taking into consideration the cumulative effects of all anthropogenic GHG emissions. The atmospheric concentration of GHGs and resulting climate change is affected by all sources and sinks globally, anthropogenic and otherwise. As GHG impacts are global rather than affecting one localised area, all cumulative sources are relevant: this is taken into account in the defined 'high' sensitivity of the receptor to impacts from any development. With regard to the interactions of the K3 or WKN Proposed Developments with other GHG emission sources affected (i.e. other waste treatment and energy generation), this has formed part of the assessment and the net change in emissions has been reported above. Cumulative effects from other specific individual developments are therefore not separately assessed. No additional cumulative effects of greater significance than reported above, due to other specific local development projects or the combination of the K3 and WKN Proposed Developments, are predicted."
7. Noise and vibration	Cumulative effects as they relate to road traffic noise are embedded in the traffic data supplied by the Transport Consultant. The methodology with regard to cumulative assessment in this regard is therefore provided in ES Chapter 4. The list of cumulative sites in Chapter 3 have been considered to identify those sites that would introduce other site-specific operational noises sources. The ZOI for an in-combination effect is 1km for fixed site noise. This exercise is summarised **Table B below.** In short only one development is considered to be within the ZOI of the K3 and WKN Proposed Developments and have the potential to result in an adverse cumulative effect. None of the cumulative developments bring noise sensitive receptors closer to the respective site(s). The cumulative assessment presented in Chapter 7 has been undertaken on this basis and has identified that no significant adverse cumulative effect will occur.

8. Human health	The presentation of cumulative effects in the Chapter 8 relies on the methodology and cumulative effect assessment presented within the relevant chapters i.e. Chapter 4 Traffic and Transport, Chapter 5 Air quality and Chapter 7 Noise and vibration.
9. Ground conditions	The approach to cumulative assessment is set out in section 9.11 of Chapter 9. There are three sites in which theoretical cumulative effects could result (reference, as per Chapter 3, No 1 - SW/11/1291, No 16 - EN010090, No 15 - 18/502489). However, it is assumed that similar mitigation measures will be incorporated for these developments in accordance with the requirements of the relevant legislation and construction best practice and, as such, the effects associated with the redevelopment of neighbouring sites will not result in an adverse cumulative effect. There is not considered to be a pathway for effect with the other cumulative sites identified.
10. Water environment	The approach to cumulative assessment is set out in Section 10.9 of Chapter 10. In accordance with the NPS and/or NPPF and Planning Practice Guidance ID7 – Flood Risk and Coastal Change, any new development is required to attenuate surface water run-off, where practicable, to the greenfield run-off rate and provide appropriate management techniques to treat potentially contaminated run-off prior to discharge into the local drainage network. Any works undertaken within 8 m of a watercourse and / or flood defence will require consent from either the EA, LLFA or IDB depending on whether the waterbody is designated a Main River or Ordinary watercourse. For the consent to be provided the developer is required to demonstrate that the risk of flooding during the lifetime of the development could be mitigated to a level acceptable to the EA, LLFA and / or IDB's. Therefore, the cumulative impacts on water resources & hydrology are predicted to not be significant. Therefore, it has been determined that no significant cumulative effects on water resources & hydrology receptors are likely.
11. Ecology	Cumulative effects as they relate to road traffic emissions are embedded in the traffic data supplied by the transport consultant and modelled be the air quality specialist . The

	methodology with regard to cumulative assessment in this regard is therefore provided in ES Chapter 4 and 5. The list of cumulative sites in Chapter 3 have been considered to identify those sites/developments with overlapping pathways for effects that could result in in-combination (cumulative effects) with K3 and WKN. This is summarised in **Table C** below.
12. Landscape and visual impact	Para. 12.9.2 states the reasons for selecting cumulative schemes within 3km of the proposed development that are relevant to the assessment of effects on landscape, townscape and visual resources. Para. 12.9.3 states the reasons for selecting cumulative schemes that are located between 3km and 10km from the proposed development. Other excluded low level/small scale cumulative schemes are not included in Table 12.7. Professional judgement has been used to identify the cumulative schemes that can be excluded from the assessment as they lie within dense urban areas, form small scale infill developments or are low level in nature and are highly unlikely to result in a cumulative effect with a large scale, energy infrastructure development.
13. Cultural Heritage	Cumulative effects upon heritage assets may theoretically arise in respect of both physical and setting effects. The cumulative assessment has therefore considered developments adjacent to the DCO boundary and in the wider landscape. The study areas used are identical to those used for other disciplines, including the LVIA. As such the cumulative assessment has considered: • all large-scale development within 3km of the Site(s); and • all large energy, industrial and mixed-use schemes within 10km of the Site. The schemes considered are those identified in para. 3.8.4 of Chapter 3. They were operational/constructed, consented, at planning or allocated at the time the assessment was written. This approach was deemed appropriate as it would:

