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BY EMAIL ONLY

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Your reference: EN010083

7 August 2020

Dear Mr Kean

Re: Application by Wheelabrator Technologies Inc. for an Order Granting Development Consent for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility Development Consent Order (DCO) – Comments on DCO

Kent County Council (KCC), as Minerals and Waste Planning Authority, provides the following comments on the draft DCO (REP6-003). Comments are set out below, under the relevant DCO headings.

Part 1 – Preliminary - 3. Interpretation

Relevant planning authority

A definition is provided for 'relevant planning authority' in this section, and then used at various points throughout the DCO. However, for clarity, and due to the different planning functions of KCC and Swale Borough Council, it is suggested that definitions should be provided for both the County Council and the Borough Council, and that the relevant authority is then specifically referenced in the relevant sections of the DCO.

Part 2 - Principle Powers

Effect of the Order on the K3 Sustainable Energy Plant Planning Permission

To avoid doubt, and as set out in KCC's response to point 3 - 'Interpretation' above, this paragraph should specify whether KCC is the relevant planning authority.

At paragraph 4, the County Council recommends the following amendment:

Effect of the Order on the K3 Sustainable Energy Plan Planning Permission

4. (1) The undertaker may not start operational use of the K3 Generating Station under this Order until notice has been served on the relevant planning authority that the undertaker is ceasing to operate the K3 Sustainable Energy Plant.

Procedure in relation to certain approvals

As set out in KCC's response to point 3 - 'Interpretation' above, the County Council suggests clarification is provided on who is considered the relevant planning authority in this paragraph.

Schedule 1 - Article 3 - Authorised Development

Work No 3 – Installation of grid connection for Work No 2

The County Council questions whether this article should be referenced as Work No 2a, given its association with Work No 2.

Schedule 2 - Article 3 - Requirements

As set out in KCC's response to point 3 - 'Interpretation' above, the County Council suggests that clarification is provided, throughout the list of requirements, on which authority is considered to be the relevant planning authority.

Schedule 2 - Article 3 - Requirements – Part 3 – Project WKN Requirements

14 (b) the provision of electric vehicle charging points throughout the Project WKN authorised development

The County Council questions why the provision for electric car charging would only be provided at WKN and not K3.

Explanatory Notice

Given the restrictions currently in place, KCC cannot currently commit to holding the various documents referred to in the Order at the County Council offices for public inspection, so a pragmatic approach is recommended in respect of this requirement should public inspection not be possible.

The County Council will continue to work with the Applicant and Examining Authority and welcomes the opportunity to comment on matters of detail throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport