



Wheelabrator
TECHNOLOGIES



Table of Amendments to the Development Consent Order (DCO)

Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy facility Development Consent Order

PINS Ref: EN010083

Document 2.7
August 2020 - Deadline 7 Submission

Table of Amendments to draft Development Consent Order

Part of DCO	Change	Reason
Deadline 2 (18 March 2020)		
Article 2 Interpretation: "Environmental Statement"	Date of submission version of Environmental Statement inserted.	Amended in response to the ExA's question ISH1.
Article 2 Interpretation	The definition of 'works plan' changed to 'works plans' for consistency with article 16.	Amended in response to the ExA's question ISH2.
Article 2(3) Interpretation	The words 'Requirement 14 (Detailed Design Approval) have been inserted before 'of Schedule 2'.	Amended in response to the ExA's question ISH3.
Article 2(4) Interpretation	The words 'Schedule 1 of' have been inserted after 'authorised by'.	Amended in response to the ExA's question ISH4.
Article 4(1) Effect on K3 planning permission	The word 'commence' has been replaced by 'start'.	Amended in response to the ExA's question ISH18 to avoid any confusion between the defined term 'commence' in relation to works, and 'commence' in relation to operational use.
Article 4(2) Effect on K3 planning permission	The words 'the conditions of' have been deleted before 'K3 Sustainable Energy Plant Planning Permission'.	Amended in response to the ExA's question ISH5 to clarify that the whole planning permission will cease to have effect, not just the conditions.
Article 10(6) Authority to survey and investigate the land	The word 'vehicles' has been inserted before 'apparatus'.	Amended in response to the ExA's question ISH8.

Part of DCO	Change	Reason
Deadline 2 (18 March 2020)		
Article 13(2) and (3) Defence to proceedings in respect of statutory nuisance	The references to section 65 Control of Pollution Act 1974 have been deleted.	Amended in response to the ExA's question ISH10.
Article 16(g) Certification of plans etc	The reference of the WKN parameter plan has been moved from 16(c) to 16(g).	For consistency with the definition in requirement 1 and in response to the ExA's first written questions 1.2.2. Further information is provided in the Applicant's Further Submissions on ISH1 DCO Questions – Deadline 2.
Article 18(1) Procedure for approvals	“The Order” changed to “this Order”.	Amended in response to the ExA's question ISH12.
Schedule 2, Parts 2 & 3 Requirements	Various references to the relevant project or works number have been added throughout to clarify to which work each requirements relates.	Amended in response to the ExA's question ISH18.
Schedule 2 Interpretation	The definition of "commissioning" has been moved to Article 2(1) Interpretation.	Amended in response to the ExA's question ISH19.
Schedule 2 Requirement 2 Commencement of authorised development	The words 'Work No 1 and Work No 2' have been replaced by 'Project K3 and Project WKN'	Amended in response to the ExA's question ISH20.
Schedule 2 Requirement 4(1) – Decommissioning	The word "decides" has been replaced by "notifies the relevant planning authority that it intends to".	Amended in response to the ExA's question ISH22. A requirement to decommission has not been included as cessation of use may be temporary or subject to approval of refurbishment plans. Any physical decommissioning works will in any event be subject to their own assessment under the planning and EIA regimes.

Part of DCO	Change	Reason
Deadline 2 (18 March 2020)		
Schedule 2 Requirement 6(2) Rail and water transportation strategy	Rail and water transportation strategy definition moved to Requirement 1.	Amended in response to the ExA's question ISH23.
Schedule 2 Requirement 7 Amendments to approved plans	The definition of 'Approved plans' has been moved to Requirements 1 and used in requirements 7 and 9 and elsewhere as appropriate.	Amended in response to the ExA's question ISH24.
Schedule 2 Requirement 11 Trees	Definition of 'approved Landscape Masterplan' moved to Requirement 1 and reference to it in 11(1) has been corrected for clarity.	Amended in response to the ExA's question ISH27.
Schedule 2 Requirement 13 Combined heat and power	A definition of Kemsley Paper Mill has been added to Requirement 1.	Amended in response to the ExA's question ISH28. The definition of the CHP strategy in this requirement has not been moved because the purpose of the requirement is to define the CHP strategy. Therefore a separate definition in requirement would simply refer back to this requirement, making it a circular definition.
Schedule 2 Requirement 14(4) Detailed Design Approval	Duplication of "(4)" deleted. Definition of "WKN parameter plan" moved to requirement 1.	Amended in response to the ExA's question ISH30.
Schedule 2 Requirement 14 Detailed Design Approval – Table 1	The maximum height of Work No 2(j) Administration Office has been corrected to 30m to be consistent with Table 2.3 of the ES.	Amended in response to the ExA's first written questions 1.2.4.
Schedule 2 Requirement 16(4) Implementation and maintenance of landscaping	Reference to the 'annual landscaping maintenance plan' has been corrected to the 'approved landscaping scheme'.	Amended in response to the ExA's question ISH31.