	• identify developments adjacent to the Site that could conceivably affect the physical fabric of hitherto unrecorded heritage assets within the Site; and • identify developments in the wider landscape that could adversely affect the setting of designated heritage assets also adversely affected by the proposed developments. Given that the assessment of setting effects was limited to designated assets within 3km of the DCO boundary, based on the size of the development and the baseline situation, the 10km study area provides a sufficient buffer to identify any development that might result in a significant cumulative effect upon setting as a result of visual change or other factors, such as increased traffic flow. Consultees (namely Historic England and KCC) have not requested further information or otherwise raised any concerns regarding cumulatives and it is therefore concluded that they are content with the approach adopted.

Table A: Chapter 4 Traffic and transport						
Site Number	**Application Reference**	**Site Name**	**Captured in surveyed traffic flows**	**Considered as committed development for inclusion within future year baseline traffic flows**	**Considered as a cumulative development for inclusion within cumulative assessment**	**Scoped out due to negligible traffic flows generated within study area**
1	SW/11/1291	Anaerobic Digester	✔			
2	SW/14/0224	Tonge Corner Solar Park				✔
3	14/500327/OUT	Fulcrum Business Park Development		✔		
4	14/501181/COUNTY	Ridham B CHP Plant				✔
5	15/500348/COUNTY	Thermal Energy Facility Kemsley Field Business Park		✔		
6	15/510589/OUT	Eurolink V		✔		
7	16/501228/FULL	Recycling Depot		✔		
8	16/501484/COUNTY	Gypsum Recycling Building (Ridham Docks)		✔		
9	16/506193/ENVSCR	Land South of Iwade – 275 dwellings				✔
10	17/505073/FULL	Concrete Tile Factory, Smeed Dean Works		✔		
11	18/500257/EIFUL	Land adjacent Quinton Farm – 155 dwellings (MU1)			✔	
12	18/500393/FULL	Plot N2c, Castle Road, Eurolink			✔ (2021 cumulative traffic flows only)	
13	15/502197/FULL	Unit 10 Kemsley Fields Business Park				✔

14	SW/13/1495	Sita UK, Ridham Dock. Increase HGV movements for 12 months.				✔
15	18/502489/FULL	Kemsley Paper Mill internal access road				✔
16	EN010090	K4 CHP Plant		✔ (2021 baseline only)		
17	15/504458/FULL	KPM				✔
18	16/506935/COUNTY	Steam Pipeline (Ridham Dock to KPM)				✔
19	17/504034/COUNTY	Concrete Tile Factory Smeed Dean Works				✔
20	SW/14/0191	Countrystyle Recycle, Ridham Dock Extension to existing HGV shed				✔
21	17/502678/COUNTY	Ballast Phoenix Ridham Docks Section 3 application to vary hours of operation and alter number of vehicle movements				✔
22	17/505919/COUNTY	Ridham Docks 3 Kemsley Fields Business Park. Extension of existing IBA recycling facility.				✔
23	17/502834/FULL	Proposed Sonora Pipeline Route				✔
24	14/501588/OUT	Land at Stones Farm 550-600 dwellings		✔		
25	16/507877/FULL	Land to the West of Crown Quay Lane 383 dwellings		✔		
26	18/502190/EIHYB	Land North West of Sittingbourne 1200 dwellings, secondary and primary schools (MU1)			✔	

27	18/503873/ENVSCR	Land East and North of Iwade				✔
28	16/507687/COUNTY	IBA Facility				✔
29	16/507943/FULL	New Hook Farm Agricultural Anaerobic Digestion Plant	✔			
30	SW/13/1571	New Rides Farm				✔
31	17/503032/FULL	Land adj to 9 Neatscourt Cottages Installation of battery storage facility.				✔
32	15/506005/COUNTY	Dredging Disposal Site				✔
33	16/507594/COUNTY	Paradise Farm Extraction of brick earth, access improvement, restoration and replanting back to agricultural use		✔		
34	18/503075/NSIP	Land at Cleve Hill Construction and Operation of PV Electricity Generating and Storage				✔
35	15/506166/ENVSCR	Kent Science Park Redevelopment of site				✔
36	MC/18/2229	New Cement Plant, Thamesport, Isle of Grain				✔
A1	-	Ridham and Kemsley, Sittingbourne (SW/95/0099 G Park) (forming part of the southern part of A1)		✔		
A1	-	Remainder of southern part of the A1 allocation, excluding G-Park, in Ridham and Kemsley			✔	
A1	-	Northern part of the A1 allocation, Neatscourt, Isle of Sheppey				✔

