



**Application by WTI/EFW Holdings Ltd for Wheelabrator Kemsley K3 and WKN**

**The Examining Authority's further written questions and requests for information (ExQ4)**

**Issued on 15 July 2020**

In accordance with the Government's measures to reduce the infection, which includes stopping all gatherings of more than two people in public and requiring people to stay at home, I confirmed in my letter of 22 May 2020 that further written questions would be issued on 15 July 2020.

Table **ExQ4** sets out the Examining Authority's (ExA's) further written questions and requests for information by named parties. Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to.

The ExA would be grateful if persons named could answer all questions directed to them, providing a substantive response, or explaining why the question is not relevant to them. Other IPs and other persons may comment on questions which are not directed to them.

As a result of ongoing Government guidance relating to the Coronavirus (COVID-19), our office at Temple Quay House is now closed and any submissions sent by post will be subject to delay.

You are welcome to respond by email with attached documents, as needed. If you would like this table in MS Word format please contact the Case Team: [WheelabratorKemsley@planninginspectorate.gov.uk](mailto:WheelabratorKemsley@planninginspectorate.gov.uk).

Please put 'ExQ4 - Wheelabrator Kemsley K3 and WKN' in the subject line of the email.

Responses are due by **Deadline 7: 5 August 2020**.

**Abbreviations used**

<b>PA2008</b>	The Planning Act 2008	<b>km</b>	kilometre
<b>µg.m-3</b>	Microgram per cubic meter	<b>KMWLP</b>	Kent Joint Municipal Waste Management Strategy
<b>AC</b>	Ambient Concentration	<b>LAQM.TG16</b>	Local Air Quality Management Technical Guidance
<b>APIS</b>	Air Pollution	<b>LSE</b>	Likely Significant Effects
<b>CEMP</b>	Construction Environment Management Plan	<b>LVIA</b>	Landscape and Visual Impact Assessment
<b>DCO</b>	Development Consent Order	<b>m</b>	metres
<b>dDCO</b>	draft DCO	<b>MCZ</b>	Marine Conservation Zone
<b>EA</b>	Environment Agency	<b>ME&amp;M SPA</b>	Medway Estuary and Marshes Special Protection Area
<b>EAL</b>	Environmental Assessment Level	<b>MMO</b>	Marine Management Organisation
<b>EIA</b>	Environmental Impact Assessment	<b>NE</b>	Natural England
<b>ELV</b>	Emission Limit Value	<b>NH3</b>	Ammonia
<b>EMMP</b>	Environmental Mitigation and Management Plan	<b>NOx</b>	Nitrogen Oxide
<b>EPR</b>	Early Partial Review	<b>NPPF</b>	National Planning Policy Framework
<b>EM</b>	Explanatory Memorandum	<b>NSIP</b>	National Significant Infrastructure Project
<b>EfW</b>	Energy from waste	<b>SoS</b>	Secretary of State
<b>ES</b>	Environmental Statement	<b>PC</b>	Parish Council
<b>EU</b>	European Union	<b>PD</b>	Proposed Development
<b>ExA</b>	Examining Authority	<b>PEC</b>	Predicted Environmental Concentrations
<b>ExQ1</b>	ExA's First Written Questions	<b>PEIR</b>	Preliminary Environmental Impact Report
<b>HE</b>	Highways England	<b>PINS</b>	Planning Inspectorate
<b>HGV</b>	Heavy Goods Vehicle	<b>PRoW</b>	Public Right of Way
<b>HRA</b>	Habitats Regulation Assessment	<b>RIS</b>	Ramsar Information Sheet
<b>HRAR</b>	Habitats Regulation Assessment Report	<b>RR</b>	Relevant Representation
<b>IAQM</b>	Institute of Air Quality Management	<b>s</b>	Section
<b>IBA</b>	Incinerator Bottom Ash	<b>SAC</b>	Special Area of Conservation
<b>IED</b>	Industrial Emissions Directive	<b>SEWPAG</b>	South East Waste Planning Advisory Group
<b>IP</b>	Interested Party	<b>SO2</b>	Sulphur Dioxide
<b>IPPC</b>	Integrated Pollution Prevention and Control		

**ISH** Issue Specific Hearing  
**K3** Kemsley 3  
**KCC** Kent County Council  
**KJMWMS** Kent Joint Municipal Waste Management Strategy  
**TE&M** Thames Estuary and Marshes Special Protection Area  
**WFD** Water Framework Directive  
**WKN** Wheelabrator Kemsley North  
**WR** Written Representation  
**WSI** Written Scheme for the Investigation  
**ZOI** Zone of Influence

**SPA** Special Protection Area  
**SRN** Strategic Road Network  
**SSSI** Site of Special Scientific Interest  
**TA** Transport Assessment

## The Examination Library

References to questions in Table ExQ4 set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The [Examination Library](#) is available on the NI website, and updated as the examination progresses.

