



**Wheelabrator**  
TECHNOLOGIES



**Deadline 8: Applicant's Response to Submissions at  
Deadline 7**

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

**PINS Ref: EN010083**

**Document 16.2  
August 2020 - Deadline 8**



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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Document has been prepared at Deadline 8 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 7 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 7 submissions. The Deadline 7 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 7 submissions from Interested Parties**

2.1.1 Deadline 7 submissions were made by the following Interested Parties:

- Kent County Council (5<sup>th</sup> August 2020);
- Highways England (5<sup>th</sup> August 2020)
- Marine Management Organisation (31<sup>st</sup> July 2020);
- SEWPAG (5<sup>th</sup> August 2020);
- Environment Agency (4<sup>th</sup> August 2020);
- Natural England (5<sup>th</sup> August 2020).

2.1.2 A late submission by Swale Borough Council was accepted at the discretion of the Examining Authority on the 7<sup>th</sup> August 2020 and is addressed within this document. Further representations from KCC were accepted at the discretion of the Examining Authority on the 7<sup>th</sup> August 2020; for ease those submissions have been dealt with alongside KCC’s other submissions at Deadline 7.

## 3 Kent County Council (5<sup>th</sup> August 2020 and 7<sup>th</sup> August 2020)

### 3.1 Introduction

3.1.1 KCC’s Deadline 7 Submissions comprise:

- KCC’s response to the Applicant’s responses at ExQ3;
- KCC’s response to ExQ4;
- KCC comments on the ExA’s draft DCO;
- KCC Additional Submission at Deadline 7
  - Appendix 1 – CCC Progress Report to Parliament, June 2020
  - Appendix 2 – Waterbeach EfW Appeal SoS Refusal, June 2020
- KCC Comments on the Applicant’s K3 Conditions Tracker.

### 3.2 KCC’s response to the Applicant’s responses at ExQ3

#### *Q3.1.4*

3.2.1 The Applicant’s position remains as per its original response to Q3.1.4. The ExA will be aware that the Applicant has addressed KCC’s criticisms on these points previously:

- in relation to CSW4, most recently in Applicant’s Responses to KCC Deadline 5 Submissions [RE6-010 - Document 14.3] (page 20, from paragraph 2.2.58, under title ‘Q1A.1.20’).
  - Further, the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] demonstrate that even assuming 65% recycling is achieved across the Study Area, there remains a need for the Proposed Developments and additional recovery capacity.
  - In addition to which, the Applicant’s response to EQ1A.1.2 [REP3-004] which confirms both: that none of the authorities within the Study Area seek to deliver self-sufficiency differently to that set out within the Applicant’s submissions; and that none seek to achieve a level of recycling that exceeds 65% by 2035.

- in relation to R1 status, most recently in Applicant’s Response to ExQ4 [REP7-016] (in response to Q4.1.3, starting on page 7).

3.2.2 In short, the Applicant has demonstrated that the Proposed Developments are recovery facilities that comply with local development plan policy and will not prejudice the local waste management strategy.

### **Q3.1.5**

3.2.3 In its response, KCC explains that it is confused by omission of Surrey and West London from the Study Area presented within the WHFAR [APP-086]. The ExA will be aware that the Applicant has addressed this conundrum previously, in our Response to ExQ1A [REP3-004], responding to Q1A.1.25 (see page 29).

3.2.4 The Applicant has consistently been clear that the Study Area is not prescriptive, and the source of fuel is not yet confirmed. As explained in response to ExQ1A.1.23 of REP3-004 (page 28) this is not a problem for the Proposed Developments.

3.2.5 KCC goes on to raise a concern that importing waste from much further afield would incur ‘*additional carbon emissions and [be] contrary to the proximity principle.*’ The additional carbon burden is demonstrated, in Applicant’s Responses to ExQ3 Appendix D [REP5-015], to be small. The proximity principle has been addressed by the Applicant in previous responses, not least the WHFAR [APP-086] at section 4, and Appendix 1, Applicant’s Responses to WR [APP-011]. In short, K3/WKN are properly demonstrated to be one of the nearest appropriate installations to treat residual wastes, diverting them from landfill and recovering energy and secondary materials.

3.2.6 The Applicant disagrees that the treatment of the proximity principle in the Waterbeach Waste Management Facility appeal is ‘notable’. This appeal is addressed in our response to KCC’s Additional Submissions at D7 [REP7-028].

### **Q3.2.2**

3.2.7 KCC questions the effect that an increase in electrical output might have on the amount of heat supplied. It is important to remember that the application for K3 is for the whole facility, it is not limited to an increase in electrical output or fuel input. K3, as proposed within the DCO Application, will be capable of generating more than 50MW of electricity; it crosses the stated threshold such that it becomes a nationally significant infrastructure project. Further, K3 is proposed as a CHP plant, with a heat customer located adjacent to the site. The proper consideration of K3 is as a facility that will deliver heat as well as power; this fact gains the Proposed Development great weight in policy terms.