A10	-	Milton Pipes, Mill Way, Sittingbourne (15/502912 Milton Pipes)				✔
A17	-	Iwade (north, south and east)			✔	
MU1	-	north West Sittingbourne			✔	
MU2	-	north east Sittingbourne			✔	
A3	-	Sheerness				✔
A4	-	Queenborough				✔
MU3	-	south west Sittingbourne			✔	
MU4	-	Teynham				✔
MU5	-	Faversham				✔

Definitions

Captured in surveyed traffic flows - Sites included within this column have traffic flows which were on the highway network when the observed traffic surveys took place. As such the traffic flows from these sites are already included within the observed traffic flows and no further action is necessary to include them in any future year baseline traffic flows.

Considered as committed development for inclusion within future year baseline traffic flows - Sites included within this column are sites which have planning consent but whose traffic flows are not included within the observed surveyed traffic flows. As such, following a review for inclusion within the future year baseline traffic flows, the traffic flows of these committed developments have been added to the observed traffic flows to form the future year baseline traffic flows.

Considered as a cumulative development for inclusion within cumulative assessment – Sites included within this column are allocated sites and / or development proposals that have not yet been granted planning permission and, following a review, have been included within the cumulative assessment to be assessed against the future year baseline scenario.

Scoped out due to negligible traffic flows generated within study area - Sites included within this column are consented sites, development proposals and / or allocated sites that were not generating any traffic at the time of the traffic surveys but are predicted to generate negligible amounts of traffic through the study area of this assessment and are thus scoped out of the assessment.

Table B: Chapter 7 Noise			
#	**Scheme**	**Potentially Significant**	**Comment**
1	SW/11/1291 Anaerobic digester and associated ground profiling and landscaping.	N	Scheme 1 is located further from NSRs than K3/WKN. Anaerobic digester facilities are typically relatively low noise generating. On this basis significant cumulative effects unlikely.
2	SW/14/0224 Solar farm, comprising the erection of solar arrays of photovoltaic panels, inverter and transformer sheds, fencing, site storage cabin, combined DNO and EPC switchgear housing, internal gravel access road, and associated equipment.	N	Scheme 2 is located well over 1 km from site and NSRs. Only minor noise sources associated with PV developments. On this basis significant cumulative effects unlikely.
3	14/500327/OUT Up to 8000m^2 of Class B1 and B2 floor space and all necessary supporting infrastructure including roads, parking, open space, amenity landscaping, biodiversity enhancement and buffer to proposed extension to Milton Creek Country Park. Detailed approval for Phase 1 including (i) vehicular and pedestrian access to Swale Way; (ii) 30 space (approximately) informal car park to serve extension to Milton Creek Country Park; Change of use of approximately 13.31 ha of Kemsley Marshes as an extension to Milton Creek Country Park with footpath connections to the proposed informal car park	N	Over 1 km from site and NSRs. On this basis significant cumulative effects unlikely.
4	14/501181/COUNTY KCC Regulation 13 - Scoping opinion as to the scope of an environmental impact assessment for a proposed combined heat and power plant at Ridham B	N	Over 1 km from site and NSRs. Proposed development further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
5	15/500348/COUNTY Install advance thermal conversion and energy facility at Kemsley Fields Business Park to produce energy and heat, including construction of new buildings to house thermal conversion and energy generation plant and equipment; construction of associated offices; erection of external plant including storage tanks; and erection of	N	Noise assessment for proposed development shows maximum rating levels at NSRs, associated with onsite activity (fixed plant etc.), 1 dB below background levels with significant advisers noise impacts avoided. On this basis significant cumulative effects unlikely.

