Growth, Environment & Transport

Room 1.62
Sessions House
Maidstone
Kent
ME14 1XQ

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

Mr. Grahame Kean
Examining Authority
National Infrastructure
Temple Quay House
2 The Square
Bristol, BS1 6PN

BY EMAIL ONLY

Your reference: EN010083

24 April 2020

Dear Mr. Kean,

Re: Application by Wheelabrator Technologies Inc. for an Order Granting Development Consent for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility Development Consent Order (DCO) – Deadline 3 Submission

Kent County Council (KCC) welcomes the opportunity to submit comments at Deadline 3 of the Examination for the K3 and WKN Waste to Energy Facility DCO. This submission provides comments on the Applicant's Response to Local Impact Reports, the Applicant's Comments on Written Representations and the Applicant's revised draft DCO submitted at Deadline 2.

Kent County Council response to Deadline 2 Submission - Applicant's Response to Local Impact Reports (Ref: REP2-010)

KCC, as the Local Highway Authority, has engaged with the Applicant and the Examining Authority throughout the DCO process. The following comments are made in response to the Applicant's response to the submitted Local Impact Reports, with the relevant paragraph extracts provided.

Baseline Conditions

"2.2.1 The Applicant notes paragraph 7.4 in which KCC confirm that they now accept the baseline position set out within the Transport Assessment and the ES"

KCC has previously raised a query on the baseline conditions regarding the impact of the removal of the previously consented Incinerator Bottom Ash facility. The County Council does not consider that this has been addressed and therefore that it remains outstanding. Paragraph 2.2.1 is therefore incorrect in stating that full agreement has been made to the baseline conditions.

Trip Generation

"2.2.8 During that meeting the applicant explained that the HGV generation is based upon 75% of all movements being generated during daytime periods and 25% of all HGV movements being generated during night time periods. The applicant explained that this was the assumption made for K3 as part of its Section 73 application (reference SW/14/506680) to enable 24/7 working. This detail is set out at paragraph 6.14 of the Transport Assessment"

In respect of paragraph 2.2.8, the County Council is concerned that there has been no evidence submitted by the Applicant to demonstrate that once in operation, the plant would operate with HGVs running throughout every day and night. In addition, no evidence has been submitted to demonstrate that a 75% daytime and 25% night-time split in HGV movements is realistic.

"2.2.10 Notwithstanding, during the meeting on 10 February 2020, KCC advised that they were able to obtain HGV movement data for the Waste to Energy facility at Allington, Kent and suggested that the Applicant do likewise for their operational facility at Ferrybridge, Yorkshire. 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 has provided a sensitivity test of HGV movements during the daytime only. The data for the plants at the Ferrybridge and Allington sites should help to provide useful comparative data for the County Council to assess the number of HGV movements that have been put forward by the Applicant.

Without restrictive conditions imposed, there is concern that the contracts could enable the business to operate in a similar manner to the other operational facilities, with HGV movements not being spread out over a 24 hour period as currently proposed, and instead, concentrated over daytime hours only. This could result in a significant impact on the local highway network.

Impact on the Existing Highway Network

"2.2.28 It is assumed 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"

Grampian conditions will be imposed on the planning consent for residential development[1], which will introduce movements through the Grovehurst/A249 junction. The County Council

[1] North West Sittingbourne 18/502190, East of Iwade 19/503974, Pond Farm Iwade 19/501332 and North of Sanderling Way Iwade 18/505157

is currently in the process of securing the Housing Infrastructure Funding (HIF) grant with Homes England, awarded by Government in November 2019. The Grampian conditions are necessary until such a time that the improvements are guaranteed, as the improvements at Grovehurst junction will need Highways England approval and will also need planning consent. Until this has taken place, there remains a risk to the delivery of the improvements. Therefore, whilst the objective is to deliver the junction scheme by 2023, the County Council, as the Local Highway Authority, is unable to guarantee the improvements will take place at this time.

"2.2.29 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's statement made at paragraph 2.2.29 is incorrect. HIF funding is to be used to secure improvements at the Key Street and Grovehurst junctions, not the Bobbing junction. The proposed improvements to the Bobbing junction will be delivered and fully funded by the developers of the North West Sittingbourne site (ref: 18/502190) under a Section 278 agreement.