- 3.2.8 The application for the K4 CHP Development Consent Order makes clear that the K4 facility, which is currently being constructed, is to replace an existing gas fired CHP plant located at the Kemsley Paper Mill (K1). Chapter 2 of the Environmental Statement relating to that application is provided as **Appendix A** makes clear that the planned operational mode of the Kemsley Paper Mill is the existing ‘K2’ steam generator providing steam, the K3 facility providing steam and K4 supplying the balance of the mill steam requirements and electrical power to run the mill operations, with any excess electricity generated by K4 being exported to the national grid. Chapter 2 explains that the mill requires considerable amounts of steam and electricity in order to operate; K3 and K4 both form an integral part of the energy infrastructure serving the mill and are not therefore mutually exclusive. WKN would provide further security to the energy requirements of the paper mill by being capable of providing steam to the mill at times when K3 is not operational, for instance during routine maintenance.
- 3.2.9 KCC has suggested previously that the fuel demonstrated to be available to the Proposed Developments ought to be utilised in some other facility, but consistently fails to identify where that/those other facility/ies are located. There is no reasonable alternative offered by KCC. In contrast, the Applicant has demonstrated that both Proposed Developments (K3 and WKN) are examples of the modern, well-designed, efficient energy recovery facilities sought in policy (principally NPS EN-1 and EN-3) and the Resources and Waste Strategy. This is set out in more detail in Applicant’s Response to D4 Submissions [REP5-022] particularly at pages 16 and 17 (under title Q1a.1.12).

### ***Q3.6.1***

- 3.2.10 The ExA will be aware that the Applicant has responded to KCC’s D5 Submissions (commenting on the Applicant’s Responses to ExQ1A) in its Response to KCC Deadline 5 Submissions [RE6-010 - Document 14.2]. The analysis presented at REP5-042 is irrelevant.
- 3.2.11 By contrast, the Applicant has consistently demonstrated the level of fuel (of an appropriate nature) available to the Proposed Developments. In our response to KCC’s submissions on ExQ4.1.1, within this document, the Applicant reiterates the position that these fuels are appropriate for the Proposed Developments, including those coded 19 12 12.
- 3.2.12 The WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] demonstrate that even assuming 65% recycling is achieved across the Study Area, there remains a need both for the Proposed Developments and still more new recovery capacity.

### **Q.3.6.2**

- 3.2.13 The Applicant reiterates that as per its original response to Q3.6.2 there is no contradiction in its position. The Secretary of State recognised the benefits of determining K3 and WKN together and made a Section 35 Direction accordingly which properly means that WKN is to be determined through the DCO Application. The statement made by the Applicant at Point 5 of its original response to Q3.6.2 is a direct quote from the NPPF.
- 3.2.14 The Applicant’s position remains that both K3 and WKN have been considered against both national policy and the local development plan and are demonstrated to be compliant with all policy expectations. Accordingly there is no difficulty in granting a DCO for WKN.

## **3.3 KCC’s response to ExQ4**

### **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 HCl 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?*

- 3.3.1 The ExA will be aware of the Applicant’s response to his question in their D7 submission [REP7-016].
- 3.3.2 Turning to KCC’s response; the Applicant would agree that LoW 19 12 12 can be described as a bit of a ‘catch all’ code; but it is a code that applies to all mechanical treatment of wastes, not just skip waste recycling. The Applicant would also not disagree that much of that waste is from construction and demolition activities. The WHFAR [APP-086] recognises that a lot of the wastes generated within the Study Area will not make appropriate fuel for the Proposed Developments (including much of the CDEW stream, although some materials such as waste wood arising in this stream could be suitable). Importantly, the wastes included in the calculated available fuel are a shortlist of all those that are generated; this step is a core component of the Applicant’s submission.
- 3.3.3 KCC’s consequent focus on wastes remaining from skip recycling leads to its conclusion, without justification, that most waste going to landfill under code 19 12 12 ‘by definition is not suitable for use as a feedstock in the proposed plants.’ Indeed, KCC acknowledges that it cannot gain the data to substantiate this statement.