Part of DCO	Change	Reason
Deadline 2 (18 March 2020)		
Schedule 2 Requirements 16, 24, 25, 26 & 30	The word 'relevant' has been added before 'planning authority'.	Amended in response to the ExA's question ISH33.
Schedule 2 Requirements 19 Land contamination and groundwater	Title 'Contaminated Land and groundwater' changed to 'Land contamination and groundwater'	Amended in response to the ExA's first written questions 1.13.4.
Schedule 2 Requirement 20 Archaeology	Various amendments	Amended as requested by Kent County Council's written representation dated 2 March 2020
Schedule 2 Requirement 22 Construction environmental management plan	The correct reference has been added to the environmental statement in 22(2)(d).	Amended in response to the ExA's question ISH34.
Schedule 2 Requirement 29(1) Piling and penetrative foundation design	Corrected to reflect the restrictions in para 11.9.21 of the ES on impact piling between January and February inclusive and April to August inclusive.	Amended in response to the ExA's first written questions 1.5.13.
Schedule 2 Requirement 30 Employment, skills and training program	The words ' in consultation with the Economic Development Officer at Swale Borough Council' have been inserted after 'by the relevant planning authority'.	At the request of Swale Borough Council at paragraph 6.8.2 of its Local Impact Report dated 2 March 2020.
Schedule 3	The whole of Schedule 3 has been moved to Part 4 of Schedule 2. All references in the DCO to Schedule 3 have as a consequence been amended to Part 4 of Schedule 2, and subsequent Schedule numbers and references changed.	Amended in response to the ExA's question ISH35.

Deadline 7

Part of DCO	Change	Reason
Deadline 2 (18 March 2020)		
Schedule 3	'Revision' numbers have been moved to the 'Reference' column where those documents were never revised and retain their original date.	Amended in response to the ExA's question ISH36.

Part of DCO	Change	Reason
Deadline 4 (20 May 2020)		
Article 2 Interpretation	The remaining references to 'plan' changed to 'plans' for consistency with the defined term 'works plans' and article 16.	Amended in response to the ExA's question 2.13.1.
Schedule 2 Requirement 20 Archaeology	The words 'and reporting' inserted after the word 'analysis' in paragraph 20(2).	Inserted as requested by Kent County Council's Deadline 3 submission dated 24 April 2020

Part of DCO	Change	Reason
Deadline 5 (29 June 2020)		
Article 2 Interpretation	In the definition of "environmental statement", addition of the words "including all appendices thereto" following words "submitted with the application on 11 September 2019"	Amended in response to the ExA's question 3.13.16.
Article 16 Certification of plans etc	The WKN draft construction environmental management plan dated May 2020 and the Design and Access Statement [APP-083] have been added.	In response to the ExA's question 3.13.4.

Deadline 7

Part of DCO	Change	Reason
Deadline 5 (29 June 2020)		
Schedule 2 Interpretation	The definition of "permitted preliminary works" is amended to clarify that archaeological field work, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, and the diversion and laying of services are all subject to compliance with Requirement 20(1).	Amended in response to the ExA's question 3.13.3.
Schedule 2 Requirement 14 Detailed design approval	The addition of paragraph 14(1)(a) requiring the approval of details for the provision of electric vehicle charging point for WKN	Amended as agreed with Swale Borough Council, as referred to in the Applicant's response [REP5-011] to the ExA's question 3.6.4.
Schedule 2 Requirement 21 Ecological management and enhancement plan	The word 'commissioned' is replaced by 'commenced'.	Amended in response to the ExA's question 3.13.15.
Schedule 2 Requirement 22 Construction environmental management plan	Sub-paragraph 22(2)(a) has been amended to reflect the certification of the draft construction environmental management plan in Article 16.	Amended for consistency with the change to Article 16.
Schedule 2 Requirement 29 Piling and penetrative foundation design	Paragraph 29(3) has been deleted in its entirety.	Amended in response to the ExA's question 3.13.1.

Part of DCO	Change	Reason
Deadline 7 (5 August 2020)		
Article 2 Interpretation	The definition of "K3 Generating Station" has been amended to read "a generating station authorised by the Order as having a capacity of up to 75MW, which was originally commissioned on 16 July 2020 pursuant to the K3 Sustainable Energy Plant Planning Permission and the approved plans and documents listed in Part 4 of Schedule 2".	For clarity, and also to complete the date of commissioning of the K3 Sustainable Energy Plant.

Deadline 7

Part of DCO	Change	Reason
Deadline 7 (5 August 2020)		
Article 16 Certification of plans etc	The addition of “(m) draft ecological management and enhancement plan”.	In response to the ExA's question 4.13.7.
Article 16 Certification of plans etc	The addition of “(n) draft K3 operational traffic routing and management plan”.	As a result of the addition of requirements in requirement 10 as referred to below.
Article 16 Certification of plans etc	The addition of “(o) draft K3 travel plan”.	As a result of the addition of requirements in requirement 10 as referred to below.
Schedule 2 Requirement 10 Heavy goods vehicles	The name of the requirement has been changed, and additional requirements added with respect to the approval of operational traffic routing and management plan and travel plan for K3.	As a result of discussions with Highways England in relation to the regulation of the additional movements associated with the K3 authorised development.
Schedule 2 Requirement 15 Provision of landscaping	The word 'commissioned' is replaced by 'commenced'.	Amended in response to the ExA's question 4.13.5.
Schedule 2 Requirement 21 Ecological management and enhancement plan	Paragraph 21(2)(a) has been amended to read "be in accordance with the ecological management and enhancement plan certified by the Secretary of State under article 16"	Amended in response to the ExA's question 4.13.6.