

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: 19th June 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)

Response to the Examining Authority's further written questions and requests for information (ExQ3)

This representation from Swale Borough Council (SBC) is in response to the further written questions and requests for information from the Examining Authority, and specifically those questions directed to Swale Borough Council.

Q3.5.2 – SBC is content to defer to the expert ecology advice from Kent County Council and Natural England as to whether a draft EMMP should be submitted.

Q3.6.3 – SBC would agree that circumstances relating to climate change have changed considerably since the publication in 2011 of NPS EN-01 and NPS EN-03, and would highlight the following matters as important and relevant to the application –

The **Climate Change Act (2008)** was amended in 2019 to set a target for the year 2050 for the reduction of targeted greenhouse gas emissions, to net zero emissions. Section 1(1) used to state that it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline. That minimum percentage was changed by the 2019 Order to read at least 100% lower.

The **Paris Agreement international treaty** was adopted in 2015 to provide a binding and legal agreement designed to limit greenhouse gas emissions to levels that would prevent global temperatures from increasing more than 2% above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. This was ratified by the UK Government in 2016.

The National Planning Policy Framework (2019) states in paragraph 148 that *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions (my emphasis) in greenhouse gas emissions, minimise*

vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Kent County Council has committed to facilitate the setting and agreement of a target of net zero carbon emissions by 2050 for the whole of Kent and Medway (Full Council 2019)

Swale Borough Council 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

Research by leading climate scientists at the Tyndall Centre for Climate Change Research has found that for Swale to make its fair contribution towards the Paris Climate Change Agreement, it should emit no more than 7.7 million tonnes of carbon dioxide before 2100. At 2017 emission levels, Swale would use this entire budget within seven years. The recommended pathway requires a 13% cut in carbon dioxide emissions each year from 2020, an 80% reduction in annual emissions by 2030 and a 95% reduction by 2042. Historically, the reduction in annual carbon emissions has been just over 3%. The recommended pathway would leave 20% of emissions to be offset to meet the Council’s target of carbon neutrality by 2030.

Q3.6.4 – SBC has been in discussion with the applicant regarding the use of low or zero emission HGV’s. The applicant has advised that waste would be transported to the site by other companies, and that Wheelabrator do not own or operate the vehicles that transport this waste. Although SBC recognises that this is not under the control of the applicant, the resultant emissions and pollutants arising from HGV traffic remains a concern.

SBC is in discussions with the applicant over the provision of electric charging facilities within the site for staff and vehicles operated by the applicant, and it is expected that this would be subject to a suitably worded condition in the dDCO.

Q3.6.6 – SBC does not have any enforcement powers to prevent an increase in HGV movements through existing AQMA’s on the A2. Traffic control measures would fall under the jurisdiction of Kent County Council and restrictions on HGV traffic can be placed on roads. However given the importance of the A2 as a key route through the borough serving Sittingbourne, Faversham, the Medway towns and other villages, it is not currently a feasible option to restrict HGV movements.

Q3.11.3 – Kent County Council has been awarded substantial funding (£38 million) from the Government’s Housing Infrastructure Fund (HIF), in order to progress a scheme to resolve existing congestion problems at the Grovehurst Interchange junction. This was secured to address congestion problems identified during the Local Plan process leading to the adoption of Bearing Fruits 2031: The Swale Borough Local Plan in 2017. In finding the plan sound prior to adoption, the Local Plan Inspector enforced an early review of the plan by 2022, as further highways impacts needed to be unlocked in order to deliver the overall quantum of housing within the Local Plan period.

The HIF funding unlocks congestion at the Grovehurst Interchange to facilitate the delivery of a number of strategic housing sites allocated within the plan. These sites are as follows –

A minimum of 572 dwellings on land at Iwade (Policy A17 of the Local Plan). A number of planning applications (totalling 601 dwellings) relating to this allocation are currently under consideration. Kent County Council, as the local highway authority, has recommended in respect of each application that a Grampian condition is imposed to prevent occupation until a contract for the Grovehurst Interchange improvements has been let.

A minimum of 1,500 dwellings on land at North West Sittingbourne (Policy MU1 of the Local Plan). A number of planning applications in both outline and full form relating to this allocation and totalling 1470 dwellings are currently under consideration. Kent County Council, as the local highway authority, have recommended that a limited amount of development across this allocation can take place without restriction (partially due to the outline nature of some applications and the need to extract brick earth prior to development – which would be likely to delay the occupation of dwellings on the site to align with the timetable for the Grovehurst improvements), but that Grampian conditions should be imposed to control housing occupations on the largest application until the improvements at Grovehurst Interchange are progressed.

The HIF bid was also secured on the basis of the highway improvements unlocking the delivery of housing allocations on the Isle of Sheppey. Some of these allocations have since been approved (on appeal at Barton Hill Drive – Policy A12) or have a resolution for approval (Belgrave Road – Policy A13). However a significant regeneration site proposed at Queenborough and Rushenden for approximately 1,180 dwellings (Policy Regen 2) remains largely to come forward for development, and a series of smaller development sites under policies A20 and A21 (Halfway Houses, The Foundry Queenborough, Nil Desperandum Queenborough) have also yet to come forward and which cumulatively amount to 119 dwellings.

The NW Sittingbourne and Iwade allocations are relevant as they are located immediately adjacent to the Grovehurst Interchange and would be reliant on this junction as a primary source of access. The Isle of Sheppey allocations are relevant as Sittingbourne is the main employment base within the Borough and large numbers of residents on the Island travel to Sittingbourne for work purposes. The Grovehurst Interchange is the first connection from the A249 into Sittingbourne from the Island, and serves a significant employment area to the north of Sittingbourne.

SBC is currently undertaking an early review of the Local Plan. Strategic Transport Modelling has been undertaken for the Council by SWECO, and this includes forecasting based on a requirement for higher housing levels than in the current adopted local plan (as objectively assessed need is expected to increase from 776 dwellings per year to 1054 dwellings per year following standardisation of the housing needs assessment model). This model forecasts that even with a HIF funded improvement scheme in place, further mitigation at the Grovehurst Interchange will be required to deal with increased traffic above that generated by the allocations in the current Local Plan (and which underpinned the HIF bid). This is identified as a “key intervention” under section 9.2.3 of the SWECO report.

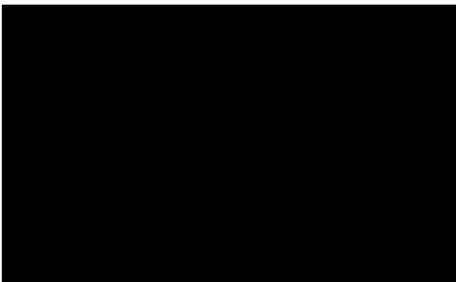
The following link provides access to the SWECO report, which is on P13 of the link to the agenda reports pack. The “key intervention” to signalise the A249 arm to the new interchange is identified in section 9.2.3 of the report on P62.

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CIId=216&MIId=2368&Ver=4>

SBC is concerned that the Wheelabrator proposal would generate significant additional traffic on the highway that has not been accounted for in modelling or forecasting work for either the adopted or emerging Local Plan, and which impacts directly on the Grovehurst Interchange. Without appropriate modelling and mitigation, there is a danger that the proposal would “eat” into the additional capacity that the improved Grovehurst Interchange junction would deliver, and in turn fail to achieve the capacity improvements that are essential to enable delivery of the outstanding local plan allocations.

Swale Borough Council is grateful for the opportunity to comment further on this proposal, and would request that the above points are taken into account. SBC will continue to liaise with the applicant on a Statement of Common Ground and the draft DCO.

Yours sincerely,



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