	discharge stack (KCC planning application KCC/SW/0010/2015 refers).		
6	15/510589/OUT Outline application for access matters reserved for construction of Business Park (Use Classes B1(B), B1(C), B2 and B8) (research and development, light industrial, general industrial and storage or distribution) (up to a maximum of 46,600sqm), including associated accesses (including alterations to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage areas, and related development.	N	Over 1 km from site and NSRs. On this basis significant cumulative effects unlikely.
7	16/501228/FULL Construction of a new baling plant building within an existing waste paper storage yard.	N	Existing noise source relocated further from NSRs. On this basis significant cumulative effects unlikely.
8	16/501484/COUNTY County matter - The construction and operation of a gypsum recycling building with plant and machinery to recycle plasterboard and the re-configuration of the existing lorry park to include office/welfare facilities and ancillary supporting activities, including rain water harvesting tanks, container storage, new weighbridges, fuel tanks, hardstanding, safe lorry sheeting access platform and automated lorry wash.	N	Proposed development further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
9	16/506193/ENVSCR EIA Screening Opinion - Outline application for proposed residential development of 275 dwellings including affordable housing with open spaces, appropriate landscaping and minor alterations to the surrounding highway network (access).	N	Over 1 km from site and NSRs. No new noise sources. On this basis significant cumulative effects unlikely.
10	17/505073/FULL Erection of a tile factory including service yard, storage yard and car parking area.	N	Over 1 km from site and NSRs. On this basis significant cumulative effects unlikely.
11	18/500257/EIFUL Proposed development of 155 dwellings (9 x 2 bed flats, 13 x 2 bed houses, 66 x 3 bed houses, and 67 x 4 bed houses) together with associated new access road, car parking, linear park with acoustic barrier to the A249, dedicated LEAP, allotments, areas of surface water drainage	N	3 km from site and NSRs. No new noise sources. On this basis significant cumulative effects unlikely.

	attenuation and ecological enhancement, and new planting, including an area planted in the style of an orchard.		
12	18/500393/FULL Erection of a natural gas fuelled reserve power plant with a maximum export capacity of up to 12MW	N	Over 1 km from site and NSRs. On this basis significant cumulative effects unlikely.
13	15/502197/FULL Extension to existing yard and HGV parking area including installation of 5 no. lighting columns, landscaping, drainage and amendments to existing balancing pond	N	No new noise source. On this basis significant cumulative effects unlikely.
14	SW/13/1495 Variation of condition 9 of planning permission SW/11/548 (use of building 15B to install and operate materials recycling facility (MRF) and a refuse derived fuel (RDF) facility and to use existing weighbridge, weighbridge office, site office and washroom/toilets to the south of building 15a) to allow an increase of HGV movements from 58 to 98 (49 in and 49 out) for a temporary period of 12 months	N	Over 1 km from site and NSRs. Proposed development further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
15	18/502489/FULL Construction of a 7.2m wide internal access road and pedestrian footpath, together with the associated removal of existing water holding lagoon, chemical building and works yard. Erection of a new chemical store, works yard and engine store, breaking out and crushing of existing concrete hardstanding, lighting and landscape planting.	N	Minor noise source. Further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
16	EN010090 (18/501923/ADJ) Application for an Order Granting Development Consent to decommission the existing K1 CHP on the site and build, commission and operate a new CHP plant.	Y	Cumulative operational noise effects considered in assessment.
17	15/504458/FULL Formation or new rear access road and extension to trailer park to serve Kemsley Paper Mill and ancillary development including attenuation pond, security kiosk and weightbringers	N	Minor noise source. On this basis significant cumulative effects unlikely.

18	16/506935/COUNTY County Matters application for steam pipeline connecting the Ridham Dock Biomass Facility to the DS Smith Paper Mill.	N	Minor noise source. Noise source further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
19	17/504034/COUNTY County Matter - Provision of a new car park, drainage layout and SUDs pond to accommodate and support the existing waste management facility	N	Minor noise source. Noise source further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
20	SW/14/0191 Extension to existing HGV Fitters shed plus small additional storage building.	N	No new noise source. On this basis significant cumulative effects unlikely.
21	17/502678/COUNTY Section 73 application to vary conditions 15 and 16 of planning permission SW/12/1184 to permit the facility to operate during a wider range of hours and to also change the number of vehicle movements associated with the operations.	N	Over 1 km from site and NSRs. No new noise sources. On this basis significant cumulative effects unlikely.
22	17/505919/COUNTY County Matter: For extension of the existing IBA Recycling Facility by the use of an adjoining building and land; and associated amendments to the layout of the site.	N	Over 1 km from site and NSRs. Proposed development further from NSRs than K3/WKN. On this basis significant cumulative effects unlikely.
23	17/502834/FULL Installation of new underground water pipeline via open cut trenching and directional auger boring, including working area and site compounds	N	No new noise source. On this basis significant cumulative effects unlikely.
24	14/501588/OUT Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/ community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).	N	Over 3 km from site and NSRs. Only minor new noise sources likely. On this basis significant cumulative effects unlikely.

