

Mr Grahame Kean
Examining Authority
National Infrastructure
Temple Quay House
2 The Square
Bristol BS1 6PN
BY EMAIL ONLY

Our Ref: 19/505549/NSIP
Your Ref: EN010083
Date: 5th May 2020

Dear Mr Kean

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

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

Swale Borough Council would refer to the submission of representations relating to the above application, and apologises for the delay in submitting this letter.

Swale Borough Council (herein referred to as “SBC”) would refer to the above application under the NSIP process. Although it notes that the relevant local planning authority for the waste-to-energy development as proposed would be Kent County Council (KCC), the location of the site falls within the administrative boundaries of SBC.

Both SBC and KCC submitted a Local Impact Report under Deadline 1 in the examination timetable. It is noted that the KCC Local Impact Report deferred the following subject matters to SBC –

Economic Development – The SBC Local Impact Report states under paragraph 6.4.1 that job creation for the WKN plant is anticipated to be up to 482 staff during construction and 35-49 staff once operational, and that such job creation is welcomed.

Landscape and Visual Impact – SBC notes that Landscape and Visual Impacts are considered in Chapter 12 of the Environmental Statement. SBC does not disagree with the conclusions in this chapter that the development is unlikely to result in significant adverse visual or landscape character effects. This is primarily due to the existing industrial landscape surrounding the WKN site (noting that the physical scale of K3 has already been approved and constructed and forms part of this landscape)

Noise and vibration – SBC notes the content in chapter 12 of the Environmental Statement and raises no objection, subject to the control measures relating to construction as set out in the draft DCO.

Ground conditions – SBC notes the content in chapter 11 of the Environmental Statement and raises no objection subject to securing the additional works highlighted in the chapter by way of a condition(s) in the DCO.

Air Quality – SBC notes that emissions arising from the operation of the plant would be subject to control under an Environmental Permit and would be controlled by the Environment Agency. SBC has made further comments later in this letter relating to climate change, and to potential air quality impacts arising from lorry routeing.

Cultural Heritage – SBC would agree with the comments and conclusions submitted by Historic England. Although the scale of the development would be visible from a number of designated heritage assets, the impact would cause a low level of harm to the significance of these assets given intervening distances and existing developments. SBC would defer matters relating specifically to archaeology to KCC.

SBC would make the following further representations on the scheme, taking into account in particular the detailed submissions made by KCC.

Highways Impacts

Swale Borough Council notes the objections raised by Kent County Council to the development, in its role as the Local Highway Authority. Kent County Council also advises SBC on planning applications for development in the Borough. SBC would support the objections raised by Kent County Council relating to the highways impacts arising from the development, particularly in relation to the following matters –

- The capacity of the A249/Grovehurst Road junction and Swale Way / Barge Way roundabout to accommodate the significant additional traffic movements, particularly HGV movements, generated by the development. These junctions and road networks already suffer from significant congestion at peak times.
- The lack of modelling to take into account the effect on the committed upgrade to the A249/Grovehurst Road interchange. SBC would be extremely concerned if this proposal potentially undermined the delivery of its major housing allocations in the adopted plan, which form a fundamental basis for housing delivery in the borough.
- The impact of additional construction traffic on the highway network during the implementation of major road improvement schemes proposed for the M2 J5 and the A249 / Grovehurst Road interchange, and the likely impacts on safety and congestion within the Borough.
- SBC would submit that the unacceptable impacts highlighted by Kent County Council would be in conflict with Policy DM6 of the adopted Local Plan. This requires that development should mitigate impacts on the highway network, but if this cannot be achieved and residual cumulative impacts of development are severe, then such development should be refused.
- SBC would also support Kent County Council on its position regarding the use of rail and water as alternative means for transportation. Policy CP2 of the adopted Local

Plan requires development, where appropriate, to improve the transport network in the most sustainable way, provide access to rail transport, and facilitate greater use of waterways for commercial traffic. As Kent County Council states in its representation of 2nd March 2020, the site is ideally located in close proximity to Ridham Dock and the rail network. The applicant's proposal does not take advantage of these options and the proposal to review this position in five years (draft DCO condition 6) appears unrealistic, as it is far less likely that the applicant would be incentivised to commit to such infrastructure at a later date than at application stage.

Climate Change

SBC declared a climate and ecological emergency in June 2019. The Swale Borough Council Climate and Ecological Emergency Action Plan was approved by the Council's Cabinet on 22nd April 2020, and contains a number of short and long term actions to achieve carbon reduction and borough-wide net zero carbon by 2030. A copy of the Action Plan is attached as Appendix 1. Relevant chapters are those on Transport and Air Quality (P22), resource consumption and waste (P26), and energy generation and storage (P33).

SBC notes that the scheme, being an energy-from-waste generating station, is classed as a form of renewable energy under the National Policy Statement EN3. However SBC is concerned that the scheme would have significant adverse impacts upon carbon emissions within the Borough as follows –

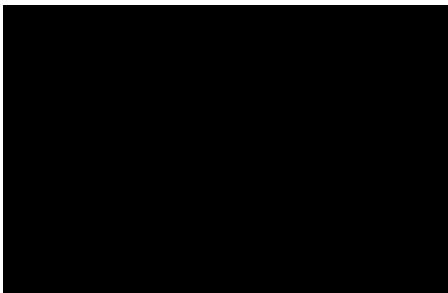
- The representations from Kent County Council as the Minerals and Waste LPA identify that the development on the scale proposed is not required to meet waste requirements in the latest Waste Needs Assessment, which is based upon the policy of providing self-sufficiency for the disposal of waste in Kent. As such, the facility would need to draw in waste from beyond the boundaries of Kent. SBC would support the Kent County Council objections, and would submit that the development would result in unnecessary HGV movements into the borough and the wider Kent area on a significant scale, with subsequent negative effects on climate change.
- SBC supports the concerns raised by Kent County Council that the development is not compatible with its waste hierarchy and promotion of recycling.
- SBC notes and supports the concerns raised by Kent County Council relating to the carbon impacts arising from the development.
- Swale Borough Council is concerned that the significant number of additional HGV movements has the potential to adversely impact upon local air quality. A new Air Quality Management Area (AQMA) is proposed to be designated at Keycol Hill on the A2 (and immediately adjacent to the A249) and there are existing AQMA's on the A2, which is a major transport route within the Borough. The Council notes in section 4.4.29 of the Traffic and Transport chapter of the Environmental Statement that no HGV's will travel directly from the A2 to the site. However it is unclear whether this means that HGV traffic will not use the A2 at all (or just the localised connections referred to in this paragraph). It is also unclear to the Council how HGV travel

patterns can be monitored and enforced to ensure the A2 is not used by HGV's, even if the intention under this application is that this route will not be utilised. SBC is concerned that the development could increase HGV movements through AQMA's and worsen air quality, contrary to Policy DM6 of the adopted Local Plan.

- SBC would request that a condition should be included to require the use of low or zero emission HGV's to negate air quality impacts. This could include LNG vehicles which provide a modest decrease in carbon emissions, but substantially lower NOx emissions, which is the pollutant for which AQMA's are declared. The Council would also request that electric vehicle charging facilities are provided within the development.

Swale Borough Council would request that the above points are taken into account. The Council will continue to liaise with the applicant on a Statement of Common Ground and the draft DCO.

Yours sincerely,



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