Mitigation

"2.2.35 Notwithstanding, paragraph 7.17 of KCCs Local Impact Report seeks mitigation that would redress the impact by the K3 and WKN Proposed Developments. The Applicant submits that this is not policy compliant, and that developments should only be refused consent for traffic impact reasons if the residual cumulative impact on the road network is severe (not nil-detriment)."

Notwithstanding the Applicant's comments in paragraph 2.2.35, in respect of nil-detriment, KCC, as the Local Highway Authority, considers that the residual cumulative impact on the junction A248/Grovehurst junction is classed as severe. All the other developments that will generate an increase in traffic through the junction are being required to contribute towards the proposed mitigation measures.

Deadline 2 Submission – Applicant's Comments on Written Representations (Ref: REP2-011)

The County Council, as Minerals and Waste Planning Authority, provides the following comments response to the Applicant's Comments on Written Representations, with relevant paragraph extracts provided.

Paragraph 7

"KCC's submissions have all advised that the Inspector's Report following Examination of the EPR is due shortly, the expected date being stated as 'imminently'. The Examination into

this DCO Application has only recently commenced. The EPR should be adopted prior to any decision on the DCO Application and so it is unclear why this concern has arisen."

If that is accepted that the EPR will be adopted prior to any decision on the DCO application, then it is clear that the application ought to be assessed against policies presented in the Early Partial Review (EPR) rather than the adopted plan.

The Inspector's Report will be sent to the Examining Authority as soon as it has been made available.

Paragraph 9

"These policies have been addressed at section 4.3 of the WHFAR which confirms, at paragraph 4.3.12, that they are not objected to. 'Indeed, as has been demonstrated throughout this report, the policy objectives of both the adopted and the emerging development plan, are wholly met by the Proposed Development.' (WHFAR paragraph 4.3.13)"

The Waste Hierarchy and Fuel Availability Report (WHFAR) may state that the Applicant considers the proposal to wholly meet the policy objectives of both the adopted and emerging plan, but it does not provide the evidence to support this. Any such confirmation requires evidence to support such a position, which as yet is not forthcoming.

Paragraph 11

"Section 2 of the Annex 1 to the KCC WR opens with an overview of the principles underpinning waste planning, including self-sufficiency and the waste hierarchy; these principles are confirmed to be reflected in both the policy of the adopted KMWLP and the EPR. They are also addressed in the WHFAR, not least at Sections 2 and 4, which demonstrate that K3/WKN delivers all the principles of the waste hierarchy, self-sufficiency, and the proximity principle."

It is not apparent as to how exactly the WHFAR demonstrates "that K3/WKN delivers all the principles of the waste hierarchy, self-sufficiency, and the proximity principle".

Paragraph 12

"Annex 1 to the KCC WR claims that K3/WKN would deliver capacity 'far in excess of the requirements indicated by the latest Waste Needs Assessment (WNA)'. What Annex 1 to the KCC WR does not advise is that, within its submissions to the EPR Examination, the Applicant demonstrated a number of errors within the WNA such that the Applicant was readily able to identify:

- *88,000 to 193,000 additional tonnes of LACW1 arising and up to an additional 130,000 tonnes of residual LACW that should be diverted from landfill;*
- *0 to 270,000 additional tonnes of C&I2 wastes that are 'Not Codable' but expected to be generated in Kent;*
- *28,000 to 141,000 additional tonnes of residual C&I wastes that are likely to be require diversion from landfill; and*

- *198,532 tonnes of RDF manufactured in Kent, of which 100,000 to 188,000 tonnes was from waste generated in Kent or the South East, and exported outside the UK."*

The representations made by Wheelabrator Technologies Inc (WTI) to the examination of the EPR, that the WNA contains errors, have been fully rebutted in the County Council's submissions to the Examination of the EPR - upon which the Inspector is currently deliberating.

Paragraph 13

"Recognising the inherent uncertainties in waste data, and in forecasting generally, the Applicant identified a range of tonnages; an approach generally considered as best practice in waste forecasting. This method readily demonstrated that the approach used by KCC, which focussed on a number of narrow parameters, was at risk of substantially under estimating future waste management needs within Kent."

KCC refers back to paragraph 12 above.

Paragraph 15

"This is another sentence that is simply a statement with nothing to substantiate it, and KCC has provided no evidence that recovery facilities affect recycling performance."

Given the operator is under a legal obligation in Regulation 12 of the Waste (England and Wales) Regulations 2011 to comply with the waste hierarchy in priority order, the burden of proof lies with the Applicant to demonstrate either why waste to be managed cannot be managed further up the hierarchy, or to justify, by means of a Lifecycle Assessment, that the proposed management method (energy recovery) would deliver greater benefits than those that would be obtained by its management through other means.