## Citation of Questions

Each question has a unique reference number which starts with ExQ4 and then has a question number. For example:

- The first question under Air Quality would be ExQ4.3.1

Please start your answer by quoting the unique reference number. Please provide your answers in tabular form following the template below.

Responses to these questions will be published following the deadline.

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
<b>Q4.1.</b>	<b>Principle and nature of the development, including waste recovery capacity and management of waste hierarchy</b>	
Q4.1.1	KCC Applicant	Please could you explain more about the nature of the waste category listed at the top of the table in Appendix 1 to KCC's response to ExAQ1a submitted at D6 [REP5-042], as HCI waste going to landfill comprising 884,229 tonnes? How is this predominantly low calorific value, and what standard of calorific value would make fuel sustainable to be used for energy from waste plants of the type proposed by the Applicant?
Q4.1.2	KCC	In your D5 submission BEIS Renewable Energy Statistics, Data Sources and Methodologies (July 2018) [REP5-044] please could you explain how

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
		the latent heat of the water vapour contained in exhaust gases, understood to be not normally recoverable (p33) would be calculated and verified in the eventual CHP process appertaining to the K3 Proposed Development, and how this affects if at all the NCV or, if this is explained in other document(s) submitted please provide a reference.
Q4.1.3	Applicant	At Paragraph 1.12.6 of the Waste Hierarchy and Fuel Availability Assessment (WHFAR) [APP-086] the Applicant asserts that "Modern energy from waste plants such as K3/WKN are required to meet targets for recovery established through the Waste Framework Directive (2008/98/EC) (and as amended); they are designed to recover electricity effectively and efficiently, continuously minimising emissions." Please clarify what recovery targets are being referred to and how it is demonstrated that such targets have been or would be met.
Q4.1.4	Applicant KCC	Please provide updated information, if any, that is additional to what has already been provided to date, concerning your understanding of the position regarding the developments in Table 3.9 WHFAR [APP-086] which assesses comparable future capacity likely to be delivered.
<b>Q4.2.</b>	<b>Environmental Impact Assessment</b>	
Q4.2.1		None at this time
<b>Q4.3.</b>	<b>Air Quality</b>	

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.3.1		None at this time
<b>Q4.4.</b>	<b>Archaeology and Cultural Heritage</b>	
Q4.4.1		None at this time
<b>Q4.5.</b>	<b>Ecology</b>	
Q4.5.1	NE IPs	A Draft Ecological Management & Enhancement Plan (EMMP) was provided at D5 [REP5-005], as requested in ExQ3. Are you content that it provides sufficient information and if not please comment accordingly?
<b>Q4.6.</b>	<b>Greenhouse Gases and Climate Change</b>	
Q4.6.1		None at this time
<b>Q4.7.</b>	<b>Ground Conditions</b>	
Q4.7.1		None at this time
<b>Q4.8.</b>	<b>Habitats Regulations Assessment (HRA)</b>	
Q4.8.1	Applicant	The second sentence in Evidence Note c to the Integrity Matrices in Appendix 2 [REP4-012] is unfinished. It currently reads 'To ensure no

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
		visual disturbance...'. The Note cross-references to the relevant information in the body of the HRAR. Please provide the missing text.
Q4.8.2	MMO	At D5 the MMO [REP5-030] raised points about potential effects of the discharge of water on mussel beds as a result of changes in salinity and turbidity, and requested further elaboration on why there would be no likely significant effects. Does the revised HRAR [REP6-008] now address your comments and if not why not?
<b>Q4.9.</b>	<b>Landscape and Visual Impact</b>	
Q4.9.1		None at this time
<b>Q4.10.</b>	<b>Noise and Vibration</b>	
Q4.10.1		None at this time
<b>Q4.11.</b>	<b>Traffic and Transport</b>	
Q4.11.1	HE KCC	If you seek to secure the completion of highway improvement works within your responsibility before commencement, commissioning or as the case may be, operation of any part of the authorised development, please

