



Wheelabrator
TECHNOLOGIES



Deadline 7: Applicant's Comments on the ExA's preferred DCO

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

PINS Ref: EN010083

**Document 15.4
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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement 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 Statement provides the response by the applicant to the Examining Authority’s on the ExA’s preferred DCO.
- 1.1.3 For ease and completeness this document briefly summarises the proposed development and identifies the application site before providing each of the Questions and the Applicant’s response to it.

1.2 Context

- 1.1.1 The application for a DCO will seek 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 is now substantially constructed and is expected to be operational in Q2 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 will be 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.

1.4 Proposed Development

Wheelabrator Kemsley – K3

- 1.4.1 Planning permission was granted for K3 in 2012 by Kent County Council under reference SW/10/444. As consented and being constructed, K3 can process up to 550,000 tonnes of waste each year and has a generation capacity of 49.9MW. K3 will export electricity to the grid and will supply steam to the DS Smith Kemsley Paper Mill. The construction of K3 began in 2016 and is now significantly advanced, with WTI anticipating K3 will be operational in Q2 2020.
- 1.4.2 WTI 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.
- 1.4.3 The 2018 consultation and publicity sought views from interested parties on an application for consent for that power upgrade and increased tonnage throughput, without any construction works being required, as an extension to the K3 facility under Section 15 of the Planning Act 2008.
- 1.4.4 However, in order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is now seeking consent for the construction of K3 at its total generating capacity of 75MW (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).

- 1.4.5 A further consultation was undertaken in 2019 to advise S42 consultees and notify the public through a number of S48 notices that construction and operation of K3 is now being sought as part of the DCO, in the context of the K3 facility already being substantially constructed.
- 1.4.6 As the K3 facility is currently being constructed and will be operational by the end of 2019 the effect in reality of the proposed application ('the practical effect') would retain the K3 facility as consented but generating an additional 25.1MW together with being able to process an additional 107,000 tonnes of waste per year.

Wheelabrator Kemsley North – WKN

- 1.4.7 WKN would be an entirely new and separate waste-to-energy facility on land to the north of K3, which is currently being used as the K3 construction laydown area. WKN would provide clean, sustainable electricity to power UK homes and businesses via the National Grid distribution network and would have the ability to export steam should a user for that steam become available.
- 1.4.8 WKN would have a generating capacity of 42MW and a waste processing capacity of 390,000 tonnes per annum and be a self-contained and fully enclosed facility with its own reception hall, waste fuel bunker, boiler, flue gas treatment, turbine, air-cooled condensers, transformers, office accommodation, weighbridge, administration building, car parking and drainage. WKN would have its own grid connection to allow for the exporting of electricity to the national grid.

2 Applicant’s Comments on the ExA’s preferred DCO

- 2.1.1 The following Table sets out the Applicants comments against the suggested changes proposed by the ExA.

Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility DCO
Document 15.4 – Applicant’s Comments on the ExA’s Preferred DCO – Deadline 7 Version – August 2020
Ref: EN010083

Ref.	ExA’s suggested changed	ExA’s Comments	Applicant’s Comment
Title and Contents			
No comments			
Articles			
Article 16	After 16(l) insert “(m) draft ecological management and enhancement plan”	Improve drafting	This wording has been added to the Applicant’s final preferred DCO submitted at deadline 7.
Schedules/Requirements			
Requirement 15(1)	Delete “commissioned” and replace with “commenced”	To reflect need to have landscaping scheme approved in a timely fashion.	This amendment has been made to the Applicant’s final preferred DCO submitted at deadline 7.
Requirement 22(2)(a)	Delete 22(2)(a) and replace with “be in accordance with the draft ecological management and enhancement plan certified by the Secretary of State under article 16”	Improve drafting	The Applicant notes that requirement 22 relates to the draft CEMP – but understands the ExA to be referring to requirement 21 (EMEP). Accordingly the wording has been added to requirement 21 in the Applicant’s final preferred DCO submitted at deadline 7.
Requirement 25(1)	Delete “commissioned” and replace with “commenced”	To reflect need to have operational traffic routing and management plan approved in a timely fashion.	The Operational Traffic Routing and Management Plan which is the subject of Requirement 25 applies to operational traffic associated with the WKN Proposed Development. The Applicant’s position is that it is therefore appropriate to require that plan to be submitted and approved prior to the commissioning of the WKN facility, rather than prior to the commencement of that development. Requirement 24 provides for the WKN CTMP to be submitted and approved prior to the commencement of development, thereby ensuring that WKN construction traffic is appropriately managed and controlled.
Explanatory Note			
2nd paragraph	Delete “for” before “authorised development	Improve drafting	The Applicant has no objection to this change.