Paragraph 17

"The Environmental Permit requires those wastes that are accepted at K3 to be 'treated' such that they will be the residual output of re-use and recycling activities. It is to be expected that the same restriction would apply to K3/WKN. The Permit will only allow separately collected recycled waste to be accepted at K3/WKN where that waste is not suitable for recycling. This restriction is workable because the existing K3 facility and WKN are designed to be able to accept a wide range of wastes and can adapt to changes in waste composition over time such that they will not 'crowd out' recycling."

KCC has not had sight of the Environmental Permit but notes this operates under a different regulatory regime.

The suggestion that K3/WKN will accept a "wide range of waste" is not borne out by the Applicant's own evidence, which identifies only four types of waste in the feedstock assessment. Moreover, it is doubtful that waste types which are residues from mechanical processing of waste classified under EWC code 19 12 12 currently being landfilled could even be incinerated, due to their low calorific value.

Paragraph 19

"As is set out at section 2.4, Gate Fee Reports prepared by WRAP consistently show gate fees at material recycling facilities and organic waste treatment facilities to have significantly lower gates fees than energy from waste and landfill facilities. Increased recycling is an important policy drive and the market responds positively to this, not least it is a cheaper waste management method than either energy recovery or disposal. It makes sound commercial sense for waste producers to seek the most cost-effective waste management solution, which favours reduction, reuse and recycling. There is a financial imperative on waste producers and handlers to comply with the waste hierarchy."

The Gate Fees report referenced relates to gate fees charged to local authorities under contracts, to mostly be delivered through medium or long term contracts, so the fees presented are not representative of a fee that might be charged for the management of business waste. Gate fees form one part of the cost base of recycling charged onto to waste producers by waste collection companies, but the report relates solely to the gate fee component. This means the report is not reliable as evidence to justify the Applicant's assertion that recycling is the cheaper waste management method than energy from waste or landfill and that therefore the market can be relied upon to maximise recycling prior to residual waste being presented for disposal.

Paragraph 20

"K3/WKN are demonstrated to be at the right level of the waste hierarchy, performing an important role at the end of the waste management process, taking waste out of landfill, and complementing re-use and recycling. K3/WKN will both: divert residual wastes from landfill; avoid an energy source being lost overseas when the UK has such urgent energy demands; recover renewable/low carbon energy; and recover secondary materials including aggregates, glass, metal and digestate. K3/WKN demonstrably deliver the waste hierarchy and will not prejudice."

KCC supports moving waste out of landfill. However, it is questionable whether this will in fact happen as a result of this project. It is more probable that the proposed plant will provide an onshore facility for refuse derived fuel (RDF) currently exported to more energy efficient plants as demonstrated by the Applicant's own carbon assessment for WKN -. Document 3.1 – ES Volume 2 Appendix 6.2: WKN Proposed Development Carbon Assessment Section 4.2 Alternative Baseline Assumption.

KCC notes the Applicant is seeking to claim both a carbon benefit for diverting waste from landfill *and* an energy benefit by onshoring RDF, whilst ignoring the overall carbon burden/disbenefit. KCC suggests that the breakeven point in terms of relative carbon benefit between the fuel split due to landfill diversion rather than RDF ought to be modelled. By undertaking such a task, it would be possible to assess the quantity of waste that would need to be sourced due to landfill diversion to offset the carbon burden of onshoring at a plant with lower energy efficiency. Any such modelling should take account of the fact that that the carbon benefits of landfill diversion only apply to the biodegradable content of residual waste and this component is expected to reduce with introduction of separate food waste collections in 2023.

Paragraph 25

"Paragraphs 4.1.6 to 4.1.10 of the WHFAR explain that:

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."

KCC notes that, to correctly reference Article 16, paragraph 4.1.7, it ought to refer to "mixed municipal waste". That is to say the proximity principle only applies to mixed municipal waste. It is questionable whether RDF ought to be classed as such and therefore its export is not contrary to the proximity principle.

The response by the Applicant in paragraph 4.1.8 implies that waste managed at K3/WKN might otherwise be managed outside the European Union; whereas it is hard to see why that would occur as there are plentiful outlets within the EU.

KCC asks if WTI is suggesting that waste to be managed at the proposed plants would otherwise be disposed of outside the European Union (presuming UK is regarded as still a member by the Applicant and KCC).

Paragraph 26

"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."

This statement expressly recognises the potential problem of local over-capacity, and, if as KCC contends, the other recovery requirement for Kent's waste is fully met already, then this suggests the plant will primarily seek feedstock from beyond Kent, and far beyond it potentially. This then gives rise to concerns about the impacts (including carbon emissions) of long-distance transport of feedstock. If the plant is intended to meet the need of areas beyond Kent, then a site nearer to the source would clearly be better aligned with the proximity principle.

A map showing the consented EfW plants in the target Study Area whose supply would be more local to the source is included as an Appendix 1 to this submission.

Paragraph 27

"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')."

This document has no status and is intended to be a guide. It is not policy or practice guidance. Updated policy and guidance has been published since its release in Feb 2014 - National Planning Policy for Waste (NPPW) (Oct 2014) and National Planning Policy Guidance (NPPG) (Oct 2015) respectively.

Paragraph 33

"K3/WKN are merchant facilities and are proposed in response to a recognised commercial need for additional recovery capacity to divert residual wastes from landfill and 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."

Please see KCC's previous comment in response to paragraph 20 above, regarding whether the plants will be diverting waste from landfill or onshoring RDF exported abroad thus yielding greater carbon benefits as per the Applicant's own carbon assessment. It therefore cannot be regarded as a truly sustainable management method.

Paragraph 34

"KCC is also concerned about the GLA being able to achieve self-sufficiency. This too is unfounded. The Planning Inspectorate issued its recommendations on the Riverside Energy Park DCO in early January 2020, such that a decision is due shortly. The Riverside Energy Park incorporates an energy from waste facility, located adjacent to an existing recovery facility and in close proximity to heat demand. The Application was accompanied by an assessment demonstrating that London requires in the region of 1 million tonnes of new residual waste management capacity (as a conservative estimate) and that the proposed recovery facility would make a positive contribution to London achieving its own self-sufficiency targets set out in policy."

KCC confirms that the point related to the London Plan stated intention to achieve net self sufficiency for London's waste by 2026 rather than a concern for the GLA.

KCC notes that the Riverside Energy Park (REP) has now been granted a DCO, so a further c600,000 tonnes of management capacity for residual waste is provided in London to aid in the objective of net self sufficiency. It should be noted that the Riverside Energy Park proposal expects to receive waste from beyond London, as is stated in paragraph 5.3.3 of The Project and its Benefits Report (Document 7.2, APP-103):

"The geographical location of Riverside Energy Park (REP) presents the opportunity to accept wastes from local authorities, particularly within the south and east of England." The evidence submitted included a review of the South East Planning Authorities Residual Waste Capacity Requirements, including that of Kent.

Paragraph 41

"KCC is wrong both to suggest that K3/WKN do not comply with either the KMWLP or the EPR, and that the Applicant has knowingly presented a false position. Not least in the both the Planning Statement (Document 4.2, APP-082) and the WHFAR (particularly at section 4.3), both as supplemented by this response and others K3/WKN is clearly demonstrated to be in accordance with both the KMWLP and the EPR."

KCC notes the Applicant maintains its view that compliance with Local Plan policy has been demonstrated. KCC, as plan making authority, is unclear as to how this is the case, and does not agree that such compliance has been demonstrated. Indeed, current policy would only support the provision of other recovery capacity over and above that required for managing the equivalent of Kent's waste, where such capacity would result in the movement of Kent's waste further up the waste hierarchy, as stated in paragraph 6.3.1 of the EPR document.

Moreover, the applicant's assertion that the proposal is in accordance with the EPR raises questions as to why such strong representations have been made throughout the EPR process.

Paragraph 43

"The RWS, the strategy document, references the need for additional waste treatment capacity, recognising (on page 76) that 'landfill is the least preferred option given its environmental impact', RWS welcomes 'further market investment in residual waste treatment infrastructure' (page 79). On page 78, the RWS states 'We cannot increase resource efficiency without the right waste infrastructure.' Contrary to KCC's submission, the RWS is wholly supportive of new waste management infrastructure."

While the Regional Waste Strategy (RWS) recognises the role of energy from waste (as it also recognises the role of landfill), it does not advocate energy from waste as a management solution without heat utilisation or over other options and it seeks to put in a place a strategy that ensures waste will be managed as far up the waste hierarchy as possible.