- 3.3.4 By contrast, reference to the waste incinerator returns (an element of the Waste Data Interrogator)<sup>1</sup> gives us the total tonnes of waste received at municipal waste incinerators in England in 2018, presented in Table xx. It is notable that the second greatest waste type received at these facilities (the type of facility that would be used to describe the Proposed Developments) is LoW code 19 12 12; at over 2 million tonnes, it represents 20% of the wastes input to municipal waste incinerators in England.
- 3.3.5 Indeed, the Table in **Appendix B** to this document confirms that, across all municipal waste incinerators operating in England, the four key waste inputs are coded: 19 12 10; 19 12 12; 20 03 01; and 20 03 07. These are the four LoW codes selected as the shortlisted wastes in WHFAR [APP-086].
- 3.3.6 The approach used by the Applicant is corroborated both by the waste incinerator returns (a dataset held by the Environment Agency) and by EfW Statistics 2019<sup>2</sup>. Tolvik Consulting Ltd is commissioned for commercial analysis and due diligence across the industry, including funding institutions, for its knowledge of waste data. EfW Statistics 2019 is the sixth annual report considering energy from waste, but Tolvik is not limited to that technology also reporting on: biomass capacity; anaerobic digestion facilities; residual waste arisings; and RDF export. As noted at paragraph 2.6.44 of Applicant’s Response to Deadline 4 Submissions [REP5-022] ‘EfW Statistics 2019 agrees with the Applicant’s choice of shortlisted wastes. In the introduction EfW Statistics 2019 identifies residual waste as primarily those falling within the European Waste Catalogue as 19 12 10, 19 12 12 and 20 03 01 (fourth paragraph, page 1). These are three of the four codes used by the Applicant in the WHFAR, which is supplemented only by 20 03 07 (bulky waste).’

#### **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 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.***

- 3.3.7 The ExA will be aware that the Applicant has addressed KCC’s use of the BEIS Renewable Energy Statistics, Data Sources and Methodologies (‘BEIS Data Sources and Methodologies’) [REP5-044] in its Response to KCC’s D5

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<sup>1</sup> <https://data.gov.uk/dataset/312ace0a-ff0a-4f6f-a7ea-f757164cc488/waste-data-interrogator-2018>

<sup>2</sup> UK Energy from Waste Statistics – 2019, published by Tolvik Consulting in May 2020 and introduced to this Examination at paragraph 2.6.23 of Applicant’s Response to Deadline 4 Submissions [REP5-022]. The full report is provided at Appendix A to that response [REP5-023].

Submissions [REP6-010 - Document 14.3] (see from paragraph 2.2.32). In short, the BEIS Data Sources and Methodologies (on page 18) confirms that BEIS considers the biodegradable content of wastes combusted in energy from waste facilities to be 50%.

- 3.3.8 The Applicant is happy to assist both the ExA and KCC and respond to Q4.1.2. The short answers are that:
- the latent heat of water contained in the exhaust gases would not be calculated or verified in the CHP process;
  - the latent heat of water contained in the exhaust gases is taken account of in the measurement of NCV - as explained on page 33 of BEIS Data Sources and Methodologies, the difference between the GCV<sup>3</sup> and the NCV of a fuel is the latent heat of the water vapour; and
  - taking waste heat has no effect on Net Calorific Value ('NCV').
- 3.3.9 Waste basically consists of carbon, hydrogen, oxygen, nitrogen, water, chlorine, sulphur, and some trace elements. All the chemicals in the waste are combusted, the chemical bonds are broken and reformed, and we are left with carbon dioxide (from the carbon), water (from the hydrogen, and the original water), nitrogen gas (from the nitrogen in the waste and from the combustion air), oxygen (from the combustion air, mainly) hydrogen chloride, sulphur dioxide and various trace things. This whole process releases heat, which means that the gases are hot and all of the products of combustion are in gaseous form. Most importantly, the water is present as water vapour.
- 3.3.10 When waste is combusted, the water in the waste and the water produced from the hydrogen in the waste are heated to above the boiling point of water (100 degC) and so turned into water vapour. Heat is recovered from the exhaust gases as they pass through the boiler; the exhaust gases are released to atmosphere at a temperature of 130-140 degC, which means that the water is still in the form of water vapour. This means that the latent heat of water (being the energy released if water vapour is condensed to liquid) is not recovered.
- 3.3.11 The Applicant would refer the Examining Authority to the CHP Assessment (APP-087 - Document 4.7). Section 4.3 describes the heat supply system and explains the different possible sources of heat, including heat recovery from the latent heat of moisture via low temperature heat recovery ( a process mentioned in footnote 39 on page 33 of BEIS Data Sources and Methodologies). Section 4.3 of the CHP Assessment also explains why this option has not been selected.