25	16/507877/FULL Erection of a residential development comprising 383 dwellings including associated access, parking, public open spaces and landscaping. New vehicular/pedestrian access from Eurolink Way and further secondary vehicular/pedestrian access off Crown Quay Lane. Associated drainage and earthworks.	N	3 km from site and NSRs. No new noise sources. On this basis significant cumulative effects unlikely.
26	18/502190/EIHYB Full Planning Application - Phase 1 North - Erection of 91 dwellings accessed from Grovehurst Road, public open and amenity space (including an equipped children's play area) together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including infiltration basins and tanked permeable paving), utilities and service infrastructure works. Full Planning Application - Phase 1 South - Erection of 252 dwellings (including 34 affordable dwellings) accessed from Quinton Road, public open and amenity space, together with associated landscaping and ecological enhancement works, internal access roads, footpaths, cycleways and parking, drainage (including infiltration swales, ring soakaways, and permeable paving), utilities and service infrastructure works. Outline Planning Application - for up to 857 new dwellings (including 10% affordable housing, subject to viability), a site of approximately 10 ha for a secondary and primary school, a mixed use local centre, including land for provision of a convenience store, public open and amenity space (including equipped children's play areas), together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including a foul water pumping station and sustainable drainage systems), utilities and service infrastructure. All matters reserved, except for access for the schools site from Grovehurst Road.	N	Proposed NSRs further from K3/WKN site. Primailriy a residiential development. Only minor new noise sources likely. On this basis significant cumulative effects unlikely.

27	18/503873/ENVSCR EIA Screening Opinion Application for housing and country park	N	Over 1 km from site and NSRs. No new noise sources. On this basis significant cumulative effects unlikely.
28	16/507687/COUNTY County matters application for the construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant	N	Permission has lapsed.
29	16/507943/FULL Construction of an agricultural anaerobic digestion plant and associated infrastructure, for the purposes of generating renewable energy.	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
30	SW/13/1571 The erection of four wind turbines with a maximum blade tip height of up to 126.5 metres, together with a substation and control building, associated hardstandings, an improved access junction, connecting internal access tracks, and other related infrastructure.	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
31	17/503032/FULL Installation of an electricity battery storage facility within a new steel framed portal building and ancillary infrastructure	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
32	15/506005/COUNTY EIA Screening opinion (County) to determine whether an environmental impact assessment is required for the proposed establishment of a secondary aggregate recycling facility and the reworking of existing aggregate deposits at Rushenden Marshes Disposal Site.	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
33	16/507594/COUNTY County Matter - phased extraction of brickearth, advance planting, access improvements, restoration and replanting back to agricultural use.	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
34	18/503075/NSIP Consultation - Construction and Operation of Photovoltaic (PV) Electricity Generating and Storage.	N	Over 10 km from site and NSRs. On this basis significant cumulative effects unlikely.
35	15/506166/ENVSCR EIA Screening Opinion - Redevelopment of site, comprising demolition of selected buildings, extension, refurbishment and remodelling of selected buildings and the erection of new buildings to provide up to 88,000sqm, comprising laboratories, offices incubation/	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.

	innovation hubs; 400sqm of retail and up to 300-400 dwellings.		
36	MC/18/2229 request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the development of a new cement plant	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
	A1 Land allocated for 286,200 sqm of 'B' class employment uses	N	Allocated site is located between nearest NSRs assessed and the K3/WKN sites. However, allocated site would be developed and operated such that significant noise effects associated with operation of the allocated development are avoided. Development of allocated site would introduce new screening, associated with new buildings, which would act to reduce noise emissions from the K3/WKN sites affecting NSRs. On this basis significant cumulative effects unlikely. Furthermore, as site is allocated only no detail on which to base any assessment of cumulative effects.
	A10 Housing allocations for a mix of at least 240 dwellings	N	Proposed NSRs further from K3/WKN site. Primarily a residential development. On this basis significant cumulative effects unlikely.
	A17 Iwade Expansion	N	Proposed NSRs further from K3/WKN site. Primarily a residential development. Only minor new noise sources likely. On this basis significant cumulative effects unlikely.
	MU1 North West Sittingbourne - minimum of 1,500 dwellings, community facilities and structural landscaping and open space adjacent the A249.	N	Proposed NSRs further from K3/WKN site. Primarily a residential development. Only minor new noise sources likely. On this basis significant cumulative effects unlikely.
	MU2 mixed use development comprising 43,000 sq m of 'B' use class employment uses, approximately 106 dwellings, together with 31.1 ha of open space, flooding, biodiversity and landscape enhancements	N	3 km from site and NSRs. On this basis significant cumulative effects unlikely.