Paragraph 45

"The footnotes within the quoted text are:

- *263 10% of MSW is estimated to be between 5Mt-6Mt per annum by 2035*
- *264 With MSW residual arisings predicted to fall to 20-21Mt per annum by 2035 under a 65% recycling rate*
- *265 The environmental balance between landfill and energy recovery will depend on several factors such as the composition of waste landfilled, the efficiency of energy recovery, etc.*
- *266 Tolvik Consulting Ltd. (2017) UK residual waste: 2030 market review [which provides a link to the website https://www.tolvik.com/published-reports/view/uk-residual-waste-2030-market-review/]"*

KCC notes that footnote 265 confirms KCC's view regarding the environmental benefits of landfill versus energy recovery being sensitive to composition of waste and efficiency of proposed energy recovery plants (see paragraph 44 above).

It should be noted that while Tolvik is cited, the Government quite rightly relies on its "own internal analysis". The independence of Tolvik cannot be assured, as it is a commercial consultancy primarily working in support of waste management facility providers or funders, as is confirmed by the client profile displayed on its website. https://www.tolvik.com/expert-advice/

Paragraph 48

"Recognising this level of uncertainty makes the second conclusion even more important: that, despite assuming high levels of recycling, and substantially greater than are currently achieved in the South East, there generally remains a future forecast need for substantial new residual waste treatment capacity. A potential future surplus of capacity is only achieved when: very high recycling rates are assumed; all potential future capacity is included, even when it is not yet operational; and it is assumed that the UK will still be exporting 2.5 million tonnes of RDF to mainland Europe for treatment."

The Applicant indicates that it has knowledge of the recycling rates being achieved across the South East for all target waste streams, however evidence to support this has not been presented. Without this, it is not possible to assess the veracity of this statement.

KCC notes the value cited in paragraph 46 is "3.2 million tonnes of refuse derived fuel ('RDF)') each year" whereas this paragraph refers to 2.5 million tonnes. It is not clear why two significantly different values have been used.

Paragraph 52

"Policy and strategy are often being updated. Annex 1 to the KCC WR does not specify what change it foresees, other than to speculate that, in being consistent with the RWS they will likely 'provide a different emphasis in policy direction, particularly in relation to Combined Heat and Power (CHP) from EfW.' As set out in the WHFAR (particularly at section 4.2) K3/WKN are aligned to the policy direction of RWS and plays an important role in delivering the circular economy in England; it can be reasonably assumed to remain aligned with the Environment Bill and future updates t implementation legislation and policy."

It is not at all clear how an essentially fossil based waste fired power station fits with a circular economy approach that is intended to retain materials in the useful cycle and maximise the value gained from materials that are no longer fit for use. It is also notable that the only mention of EfW in the RWA document in terms of policy relates to driving greater energy efficiency in EfW plants i.e. ensuring heat is captured (p67).

Paragraph 57

"Appendix 1 to Annex 1 to the KCC WR presents none of the data required to verify the numbers presented and is comparing two different years when claiming to have found 'such gross deviation…'. Forecasting anything into the future is an uncertainty; KCC's approach would result in a lost opportunity to achieve the infrastructure required to deliver the renewable/low carbon energy supply so urgently sought in policy; and sustainable waste

management, fulfilling the circular economy and diverting waste from landfill. K3/WKN are demonstrably supported by policy and all the credible analysis considered within the WHFAR and this response."

Appendix 1 merely presents the outcome of replicating the method used in the Applicant's own Waste Feedstock assessment using the latest publicly available data sources. KCC notes that in replicating the method, it does not endorse the validity of the method, and has particular concerns around inclusion of residues from waste processing classed as 19 12 12 going to landfill, which it considers would largely be trommel fines unsuitable for use as a feedstock to an incineration plant.

KCC notes that the Applicant seeks to rely on diversion from landfill as a justification for the plant, without reference to onshoring RDF exports, and hence this is inconsistent with other statements.

Paragraph 59

"The WHFAR considers only those wastes that have been disposed to landfill within the Study Area, or which have been exported from within the Study Area as RDF. In considering the future fate of these wastes, the WHFAR incorporates an assumption that recycling will increase to meet the targets set out in the RWS. It is entirely reasonable to assume that these wastes, whether they are sourced from Kent or elsewhere within the Study Area, will continue to be sent to landfill; albeit Brexit means that the assumption that RDF will continue to be exported to mainland Europe is less certain."