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<sup>3</sup> Gross, or higher, calorific value

#### **Q4.1.3**

- 3.3.12 ***(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.'***
- 3.3.13 Question 4.1.3 was directed at the Applicant and KCC did not make a response at Deadline 7. The Applicant did provide a response and Paragraph 1.3.7 of Applicant’s Response to Examining Authority’s Further Written Questions (ExQ4) [REP7-016] opens with the sentence:

*'None of these policies (no planning policy to the Applicant’s knowledge) require compliance with the R1 target of the Waste Framework Directive; this is not surprising as the R1 target is focussed on plant efficiency rather than the waste hierarchy per se.'*

- 3.3.14 The Applicant is reminded through the SoCG with KCC, submitted at Deadline 8, that policy CSW 8 of both the Kent Minerals and Waste Local Plan and the Early Partial Review requires that *'Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive.'* The opening sentence to paragraph 1.3.7 should therefore be amended to remove the text *'(no planning policy to the Applicant’s knowledge)'*. Further the Applicant would note that policy CSW8 can only be applied as a general consideration in making a decision on a planning application; R1 status accreditation cannot be gained at this point of the process being validated only when actual data is available from plant operation.

#### **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.***

- 3.3.15 The ExA will be aware of the Applicant’s response to his question in their D7 submission [REP7-016].
- 3.3.16 None of the facilities quoted by KCC are believed to have an Environmental Permit, none of them have started construction, the two West Sussex located facilities are beyond the study area considered within the WHFAR, whilst Riverside Energy Park only partially overlaps. Any suggestion of a risk of

‘double-counting’ fuel availability with the Riverside Energy Park has been previously addressed in Applicant’s Response to Submissions at Deadline 3 [REP4-008] (at page 15, under title ‘Paragraph 34’). There are several relevant reasons why these facilities were not included in the WHFAR [APP-086] and it would be unreasonable to expect them to be so.

#### **Q4.11.1**

- 3.3.17 In response to Q4.11.1 (*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 provide justification and a precise form of wording, preferably agreed, to be inserted into the DCO*), KCC suggests the wording for a draft Requirement as ‘...no part of the development hereby permitted shall commence until the completion and opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 and a Housing Infrastructure Fund scheme at the A249 Grovehurst junction...’.

Applicants Response:

- 3.3.18 The Applicant notes that the suggested wording of KCCs draft Requirement would preclude the K3 and WKN Proposed Developments commencing until the improvement works at the M2 Junction 5 and the A249 Grovehurst junction were both completed and open to traffic.
- 3.3.19 The Applicant notes that the HGV movements can be managed and controlled and that peak hour and ‘shoulder’ restrictions have been agreed with HE that would manage the HGVs accordingly such that they do not travel through the M2 Junction 5 and the A249 Grovehurst junctions during the peak hours before these schemes are completed.
- 3.3.20 On this basis, it is not necessary for a Requirement as suggested by KCC, because the HGVs can be managed and controlled and the agreed position with HE would achieve the same objective as KCC thus making such a Requirement redundant.

#### **Q4.11.4**

- 3.3.21 In response to Q4.11.4 (*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*), KCC suggest the wording of restrictions as ‘No vehicles shall enter or leave the site between the hours of 08:00 to

09:00 and 16:00 to 18:00 Monday to Friday inclusive until the M2 Junction 5 and A249 Grovehurst junction improvement schemes are open to all traffic’.

Applicants Response:

- 3.3.22 The Applicant notes that peak hour and ‘shoulder’ restrictions have been agreed with HE which have been devised on an evidential basis using observed journey time data to achieve the HE objective of protecting the M2 Junction 5 and the A249 Grovehurst junctions during the peak hours before their improvement schemes are completed. KCC are also seeking to protect these junctions prior to their improvement and the Applicant suggests that the imposition of the agreed restrictions with HE will achieve the same objective as KCC.
- 3.3.23 The Applicant notes that KCC identifies the peak hours as being on weekdays. Although the Applicant has agreed peak hour and ‘shoulder’ restrictions with HE, an element that has not been agreed with HE is the days on which the restriction should apply. In this regard, HE suggest the restriction should be daily for simplicity whereas the Applicant considers that it should only be the days on which the peak hours occur i.e. weekdays. The Applicants notes that KCC share this view whereby the restrictions should apply on weekdays only.
- 3.3.24 The Applicant also notes that KCCs proposed restrictions would apply until the M2 Junction 5 and A249 Grovehurst junction improvement schemes are open to all traffic, after which they would be lifted.

#### **Q4.11.5**

- 3.3.25 In response to Q4.11.5 (***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 assumed throughout the day to maximise the number of HGV movements during the highway network peak hours. Are you satisfied with this response and if not why not?***), KCC suggest that the data from Allington and from the Applicants operational site at Ferrybridge (FM1) shows that all waste HGV movement occurs during daytime periods only.

