



**Wheelabrator**  
TECHNOLOGIES



**Deadline 7: Applicant's Response to Submissions at  
Deadline 6**

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

**PINS Ref: EN010083**

**Document 15.3  
August 2020 - Deadline 7**



## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	Purpose of this document .....	3
1.2	Context.....	3
1.3	The Site and its surroundings .....	4
<b>2</b>	<b>DEADLINE 6 SUBMISSIONS FROM INTERESTED PARTIES.....</b>	<b>5</b>
2.2	Marine Management Organisation (30 <sup>th</sup> June 2020).....	5
	Comments on responses to ExQ3.....	5
	Comments on any revised/updated Statements of Common Ground .....	5
	Comments on responses to ExQ3.....	6
2.3	Environment Agency (30 <sup>th</sup> June 2020) .....	6
2.4	Ms Allyson Spicer (8 <sup>th</sup> July 2020).....	6

# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Document has been prepared at Deadline 7 of the Examination by the Planning Inspectorate into an application by WTI/EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc – “WTI”) under the Planning Act 2008 for a Development Consent Order (a “DCO”) for the construction and operation of the Wheelabrator Kemsley (“K3”) and Wheelabrator Kemsley North (“WKN”) waste-to-energy generating stations on land at Kemsley, Sittingbourne in Kent.
- 1.1.2 This Document provides the response by the applicant to the Deadline 6 submissions made to the Examining Authority by Interested Parties.
- 1.1.3 For ease and completeness this document briefly summarises the proposed development and identifies the application site before providing the applicant’s response to relevant Deadline 6 submissions. The Deadline 6 submissions are not replicated within this document but can be viewed on the project page of the Planning Inspectorate’s website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/wheelabrator-kemsley-generating-station-k3-and-wheelabrator-kemsley-north-wkn-waste-to-energy-facility/?ipcsection=docs>

## 1.2 Context

- 1.1.1 The application for a Development Consent Order seeks consent for the construction and operation of a 75MW waste-to-energy facility, ‘the Wheelabrator Kemsley Generating Station’ (“K3”) and for the construction and operation of a 42MW waste-to-energy facility, ‘Wheelabrator Kemsley North’ (“WKN”).
- 1.1.2 K3 is a waste-to-energy facility located adjacent to and east of the DS Smith Kemsley paper mill, to the north of Sittingbourne, Kent. Planning permission was granted for K3 in 2012 by Kent County Council with a generating capacity of 49.9MW and a waste processing capacity of 550,000 tonnes per annum. The facility became fully operational in Q3 2020.
- 1.1.3 The applicant has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external design, generating an additional 25.1MW of electricity. However, in order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is required to seek consent for the construction of K3 at its total generating capacity of 75MW (i.e. 49.9MW consented + 25.1MW upgrade), together with the separate proposed total tonnage throughput of 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase).

- 1.1.4 The proposed new Waste-to-Energy plant, Wheelabrator Kemsley North (WKN), would be a single 125Mwth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW. WKN is not therefore a Nationally Significant Infrastructure Project (NSIP) by virtue of its generating capacity.
- 1.1.5 Instead WTI made a formal application on the 1st June 2018 to the Secretary of State (SoS) for Business, Energy and Industrial Strategy under Section 35 of the Planning Act 2008 for a direction as to whether the project is nationally significant. The SoS issued their direction on the 27th June 2018 confirming that WKN is to be considered and treated as a development which requires development consent due to its context with other nationally significant projects in the vicinity, the benefits to K3 and WKN being assessed comprehensively through the same DCO process and the removal of the need for separate consents to be sought.
- 1.1.6 A single Development Consent Order is being sought for K3 and WKN through a single application to the Planning Inspectorate (PINS), prior to being determined by the Secretary of State (SoS) for Business, Energy and Industrial Strategy.

### **1.3 The Site and its surroundings**

- 1.3.1 The K3 and WKN sites lie to the north-east of the village of Kemsley, which itself sits at the north-eastern edge of Sittingbourne in Kent. The K3 and WKN sites lie immediately to the east of the Kemsley Paper Mill, a substantial industrial complex which is operated by DS Smith.
- 1.3.2 In April 2018 DS Smith lodged an application for a Development Consent Order (DCO) which would allow for the construction and operation of 'K4', a gas fired Combined Heat and Power Plant within the Kemsley Mill site. This DCO was granted on 5th July 2019.

## 2 Deadline 6 submissions from Interested Parties

2.1.1 Deadline 6 submissions were made by the following Interested Parties:

- Marine Management Organisation (30<sup>th</sup> June 2020);
- Environment Agency (30<sup>th</sup> June 2020);

2.1.2 An Additional Submission by Ms Allyson Spicer was received and accepted at the discretion of the Examining Authority on the 8<sup>th</sup> July 2020 and has also therefore been addressed within this document.

2.1.3 The late submissions by Kent County Council at Deadline 5 were published after Deadline 6. The Applicant took the opportunity to provide a response to those submissions on the 13<sup>th</sup> July 2020 [Document 14.3 – Post D6 Applicant’s Response to KCC D5 Submissions].

### 2.2 Marine Management Organisation (30<sup>th</sup> June 2020)

2.2.1 The MMO’s letter is split into a number of sections and this response follows that same structure.

#### ***Comments on responses to ExQ3***

2.2.2 The MMO’s submission primarily addresses the matter of transport by water. The Applicant’s position on that matter remains as set out in its response to the various ExQ3 which dealt with that topic.

2.2.3 The Applicant provided an assessment of the proposed developments against the policies within the emerging South East Inshore Marine Plan within its responses to ExQ3 at Deadline 4 and clarified the approach taken to that in its response to ExQ3 at Deadline 5. The Applicant confirmed directly to the MMO on the 21<sup>st</sup> July 2020 that it considered that assessment to form part of the application, having been included within its formal submissions at Deadline 4 and that as such it was not necessary to incorporate that further into the application documents. The Applicant also confirmed to the MMO its position that the scope of that assessment was appropriate to the proposed developments in question and will review the MMO’s response to ExQ4.12.1 which seeks clarification on that point.

#### ***Comments on any revised/updated Statements of Common Ground***

2.2.4 The Applicant acknowledges the incorrect reference to the Marine Licence number within the SoCG’s between the Applicant and the Environment Agency and Natural England, together with the point that the discharge of water is not a licensable activity under the Marine and Coastal Access Act 2009. The Applicant

has provided revised versions of the SoCG’s with the EA and NE at Deadline 7 which address those matters.

- 2.2.5 Further, the revised SoCG with NE contains further amendments which reflect the points at 2.3 to 2.6 of the MMO’s Deadline 6 response.

***Comments on responses to ExQ3***

- 2.2.6 The comments made above in respect of earlier parts of the MMO’s representation together with the revised versions of the SoCGs with the EA and NE address the points made by the MMO in this section of their representation.

**2.3 Environment Agency (30<sup>th</sup> June 2020)**

- 2.3.1 The EA provided a brief response at Deadline 6 to note that the SoCG agreed with them had been submitted and not raising any other points. The Applicant has continued to liaise with the EA to address the matters raised by the MMO at Deadline 6 in the form of a revised SoCG submitted at Deadline 7.

**2.4 Ms Allyson Spicer (8<sup>th</sup> July 2020)**

- 2.4.1 The Applicant notes that the representation submitted by Ms Spicer forms the subject of Q4.14.4 and as such has addressed that in full within Document 15.2 – Applicant’s Response to ExQ4.