	A3 Planning permission will be granted for employment uses (use classes B1, B2 or B8 up to 7,500sqm)	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
	A4 Planning permission will be granted for employment uses on sites north and south of the A249 at Cowstead Corner, as shown on the Proposals Map. The northern site is allocated for an hotel (use class C1), whilst the southern site for use classes B1, B2 or B8 (5,600sqm).	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
	MU3 Planning permission will be granted for a minimum of 564 dwellings, commercial floorspace (including potential neighbourhood facilities), landscaping and open space on land at south-west Sittingbourne (Borden),	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
	MU4 Planning permission will be granted for mixed uses comprising approximately 260 dwellings, 26,840 sqm of 'B' use class employment, open space and landscaping	N	Over 3 km from site and NSRs. On this basis significant cumulative effects unlikely.
	MU5 Planning permission will be granted for mixed-uses, comprising 1,500 sqm of commercial floorspace, together with some 330 homes and proposals for the conservation, enhancement, and long-term management of the site's ecological and heritage assets	N	Over 10 km from site and NSRs. On this basis significant cumulative effects unlikely.

Table C: Chapter 11 Ecology			
#	**Scheme**	**Potentially Significant**	**Comment**
1	SW/11/1291 Anaerobic digester and associated ground profiling and landscaping.	Yes	Potential effects from emissions to air on designated sites plus disturbance due to proximity to such sites
2	SW/14/0224 Solar farm, comprising the erection of solar arrays of photovoltaic panels, inverter and transformer sheds, fencing, site storage cabin, combined DNO and EPC switchgear housing, internal gravel access road, and associated equipment.	Yes	Potential for overlapping disturbance/dust effects on designated sites
3	14/500327/OUT Up to 8000m^2 of Class B1 and B2 floor space and all necessary supporting infrastructure including roads, parking, open space, amenity landscaping, biodiversity enhancement and buffer to proposed extension to Milton Creek Country Park. Detailed approval for Phase 1 including (i) vehicular and pedestrian access to Swale Way; (ii) 30 space (approximately) informal car park to serve extension to Milton Creek Country Park; Change of use of approximately 13.31 ha of Kemsley Marshes as an extension to Milton Creek Country Park with footpath connections to the proposed informal car park	No	No overlapping pathways of effect other than road traffic emissions.
4	14/501181/COUNTY KCC Regulation 13 - Scoping opinion as to the scope of an environmental impact assessment for a proposed combined heat and power plant at Ridham B	No	No overlapping pathways of effect other than road traffic emissions.
5	15/500348/COUNTY Install advance thermal conversion and energy facility at Kemsley Fields Business Park to produce energy and heat, including construction of new buildings to house thermal conversion and energy generation plant and equipment; construction of associated offices; erection of external plant including storage tanks; and erection of discharge stack (KCC planning application KCC/SW/0010/2015 refers).	Yes	Potential effects from emissions to air on designated sites

6	15/510589/OUT Outline application for access matters reserved for construction of Business Park (Use Classes B1(B), B1(C), B2 and B8) (research and development, light industrial, general industrial and storage or distribution) (up to a maximum of 46,600sqm), including associated accesses (including alterations to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage areas, and related development.	No	No overlapping pathways of effect other than road traffic emissions.
7	16/501228/FULL Construction of a new baling plant building within an existing waste paper storage yard.	No	No overlapping pathways of effect other than road traffic emissions.
8	16/501484/COUNTY County matter - The construction and operation of a gypsum recycling building with plant and machinery to recycle plasterboard and the re-configuration of the existing lorry park to include office/welfare facilities and ancillary supporting activities, including rain water harvesting tanks, container storage, new weighbridges, fuel tanks, hardstanding, safe lorry sheeting access platform and automated lorry wash.	Yes	Potential for overlapping disturbance/dust effects on designated sites
9	16/506193/ENVSCR EIA Screening Opinion - Outline application for proposed residential development of 275 dwellings including affordable housing with open spaces, appropriate landscaping and minor alterations to the surrounding highway network (access).	No	No overlapping pathways of effect other than road traffic emissions.
10	17/505073/FULL Erection of a tile factory including service yard, storage yard and car parking area.	No	No overlapping pathways of effect other than road traffic emissions.
11	18/500257/EIFUL Proposed development of 155 dwellings (9 x 2 bed flats, 13 x 2 bed houses, 66 x 3 bed houses, and 67 x 4 bed houses) together with associated new access road, car parking, linear park with acoustic barrier to the A249, dedicated LEAP, allotments, areas of surface water drainage attenuation and ecological enhancement, and new planting, including an area planted in the style of an orchard.	No	No overlapping pathways of effect other than road traffic emissions.
12	18/500393/FULL Erection of a natural gas fuelled reserve power plant with a maximum export capacity of up to 12MW	Yes	Potential effects from emissions to air on designated sites.