Applicants Response:

- 3.3.26 The Applicant notes that its operational site at Ferrybridge does not have a planning consent that permits 24 hour waste delivery, hence all waste vehicle movements are permitted during daytime periods only.
- 3.3.27 From an analysis of the Ferrybridge data, the Applicant has determined that there is demand for waste deliveries before it opens at 07:00 because this is the busiest period of the day for waste deliveries. Conversely, the end of the

day between 17:00 and 19:00 is the quietest period of the day for waste deliveries as the facility closes for waste deliveries.

- 3.3.28 Hence, there are differences in the assumptions for the K3 and WKN Proposed Developments because a 24 hour consent is sought for these rather than a daytime consent only.
- 3.3.29 In terms of Allington, the Applicant notes that its data has not been issued by KCC. Therefore, the conclusions drawn by KCC in this regard cannot be verified. However, the Applicant is aware that Allington is primarily a municipal facility, meaning that the majority of its input is household waste. Household waste is collected at kerbside during daytime periods, principally during early morning periods, thus, the Applicant would expect that its waste deliveries all occur during daytime periods.
- 3.3.30 The K3 and WKN Proposed Developments will have commercial and industrial waste feeds rather than municipal waste that is collected at kerbside.
- 3.3.31 The Applicant notes that the profile of waste deliveries proposed for the K3 and WKN Proposed Developments are different to Ferrybridge and Allington and that is because they would operate differently to Ferrybridge and Allington, which aligns with the Applicants comments in its Transport Assessment Part 1 - ES Appendix 4.1 [APP-020].
- 3.3.32 The profile of waste deliveries proposed for the K3 and WKN Proposed Developments are heavily weighted into daytime periods, which provides a credible assessment and is reflective of the profile expected from the Applicant.
- 3.3.33 Notwithstanding, the comments received from KCC and HE on junction performance all relate to protecting the peak hours and the agreed peak hour and ‘shoulder’ restrictions with HE will achieve the objective of protecting the M2 Junction 5 and the A249 Grovehurst junctions during the peak hours before their improvement schemes are completed.

#### **Q4.11.6**

- 3.3.34 In response to Q4.11.6 (***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. Is this information still required and if so, please state why?***), KCC states that ‘the applicant should evidence the distribution patterns from Countrystyle to justify their assumptions or show a scenario with all traffic going through Grovehurst to provide a robust position’.

Applicants response:



- 3.3.35 The Applicant notes that Countrystyle’s depot is located in Ridham Dock and their RCVs travel along Swale Way and Barge Way past the K3 and WKN Proposed Developments access when travelling to / from their depot. These RCVs are already travelling on the highway network along Swale Way and Barge Way and through the A249 Grovehurst junction.
- 3.3.36 If these RCVs were to be diverted into the K3 and WKN Proposed Developments, then those vehicle movements would already be on the network and they would not be ‘new’ vehicle movements, thus they would not need to be counted as part of the K3 and WKN Proposed Development traffic flows.
- 3.3.37 This is because they are already on the network and to do so would be to double count them (i.e. counted once because they already form part of the base traffic flows and then counted a second time because they form part of the K3 and WKN Proposed Developments waste vehicle flows).
- 3.3.38 Counting these vehicles as part of the K3 and WKN Proposed Development traffic flows would therefore overestimate traffic flows along Swale Way and Barge Way and through the A249 Grovehurst junction.
- 3.3.39 Notwithstanding, to ensure a robust assessment, the Applicant has counted these vehicles as part of the K3 and WKN Proposed Development traffic flows and thus is already conforming with the robust scenario that KCC describes.

**Q4.11.16**

- 3.3.40 In response to Q4.11.16 (***Please comment on the Applicant’s post D6 Additional Submission [AS-019] relating to the Ferrybridge HGV movements***), KCC state ‘the Applicant’s response on this issue appears focussed on assumptions around contracts; however, KCC is not aware of evidence to suggest that those contracts, or the profile of waste received, would not alter over time and reflect the patterns seen in the evidence provided for other similar facilities’.

Applicants response:

- 3.3.41 The Applicant notes that it is the type of facility (which dictates the contracts) and the proposed operating hours (24 hours) which is dictating the vehicle movements for the K3 and WKN Proposed Developments rather than contracts per se.
- 3.3.42 The Ferrybridge facility does not have a planning consent that permits 24 hour waste delivery, hence all waste vehicle movements are permitted during daytime periods only. Its data demonstrates there is demand for waste deliveries outside of daytime periods, a generally uniform profile during the day and that waste deliveries reduce as the facility closes and waste is no longer able to be delivered. Its profile is primarily formed from its daytime opening

period and the primarily commercial and industrial nature of the waste, as opposed to municipal waste that would be delivered from kerbside.