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
		provide justification and a precise form of wording, preferably agreed, to be inserted into the DCO.
Q4.11.2	KCC	Has the Council as local highway authority secured the required development contributions and grant funding to improve the Grovehurst junctions and please explain the current position? What is the latest estimation of when, in line with grant requirements, construction of the road improvements is expected to commence?
Q4.11.3	Applicant HE KCC	What degree of confidence is there in light of any relevant factors that may affect timescales in programmed highways improvement schemes of this nature, that i) completion of the A249 Grovehurst improvement works or ii) the M2/J5 improvement works would be completed in advance of a) commencement of construction and b) operation of the WKN Proposed Development, and please explain your reasoning?
Q4.11.4	HE KCC	What precise restrictions if any are proposed to be placed on the WKN Proposed Development relating to traffic flows generated during the weekday peak hours or specified hours around peak hours, in advance of completion of (i) the M2/J5 and (ii) A249 Grovehurst improvement works? If there are any such, please provide a precise form of wording to be inserted into the DCO.
Q4.11.5	KCC	The Applicant states in its Transport Assessment Part 1 - ES Appendix 4.1 [APP-020] that KCC asked for evidence from other waste to energy sites (i.e. Aylesford) regarding vehicle arrival times to substantiate the estimations of vehicle profiles throughout the day, and replied with reasons that this is an inappropriate methodology and a flat profile has been



ExQ4	Question to:	Question:
		<p>assumed throughout the day to maximise the number of HGV movements during the highway network peak hours.</p> <p>Are you satisfied with this response and if not why not?</p>
Q4.11.6	KCC	<p>The Applicant's response to S42 Consultation [APP-017] concerning requests for information from the neighbouring Countrystyle Recycling plant at Ridham Docks stated all waste movements are assumed to be new to the network, rather than coming from Countrystyle.</p> <p>Is this information still required and if so, please state why?</p>
Q4.11.7	Applicant	<p>In paragraph 6.55 et seq of the Transport Assessment Part 1 [APP-020] it is estimated that the construction of WKN Proposed Development would generate a maximum of 45 HGV deliveries per day (maximum of 90 HGV movements per day) during the peak construction period, based on "estimations of the project team".</p> <p>Please:</p> <ul style="list-style-type: none"> <li>i) explain why it is not possible to retrieve data from HGV movements associated with the construction of the consented K3 facility; and</li> <li>ii) provide a reasoned justification for the maximum figure of 45 HGV deliveries per day and where this is based on previous examples please provide the source material and/or where it is based on any standard methodology please provide details that justify the extrapolation of this figure.</li> </ul>

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.11.8	Applicant	<p>Please clarify in paragraph 7.8 WKN Rail and Water Transportation Strategy [APP-089] “details of the 5 yearly reviews” to be submitted to KCC:</p> <ul style="list-style-type: none"> <li>(i) Would the intention be to carry out a full review one year from the fully operational date of the upgraded K3 or if not, when would it be so intended?</li> <li>(ii) In any event how would the details to be submitted differ from and/or be elaborated upon the stages described in paragraph 7.7?</li> </ul>
Q4.11.9	Applicant KCC	<p>A review period of the Rail and Water Transportation Strategy of five years was imposed in the 2011 consent. Should:</p> <ul style="list-style-type: none"> <li>i) the five-year period be reassessed in light of current national and other planning policies and if so what period would be appropriate and why?; and</li> <li>ii) the review period be stipulated in the DCO and if not why not?</li> </ul>
Q4.11.10	DfT	<p>In ES Appendix 3.4 - S42 Consultation Letter and S42 Responses [APP-016] the DfT stated it would be keen to see evidence that the scheme developers and the local authorities have considered with Network Rail what potential exists for a rail solution for the waste flows to the site.</p> <p>Please describe:</p> <ul style="list-style-type: none"> <li>(i) what action(s) the DfT has taken itself or in conjunction with other government agencies or other authorities, if any, to pursue or facilitate the assembly of land, provision of funding or provision of necessary infrastructure with a view to realising (a)</li> </ul>