13	15/502197/FULL Extension to existing yard and HGV parking area including installation of 5 no. lighting columns, landscaping, drainage and amendments to existing balancing pond	No	No overlapping pathways of effect other than road traffic emissions.
14	SW/13/1495 Variation of condition 9 of planning permission SW/11/548 (use of building 15B to install and operate materials recycling facility (MRF) and a refuse derived fuel (RDF) facility and to use existing weighbridge, weighbridge office, site office and washroom/toilets to the south of building 15a) to allow an increase of HGV movements from 58 to 98 (49 in and 49 out) for a temporary period of 12 months	Yes	Potential for overlapping disturbance/dust effects on designated sites
15	18/502489/FULL Construction of a 7.2m wide internal access road and pedestrian footpath, together with the associated removal of existing water holding lagoon, chemical building and works yard. Erection of a new chemical store, works yard and engine store, breaking out and crushing of existing concrete hardstanding, lighting and landscape planting.	No	No overlapping pathways of effect other than road traffic emissions.
16	EN010090 (18/501923/ADJ) Application for an Order Granting Development Consent to decommission the existing K1 CHP on the site and build, commission and operate a new CHP plant.	Yes	Potential effects from emissions to air on designated sites plus disturbance due to proximity to such sites
17	15/504458/FULL Formation or new rear access road and extension to trailer park to serve Kemsley Paper Mill and ancillary development including attenuation pond, security kiosk and weightbringers	No	No overlapping pathways of effect other than road traffic emissions.
18	16/506935/COUNTY County Matters application for steam pipeline connecting the Ridham Dock Biomass Facility to the DS Smith Paper Mill.	Yes	Potential for overlapping disturbance/dust effects on designated sites
19	17/504034/COUNTY County Matter - Provision of a new car park, drainage layout and SUDs pond to accommodate and support the existing waste management facility	No	No overlapping pathways of effect other than road traffic emissions.
20	SW/14/0191 Extension to existing HGV Fitters shed plus small additional storage building.	No	No overlapping pathways of effect other than road traffic emissions.
21	17/502678/COUNTY Section 73 application to vary conditions 15 and 16 of planning permission SW/12/1184 to permit the facility	No	No overlapping pathways of effect other than road traffic emissions.

	to operate during a wider range of hours and to also change the number of vehicle movements associated with the operations.		
22	17/505919/COUNTY County Matter: For extension of the existing IBA Recycling Facility by the use of an adjoining building and land; and associated amendments to the layout of the site.	No	No overlapping pathways of effect other than road traffic emissions.
23	17/502834/FULL Installation of new underground water pipeline via open cut trenching and directional auger boring, including working area and site compounds	No	No overlapping pathways of effect other than road traffic emissions.
24	14/501588/OUT Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/ community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).	No	No overlapping pathways of effect other than road traffic emissions.
25	16/507877/FULL Erection of a residential development comprising 383 dwellings including associated access, parking, public open spaces and landscaping. New vehicular/pedestrian access from Eurolink Way and further secondary vehicular/pedestrian access off Crown Quay Lane. Associated drainage and earthworks.	No	No overlapping pathways of effect other than road traffic emissions.

26	18/502190/EIHYB Full Planning Application - Phase 1 North - Erection of 91 dwellings accessed from Grovehurst Road, public open and amenity space (including an equipped children's play area) together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including infiltration basins and tanked permeable paving), utilities and service infrastructure works. Full Planning Application - Phase 1 South - Erection of 252 dwellings (including 34 affordable dwellings) accessed from Quinton Road, public open and amenity space, together with associated landscaping and ecological enhancement works, internal access roads, footpaths, cycleways and parking, drainage (including infiltration swales, ring soakaways, and permeable paving), utilities and service infrastructure works. Outline Planning Application - for up to 857 new dwellings (including 10% affordable housing, subject to viability), a site of approximately 10 ha for a secondary and primary school, a mixed use local centre, including land for provision of a convenience store, public open and amenity space (including equipped children's play areas), together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including a foul water pumping station and sustainable drainage systems), utilities and service infrastructure. All matters reserved, except for access for the schools site from Grovehurst Road.	No	No overlapping pathways of effect other than road traffic emissions.
27	18/503873/ENVSCR EIA Screening Opinion Application for housing and country park	No	No overlapping pathways of effect other than road traffic emissions.
28	16/507687/COUNTY County matters application for the construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant	No	Planning permission has lapsed.