#### **4.13.8**

- 3.3.43 In response to Q4.13.8 (*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?*), KCC proposes that ‘K3 movements should be conditioned to be split equally between the day and night, with further restrictions on the peak hour and shoulders. A suggestion could be to restrict to 400 per day with a minimum of 200 movements to be at night between 19:00 and 07:00 and no arrivals between 07:00 and 09:00 and 16:00 and 18:00’.

Applicants response:

- 3.3.44 This suggestion appears to be arbitrary with no evidential basis to justify such suggestions. The suggested 400 HGV movements per day is lower than the Applicant has based operational waste vehicle movements upon and would therefore result in operational issues with waste delivery associated with the tonnage throughput and thus affect the overall performance of the facility.
- 3.3.45 There is no evidential basis to support the suggested minimum number of night time movements. Such an amount suggested far exceeds the estimates of the Applicant over expected number of night time movements. Such a requirement would therefore also result in operational issues with waste delivery associated with the tonnage throughput and thus affect the overall performance of the facility.
- 3.3.46 Notwithstanding, the comments received from KCC and HE on junction performance to date all relate to protecting the peak hours and the agreed peak hour and ‘shoulder’ restrictions with HE will achieve the objective of protecting the M2 Junction 5 and the A249 Grovehurst junctions during the peak hours before their improvement schemes are completed.

#### **4.14.3**

*(Applicant, KCC) 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.*

- 3.3.47 KCC suggests that the objective of condition 22 is still required; however this is a contrary position to its previous submissions.

3.3.48 ExQ1A.1.23 asked *‘would it be feasible or desirable to include further requirements necessary for them to operate in accordance with KCC’s interpretation of national and local policy, for example by restricting the sources, including the geographical locations of feedstock and if not why not?’*

3.3.49 In its submission [REP4-015] (on page 11) KCC responded:

*‘Given that it is acknowledged that waste will travel beyond administrative boundaries, it is not the sourcing of waste in itself that is problematic to KCC and its Kent Minerals and Waste Local Plan. It is simply that the quantum of capacity proposed is far above that which could ever be required to meet Kent’s needs or to ‘compensate’ for flows of Kent waste beyond its borders. ...’*

3.3.50 In its Comments on the Applicant’s Response to ExQ1A [REP5-038] (on page 13) KCC references the removal of a catchment area condition that had been applied to the Tilbury Green Power Facility, stating:

*‘This supports KCC’s position (as set out in its response to EXAQ1A.1.23) that attempts to condition limits to sourcing, as suggested by the ExA, would be of limited value as they could then be removed on subsequent application, and hence cannot be relied upon to limit the harm identified. The County Council has previous experience of the unsuccessful application of such a condition.’*

3.3.51 It is unclear to the Applicant why KCC now feels that a restriction such as that presented in condition 22 is now required.

#### **Q4.14.4**

***(Applicant, KCC, SBC, HE) 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. Please add or comment on any information contained.***

3.3.52 KCC considers that the movement of waste from Norfolk to a facility in Kent would be contrary to the proximity principle. As reported by the Applicant in Applicant’s Responses to Deadline 2 Submission [REP3-003] (see paragraph 2.5.12, page 10) the Allington Facility (located in Kent) already receives waste from Norfolk County Council. This movement is already happening.

3.3.53 Further, KCC continues to misapply the proximity principle. This principle does not require waste to be treated at the single facility that is closest to it; it simply requires a network of facilities to enable waste to be treated at one of the nearest appropriate facilities. K3/WKN will simply be a part of that network, providing important and relevant recovery capacity.

3.3.54 The proximity principle is addressed by the Applicant in both the WHFAR [APP-086] at section 4, and Appendix 1, Applicant’s Responses to WR [APP-011]. In short, K3/WKN are properly demonstrated to be one of the nearest appropriate installations to treat residual wastes, diverting them from landfill and recovering energy and secondary materials.

### 3.4 KCC comments on the ExA’s draft DCO

#### ***Relevant Planning Authority***

3.4.1 KCC raise a point regarding the definition of ‘relevant planning authority’ in respect of:

- (1) Part 1 – Preliminary – 3. Interpretation
- (2) Part 2 – Principle Powers
- (3) Schedule 2 – Article 3 -Requirements

3.4.2 The Applicant’s position is that it is not considered necessary to specify which planning authority is the ‘relevant’ one in each instance. It is not customary in statutory instrument drafting (including development consent orders) to identify which authority is meant by the ‘relevant planning authority’, and this is the terminology used in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. A DCO is a long-term consent, and relevant planning authorities, boundaries and duties can be merged, transferred or amended from time to time. It is neither appropriate nor lawful for the DCO to designate these areas of jurisdiction of planning authorities, which could potentially become out-of-date and leave a jurisdiction vacuum. The boundaries and responsibilities lie where they lie from time to time independently of the DCO.