KCC notes that this seems to be a contradictory statement - implying two conditions (i.e. waste sent to landfill will be diverted and RDF exported abroad will be managed) prevail at the same time. Please see the previous comment in response to paragraph 20 about the need to assess the switch point between landfill diversion and onshoring RDF currently sent to more efficient plans on mainland Europe.

Paragraph 61

"There will be competition with other energy recovery facilities, and likely some continued export to mainland Europe. However, that wastes are being disposed of to landfill suggests that much of the existing energy recovery capacity is already utilised; it may not be possible for those facilities to accept any more waste. The export of RDF to mainland Europe will be affected by Brexit, although the extent of that change are not yet clear. In any event, this simply means that the UK misses out on a renewable/low carbon energy supply that is, secure, affordable, decentralised, and promoted in policy"

The Applicant frequently refers to the energy produced by the facilities as 'renewable' and 'low carbon' whereas the waste proposed for receipt at the facilities is not entirely renewable. The carbon assessment submitted assumed the biogenic CV content as being only 45% and it is also questionable that it can be classed as 'low carbon' given the relatively low energy efficiency of the power only WKN proposal.

Paragraph 62

"In terms of heat offtake, the Carbon Assessment is conservative in that it models an electricity only facility. In reality WKN would be connected to the Kemsley Paper Mill via K3;

some heat could be supplied to Kemsley which means the modelling of the facility as electricity only is a worst case scenario. WKN would be constructed to be CHP ready and it would therefore be feasible to commence heat exports as soon as a suitable heat use is secured. The Applicant intends to continue to review opportunities for the use of heat arising from WKN and its location close to the existing Sittingbourne urban area and to industrial developments means that the WKN site is not considered to limit CHP potential."

KCC notes the non-committal nature of the statement and given a review of existing heat sources, it is unlikely to be needed.

KCC considers that a location elsewhere with an immediate heat offtake as essential for the full carbon benefits or the waste stream to be gained. Otherwise, it would be standing to waste an amount of heat energy for 25 years at least with the loss of that carbon benefit.

Paragraph 63

"KCC suggest that the biogenic fraction of the waste may reduce with the "….government drive to separate out food waste….". Waste composition data is generally of poor quality but it is acknowledged that there may be some reduction in biogenic wastes if all Local Authorities are mandated to separately collect food waste from households. However, there are other initiatives at the national level (such as extended producer responsibility and deposit return schemes) which could see an increased capture of other waste materials such as plastic bottles for recycling, which would thus drive up the biogenic proportion of the overall residual waste stream. Given that the calorific value of food waste is less than non-biogenic wastes such as plastic any measurable change in the biogenic fraction of waste (and hence carbon impact) would require significant levels of food waste diversion."

Significant levels of food waste diversion is exactly what is intended by Government – RWS commits to ensuring that every householder and appropriate businesses have a weekly separate food waste collection by 2023 and a public consultation has already taken place on the proposal. Moreover, the Government has adopted a food and drink waste hierarchy as statutory guidance, which recognises that incineration of food waste is amongst the options of last resort, after recycling via anaerobic digestion, composting and landspreading being considered[2].

Paragraph 64

"In respect of the disposal of APCR, transport carbon emissions are generally a small proportion of the overall assessed carbon impacts. However the Applicant intends to recalculate the modelled carbon emissions to reflect the transportation of APCR in order that a revised figure can be provided during the examination."

KCC notes that the Applicant accepts this is an omission in the carbon assessment and would suggest the opportunity be taken to rework the assessment to identify the 'breakeven' point referred to above.

[2] https://www.gov.uk/government/publications/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste

Kent County Council response to Deadline 2 Submission - Draft Development Consent Order (DCO) (REP2-006)

The County Council notes that the Applicant has taken account of previous commentary raised on the wording of Requirement 20, however the County Council would request the further amendment:

"The scheme should also detail measures for post-field work processing, assessment, analysis ***and reporting*** of the results of archaeological work and the deposition of the archive"

The County Council also notes that the Applicant has acknowledged that the Written Scheme of Investigation will be agreed to take into account authorised preliminary works.

The County Council will continue to work with the Applicant and Examining Authority and welcomes the opportunity to comment on matters of detail throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,

Barbara Cooper
Corporate Director – Growth, Environment and Transport

Appendix 1 - **Map showing Consented EfW Plants within, or in proximity to, WPA areas within Study Area**