29	16/507943/FULL Construction of an agricultural anaerobic digestion plant and associated infrastructure, for the purposes of generating renewable energy.	No	No overlapping pathways of effect other than road traffic emissions.
30	SW/13/1571 The erection of four wind turbines with a maximum blade tip height of up to 126.5 metres, together with a substation and control building, associated hardstandings, an improved access junction, connecting internal access tracks, and other related infrastructure.	No	No overlapping pathways of effect other than road traffic emissions.
31	17/503032/FULL Installation of an electricity battery storage facility within a new steel framed portal building and ancillary infrastructure	No	No overlapping pathways of effect other than road traffic emissions.
32	15/506005/COUNTY EIA Screening opinion (County) to determine whether an environmental impact assessment is required for the proposed establishment of a secondary aggregate recycling facility and the reworking of existing aggregate deposits at Rushenden Marshes Disposal Site.	No	No overlapping pathways of effect other than road traffic emissions.
33	16/507594/COUNTY County Matter - phased extraction of brickearth, advance planting, access improvements, restoration and replanting back to agricultural use.	No	No overlapping pathways of effect other than road traffic emissions.
34	18/503075/NSIP Consultation - Construction and Operation of Photovoltaic (PV) Electricity Generating and Storage.	No	No overlapping pathways of effect.
35	15/506166/ENVSCR EIA Screening Opinion - Redevelopment of site, comprising demolition of selected buildings, extension, refurbishment and remodelling of selected buildings and the erection of new buildings to provide up to 88,000sqm, comprising laboratories, offices incubation/ innovation hubs; 400sqm of retail and up to 300-400 dwellings.	No	No overlapping pathways of effect other than road traffic emissions.
36	MC/18/2229 request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the development of a new cement plant	No	No overlapping pathways of effect other than road traffic emissions.
	A1 Land allocated for 286,200 sqm of 'B' class employment uses split between land at Ridham and Kemsley, Sittingbourne (SW/95/0099) and Neatscourt, Isle of Sheppey.	No	No overlapping pathways of effect other than road traffic emissions.

	A10 Housing allocations for a mix of at least 240 dwellings	No	No overlapping pathways of effect other than road traffic emissions.
	A17 Iwade Expansion	No	No overlapping pathways of effect other than road traffic emissions.
	MU1 North West Sittingbourne - minimum of 1,500 dwellings, community facilities and structural landscaping and open space adjacent the A249.	No	No overlapping pathways of effect other than road traffic emissions.
	MU2 mixed use development comprising 43,000 sq m of 'B' use class employment uses, approximately 106 dwellings, together with 31.1 ha of open space, flooding, biodiversity and landscape enhancements	No	No overlapping pathways of effect other than road traffic emissions.
	A3 Planning permission will be granted for employment uses (use classes B1, B2 or B8 up to 7,500sqm)	No	No overlapping pathways of effect other than road traffic emissions.
	A4 Planning permission will be granted for employment uses on sites north and south of the A249 at Cowstead Corner, as shown on the Proposals Map. The northern site is allocated for an hotel (use class C1), whilst the southern site for use classes B1, B2 or B8 (5,600sqm).	No	No overlapping pathways of effect other than road traffic emissions.
	MU3 Planning permission will be granted for a minimum of 564 dwellings, commercial floorspace (including potential neighbourhood facilities), landscaping and open space on land at south-west Sittingbourne (Borden),	No	No overlapping pathways of effect other than road traffic emissions.
	MU4 Planning permission will be granted for mixed uses comprising approximately 260 dwellings, 26,840 sqm of 'B' use class employment, open space and landscaping	No	No overlapping pathways of effect other than road traffic emissions.
	MU5 Planning permission will be granted for mixed-uses, comprising 1,500 sqm of commercial floorspace, together with some 330 homes and proposals for the conservation, enhancement, and long-term management of the site's ecological and heritage assets	No	No overlapping pathways of effect other than road traffic emissions.