#### ***Part 2 (4) Effect on the Order of the K3 Sustainable Energy Plant Planning Permission***

3.4.3 The dDCO provides a definition of the ‘K3 Sustainable Energy Plant Planning Permission’ and the Applicant’s position is that the current wording of the dDCO is appropriate.

3.4.4 The Applicant does note that there is a typographical error in the heading of Part 2 – 4.(1) which should read ‘Effect of the Order on the K3 Sustainable Energy Plant Planning Permission’.

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

3.4.5 The Applicant is content that the numbering of the grid connection as Work No 2 is appropriate and that reference is used throughout the application

documents and plans so to alter it at this stage and to make associated changes to the numbering of other works would lead to those references being incorrect.

### ***Electric Vehicle Charging Points***

- 3.4.6 The Applicant has confirmed, as documented in the draft SoCG with Swale Borough Council (REP5-006), that K3 has 2 electric charging points fitted and 4 passive electric charging spaces where charging points could be fitted. Swale Borough Council are satisfied that is a sufficient level of provision given K3 is now operational.

### ***Explanatory Notice***

- 3.4.7 The Applicant notes KCC’s comments regarding the need for a pragmatic approach at present to the public inspection of documents at Council Offices and will defer to the ExA as to whether any revised wording is needed to address the current situation.

## **3.5 KCC Additional Submission at Deadline 7**

### ***Appendix 1 - Climate Change Committee Progress Report – Reducing UK emissions Progress Report to Parliament June 2020 (Appendix 1)***

- 3.5.1 In its review of the Committee on Climate Change’s (CCC) 2020 Progress Report, KCC has focussed on paragraphs without providing the full context.
- 3.5.2 The promoted actions to decrease arisings, increase recycling and divert wastes from landfill have been core tenets of waste management policy across the UK for over 20 years. Increased recycling is incorporated into the Applicant’s WHFAR [APP-086] which demonstrates there remains more fuel available for recovery than is intended for the Proposed Developments. Defra has been working with local authorities over that time to help their decision making on the type of waste management infrastructure they require; the Applicant’s waste planning advisor has worked with Defra on several projects to prepare guidance documents on this very topic for local authorities.
- 3.5.3 The need for new recovery facilities is something that should be considered carefully, but not for the singular reason suggested by KCC. The decision needs to consider many different factors to ensure that an optimal waste management solution is achieved that the local authority can afford and which is appropriate to their needs. In any event, the CCC 2020 Progress Report, and KCC’s objection, is focussed on waste collected by local authorities. The Proposed Developments are not predicated on any local authority contract; they are merchant facilities, responding to the market demand also driven by commercial and industrial waste producers.

- 3.5.4 The CCC 2020 Progress Report rightly recognises that emissions from energy from waste plant are growing; this is a direct result of the increase in capacity. Whilst this is correctly identified as a burden, it is to be set against the benefits of avoiding the release of more potent emissions generated by the disposal of waste from landfill. The CCC 2020 Progress Report also identifies a potential solution: the use of carbon capture and storage for energy from waste facilities, but also biomass incinerators, gasification and pyrolysis plants, and anaerobic digestion facilities.
- 3.5.5 The CCC 2020 Progress Report proposed changes to the Contract for Difference (CfD) allocations on page 185. As is made clear in the Report, the CfD scheme is not solely concerned with carbon benefits or the level whether a power source is classed as renewable or not. It is also concerned with enabling new technologies to reach commercial maturity; it is this factor that is driving the proposed changes. Energy from waste without CHP is a long established technology and has reached commercial maturity. However, the Government recognises that enabling heat to also be distributed requires some additional financial support.

***Appendix 2 - Secretary of State's Decision on the Appeal against refusal of permission of Waterbeach Waste Recovery Facility.***

- 3.5.6 KCC has focussed on three paragraphs from the Secretary of State’s letter, and presented these with little of their relevant context. The Applicant has read both the Secretary of State’s letter and the Inspector’s Report and would make the following observations.
- 3.5.7 The proposed development was considered comprehensively by the Inspector, who carefully weighed the planning balance across a number of issues. That planning balance fell against the proposal because of the level of harm identified to the designated heritage assets and the character and appearance of the area and the amenity harm from health fears. Paragraph 601 of the Inspector’s Report makes clear that these are the reasons that the appeal was dismissed. It was not on account of concerns in regard to waste or carbon policy. Indeed, the Inspector considers that the Secretary of State may choose to give these benefits substantial weight (see IR paragraphs 569 and 570) although paragraph 601 concludes that due to the level of other harm caused, even granting substantial weight to the waste and carbon benefits would not save the appeal for the appellants.
- 3.5.8 The Inspector does recognise (taking a similar approach to the decision making for the Riverside Energy Park ) that there is a level of uncertainty about the extent to which the proposed development would help to reduce carbon emissions. This is not surprising; it is a complex issue involving consideration of a number of unknowns. Notwithstanding this position, the proposed development is concluded to be in accordance with policy and a benefit to be afforded moderate weight (see for example IR paragraphs 561, 562 and 591).

