



Project Team
The Planning Inspectorate

Your Reference: EN010083
Our reference: DCO/2018/00017

By email only

29 June 2020

Dear Sir/Madam,

**APPLICATION BY WT/EFW HOLDINGS LTD FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE WHEELABRATOR KEMSLEY (K3)
GENERATING STATION AND THE WHEELABRATOR KEMSLEY NORTH (WKN)
WASTE TO ENERGY FACILITY**

Marine Management Organisation Deadline 6 Response

This document comprises the Marine Management Organisation's ("MMO") Deadline 6 response in respect of the above Development Consent Order ("DCO") Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

Yours faithfully,



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1. Comments on responses to ExQ3

WTI/EFW Holdings Ltd - 13.2 Applicant's Response to Examining Authority's Further Written Questions (ExQ3)

- 1.1. With regard to point 6.7.2 - the MMO refer to points 2.2, 2.14, and 3.4 of its deadline 5 response for further comment on the use of transport by water.
- 1.2. With regard to point 6.8.7 - the MMO appreciate that expense and economic value is a factor in deciding feasibility. However, the MMO advise that there are other factors which should be considered in combination with project cost, such as environmental impacts. While transport by road may be the most economically viable option, this does not mean it will be the most environmentally viable.
- 1.3. With regard to points 6.9, 11.4, and 11.6 - the MMO refer to their deadline 5 response. As expressed in point 3.4 of that response, the MMO advise that not considering transport by water at this stage may be a risk in the future.
- 1.4. With regard to point 8.1 - the MMO acknowledge the applicant's comments and confirm contact on 17 June 2020. The MMO advise this should be done more than 6 working days prior to the deadline in order for the MMO case team to be available. Please note that any meetings would be chargeable. Further guidance on fee and charges is available at the MMO website - <https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees>.
- 1.5. With regard to point 12.2 - the MMO acknowledge the consideration of the South East Inshore Marine Plan ("SEIMP"). As detailed in our deadline 5 response the MMO await the incorporation of this assessment into the application documents. The MMO advise that the whole project should be considered against the plan not just the marine elements.

WTI/EFW Holdings Ltd- 13.2 Applicant's Response to the Examining Authority's Further Written Questions (ExQ3) Appendix I - SW/18/503317 Committee Report

- 1.6. With regard to the consideration of transport by water and the utilisation of Ridham dock the MMO refer to their deadline 5 response. The MMO acknowledges the comments by the applicant and has advised that excluding assessment of transport by water at this stage is a risk to the applicant. The MMO have no further comment to make regarding the assessment of transport by water.

2. Comments on any revised/updated Statements of Communal Ground

8.2 Statement of Common Ground between the Applicant and the Environment Agency

- 2.1. With regard to point 2.4.6 - the MMO advises that the applicant incorrectly references the application reference (MLA/2017/00316) as the licence number. The applicant should amend this to the correct licence reference (L/2017/00482/2). The MMO regulate compliance with the marine licence and do not control the outfall.

2.2. With regard to point 2.4.8. The MMO would like to highlight that the discharge of water is not a licensable activity under that Marine and Coastal Access Act ,2009 (“the 2009 Act”). The MMO advise that the applicant change the wording of the following section to clarify that the variation was for the construction of the outfall - *“The MMO licence for the K3 outfall has been varied to permit the discharge of clean water from the WKN Proposed Development through a separate outfall to be located adjacent to the existing K3 outfall.”*

8.3 Statement of Common Ground between the Applicant and Natural England

2.3. With regard to points 2.3.8 and 2.3.9 - the MMO acknowledge the agreement about the mitigation measures but refer to their deadline 5 response for further comment on considering mitigation for terrestrial and marine sites.

2.4. With regard to point 2.3.16, 2.5, 2.6, and 2.8 - the MMO note that if mitigation is required then the terminology used by the applicant may be incorrect. The conclusion should be that there will be ‘no adverse effect on site integrity’ rather than *“will not result in significant effects”* for Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites.

2.5. With regard to point 2.3.24 - the MMO advises that the applicant references the application reference (MLA/2017/00316) as the licence number. The applicant should amended this to the correct licence reference - L/2017/00482/2.

2.6. With regard to point 2.3.26 the applicant states *“The MMO licence for the K3 outfall has been varied to permit the discharge of clean water from the WKN Proposed Development through a separate outfall to be located adjacent to the existing K3 outfall”*. The MMO would like to highlight that the discharge of water is not a licensable activity under the 2009 Act. The MMO advise that the applicant change the wording of this section to clarify that the variation was for the construction of the outfall.

3. Comments on responses to ExQ3

WTI/EFW Holdings Ltd - Deadline 5 Submission - 4.10 - Draft WKN Ecological Mitigation and Management Plan

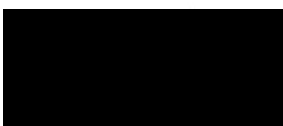
3.1. The MMO defer further comment to NE as the Statutory Nature Conservation Body.

WTI/EFW Holdings Ltd 13.3 Applicant’s Response to Submissions at Deadline 4

3.2. With regard to point 2.5.1 - the MMO refer to point 1.4 of this response.

3.3. With regard to point 2.5.3 - the MMO advise that the risk is with the applicant to ensure that any activities carried out within the UK marine licensing area are compliant with the 2009 Act.

- 3.4. With regard to points 2.5.7, 2.5.9, 2.5.11, 2.5.12 and 2.5.13 - the MMO acknowledge the applicant's comments and refer to our deadline 5 response for further comment.
- 3.5. With regard to point 2.5.8 - the MMO acknowledge the response from the applicant regarding piling methods.
- 3.6. With regard to point 2.5.10 - the MMO look forward to the SEIMP assessment being included within the application documents.
- 3.7. With regard to point 2.5.16 - the MMO acknowledge the response from the applicant regarding a variation to the existing marine licence.



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