ExQ4	Question to:	Question:
		<p>an improved rail terminal at Ridham Dock or (b) the use of land at Ridham dock for transportation by barge, for industries including the applicant's, in proximity to the dock, to utilise a rail or a marine solution that would take heavy goods traffic off the highways network, specifying the particular action that the DfT itself has taken; and</p> <p>(ii) what specific plans or programmes the DfT is pursuing if any to realise an improved rail terminal or transportation by barge at Ridham Dock as described in (i) above.</p>
Q4.11.11	KCC	<p>Please describe:</p> <p>i) what action(s) KCC has taken itself or in conjunction with other government agencies or other authorities, if any, to pursue or facilitate the assembly of land, provision of funding or provision of necessary infrastructure with a view to realising (a) an improved rail terminal at Ridham Dock or (b) the use of land at Ridham Dock for transportation by barge, for industries including the applicant's, in proximity to the dock, to utilise a rail or a marine solution that would take heavy goods traffic off the highways network, specifying the particular action that KCC itself has taken; and</p> <p>ii) what specific plans or programmes KCC is pursuing if any to realise an improved rail terminal or transportation by barge at Ridham Dock as described in (i) above.</p>
Q4.11.12	SBC	<p>SBC's strategic model report is referenced in a link that was given in its response to ExQ3.11.3 [REP5-027]. Please state where this document is submitted or supply it to the ExA.</p>

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.11.13	Applicant	<p>The ExA notes the Applicant was continuing to engage with HE to discuss matters in order to provide a SoCG “as soon as possible”. The Applicant would provide an update to the ExA ahead of ExQ4 being issued “if considered necessary”.</p> <p>The intention in requesting such documents is not that parties should hold back from submitting them until they have agreed matters, but to assist the ExA by providing a continuous and candid explanation of exactly which matters are not agreed as well as those that are agreed. Please provide for D7 a SoCG with HE that fulfils this role.</p>
Q4.11.14	HE	Please comment on the email sent to you by the Applicant on 2 July 2020 [AS-018].
Q4.11.15	Applicant	In its Additional Submission [AS-019] the site location of the Ferrybridge Multifuel 1 (FM1) site is referred to by a hyperlink. Please provide the evidence as a separate document.
Q4.11.16	KCC	Please comment on the Applicant’s post D6 Additional Submission [AS-019] relating to the Ferrybridge HGV movements.
Q4.11.17	Applicant KCC	If, as is asserted at para 2.4.7 of the Applicant’s post D6 Additional Submissions [AS-017] all HGV movements at Allington are during daytime periods, is the distance travelled by the vehicles relevant and if so how?
<b>Q4.12.</b>	<b>Water Environment</b>	

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.12.1	MMO	<p>The MMO appears to advise the Applicant in its submission [REP6-012] that there is a need to consider the whole project against the SEIMP but does not identify any policy or legislative requirement in relation to it. However, in para 1.4 of the MMO's D5 submission [REP5-030] they comment that only that the marine aspects of the project should be considered against the Plan.</p> <p>Please clarify the position.</p>
Q4.12.2	MMO Applicant	<p>Please supply any further submissions you wish to make, if possible, on an agreed basis, about the Applicant's assessment [REP4-006] of the South East Inshore Marine Plan (SEIMP) - [REP6-010 &amp; REP6-012], by D7.</p>
<b>Q4.13.</b>	<b>Draft Development Consent Order</b>	
Q4.13.1	Applicant IPs	<p>On 15 July the ExA has published suggested changes to the Applicant's preferred dDCO (most recent version submitted at D6 [REP6-003]) predicated on consent for the K3 and WKN Proposed Developments.</p> <p>The ExA considers there are benefits to the K3 and WKN Proposed Developments being assessed comprehensively, however given the two proposals are in effect separate projects, the possible outcomes of the Application must be clear to all, which are: consent or refusal in respect of both projects, consent for the K3 Proposed Development only, or consent for the WKN Proposed Development only.</p> <p>It is thus important that the dDCO separates out the two projects so that any eventual recommendation or decision to consent one only of the</p>

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
		<p>Proposed Developments is clearly set out in terms of a recommended DCO or DCOs. It follows that alternative sets of plans and drawings that show items and boundaries applicable only to K3 and its associated development, and an amended BoR should also be available to the Secretary of State. This request, to be made to the applicant for the amended documents for K3 only, is for them to be submitted in the alternative, rather than removing from the examination existing versions covering both generating station projects.</p> <p>The ExA has therefore decided to issue an alternative proposed version of the dDCO (“K3 DCO”) [PD-017] based on an eventual consent for the K3 Proposed Development only. The ExA emphasises that no conclusions have been reached on the desirability of one alternative outcome over another at this stage of the Examination.</p> <p>Therefore, please consider and comment as appropriate on both alternatives.</p> <p>The ExA considers it unlikely, on the evidence currently available, that any recommendation to grant consent for the WKN Proposed Development would not also justify consent for the K3 Proposed Development, although the position will be continuously reviewed throughout the examination. Nevertheless if you consider justification exists for an outcome that results in consent for the WKN Proposed Development only please clarify your position and explain your reasoning.</p>

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.13.2	Applicant	Please state as exactly as possible when it is expected that the consented K3 scheme (KCC/SW/10/444) will be operational, providing details of what further steps need to be undertaken by the Applicant or others to make it so.
Q4.13.3	Applicant	<p>In relation to the ExA's K3 DCO [PD-017] please submit new alternative sets of plans and drawings that show items and boundaries applicable only to K3 and its associated development, and an amended BoR.</p> <p>(This request is made to the applicant for amended plans, drawings, BoR, etc. for K3 only for them to be submitted in the alternative, rather than removing from the examination existing versions covering both generating station projects).</p>
Q4.13.4	Applicant	<p>In relation to the K3 dDCO [PD-017] in particular, please:</p> <ul style="list-style-type: none"> <li>i) indicate which if any of the requirements 14 to 30 (proposed to be deleted in the K3 DCO [PD-017] should nevertheless apply to the K3 Proposed Development, and if so why;</li> <li>ii) state which if any of the detailed items of associated development for Works Nos. 1, 2, 3, 4, 5, 6, and 7 described in Schedule 1 should be included in the K3 authorised development and if so why; and</li> <li>iii) In Article 16 K3 dDCO [PD-017], please consider how some of the documents listed will need to change to new ones not yet submitted into the examination, these would appear to be the alternative versions of the BoR, the Land Plan and the Works Plan.</li> </ul>

<b>ExQ4</b>	<b>Question to:</b>	<b>Question:</b>
Q4.13.5	Applicant	Should "commissioned" in Requirements 15(1) and 25(1) in dDCO [REP6-003] read "commenced"?
Q4.13.6	Applicant	Requirement 21 in dDCO [REP6-003] has not been updated to make reference to the draft ecological management and enhancement plan. Should Requirement 21(2)(a) be amended to read "be in accordance with the draft ecological management and enhancement plan certified by the Secretary of State under article 16"?
Q4.13.7	Applicant	With reference to the preceding question, should Article 16 dDCO [REP6-003] be amended accordingly to include the draft ecological management and enhancement plan?
Q4.13.8	KCC	In KCC D5 Submission - Highways Response to dDCO Requirement 10 - Heavy Goods Vehicles, [REP5-037] you dispute the figure of 416 movements per day. What exact amendments if any do you propose to Requirement 10 [REP6-003] as currently drafted and why?
Q4.13.9	KCC	Also in [REP5-037] you consider Requirement 10 does not adequately encourage use of Ridham Docks and therefore the number of movements should be reduced accordingly. What exact amendments if any do you propose to Requirement 10 [REP6-003] as currently drafted and why?
<b>Q4.14.</b>	<b>Other Matters</b>	
Q4.14.1	Applicant	The Applicant stated in their D6 covering letter that it expected to submit a draft SoCG with KCC and an updated Statement of Commonality of SoCGs



ExQ4	Question to:	Question:
		<p>prior to ExQ4 being issued. As these have not been received by the due date they should be received at the earliest opportunity. The intention in requesting these documents is not that parties hold back from submitting them until they have agreed matters, but to assist the ExA by providing a continuous and candid explanation of the matters not agreed as well as well as those that are agreed.</p> <p>Therefore please provide an updated SoCG on that and any other outstanding SoCGs by D7.</p>
Q4.14.2	Applicant	<p>The finalised SoCGs with EA and NE both appear incorrectly to reference the Marine Licence (ML) application reference (MLA/2017/00316) as the ML number. MMO state the correct ref is L/2017/00482/2 [REP6-012]. Also, both SoCGs incorrectly state that the ML was for the discharge of water from the outfalls instead of for their construction.</p> <p>Please would the Applicant clarify the position?</p>
Q4.14.3	Applicant KCC	<p>Please provide an updated "K3 Planning Permission – Planning Conditions Tracker" appended to the Planning Statement [APP-082] as an appendix to the latest SoCG with KCC which is due at D7.</p>
Q4.14.4	Applicant KCC SBC HE	<p>The submission at D6 of Allyson Spicer [AS-015] refers to a contract between Norfolk County Council and Veolia which appears to be a six-year contract for waste to be delivered initially to incineration facilities operated by the Applicant at Kemsley until 2021.</p> <p>Please add or comment on any information contained therein as you consider appropriate in response to the submission.</p>