- 3.5.9 The Secretary of State agrees with the Inspector, including that the carbon benefits of the proposed development should be afforded moderate weight and that it reasonably accords with the waste policy provisions of the relevant development plan, even with his potential concerns regarding the proximity principle (see SoS Letter paragraphs 31 to 33 and 38). In agreement with the Inspector, the Secretary of State concludes that these benefits are not sufficient to outweigh the level of harm caused to heritage assets and the associated Conservation Area, and dismisses the appeal. However, it is this balance and not a primary concern in regard to the waste or carbon performance of the proposed development itself that means the appeal is lost.
- 3.5.10 The Inspector and the Secretary of State of the Waterbeach Waste Management Facility appeal also agree with the Secretary of State for the Riverside Energy Park DCO in that it is for the operator to identify, and respond to, their market (see Secretary of State’s Letter, paragraph 28).

### **3.6 KCC Comments on the Applicant’s K3 Conditions Tracker**

- 3.6.1 The Applicant comments as follows on the points made by KCC within the Planning Conditions Tracker:

#### ***SW/12/1001/ SW/13/1257***

- 3.6.2 Paragraphs 8.1.17 and 8.1.18 of the Planning Statement [APP-082] confirms that for completeness the Access Road – Proposed Internal Access Layout Plan is included within the list of K3 Generating Station Approved Plans and Documents in Schedule 2 of the dDCO. None of the conditions relating to that permission need to be transposed as they relate either to construction or deal with land, for instance for drainage, which is outside the K3/WKN DCO boundary.

#### ***Condition 3 – maximum number of HGV’s***

- 3.6.3 The Applicant has set out its position on this matter within its SoCG with KCC and generally across its submissions during the examination. KCC’s response to Q4.13.8 does discuss an increase to the number of HGV movements associated with K3; the Applicant has responded to that comment within this document (Paragraph 3.3.41).

#### ***Condition 6 – Rail Strategy***

- 3.6.4 The Applicant made submissions in response to various ExQ3 on the subject of the Rail and Water Transportation Strategy for K3 (and the same strategy for WKN), in particular in response to ExQ3.6.9 and ExQ3.11.4.

***Condition 16 – Flood Risk Assessment and Surface Water Management and Foul Drainage Philosophy***

- 3.6.5 The Applicant confirms that the dDCO includes the Flood Risk Assessment (May 2019) and Surface Water Management and Foul Drainage Design Philosophy (December 2016) within the list of K4 Generating Station Approved Plans and Documents in Part 4 of Schedule 2.

***Condition 22***

- 3.6.6 The Applicant has responded to this point through its response to KCC’s Deadline 7 submissions on ExQ4.14.3 at 3.3.45 of this document.



## **4 Highways England (5<sup>th</sup> August 2020)**

- 4.1.1 Highways England had provided the Applicant with a draft of its Deadline 7 representations and the Applicant and HE discussed those prior to them being submitted, alongside discussions regarding the working draft of the SoCG which the Applicant had prepared for HE and which HE submitted for information to the ExA at Deadline 7.
- 4.1.2 HE have continued to review the draft of the SoCG since Deadline 7 and provided the Applicant with a further version of the SoCG at the end of the working day on the 12<sup>th</sup> August 2020. It had previously been agreed between the Applicant and HE that no peak hour restrictions were to be imposed on the 348 daily HGV movements associated with the operation of K3 to its currently consented annual tonnage throughput. The Applicant’s understanding was that the position on that matter had been agreed based on those movements having already been factored into HEs modelling of the surrounding road network and given those movements have been present on the road network during the commissioning of K3, from Q2 2020, and since K3 became fully operational on the 16<sup>th</sup> July 2020. HE had documented their position on that matter at Deadline 7 and confirmed that position as having been agreed, but have now reversed their stance within the version of the SoCG provided to the Applicant on the 12<sup>th</sup> August 2020.
- 4.1.3 The Applicant is therefore reviewing the latest version of the HE SoCG and requesting further information from HE as to the justification and evidence for this reversal of their earlier agreed position. It is hoped that the parties will be able to resolve the issue, but to assist the examination as much as possible will provide the ExA with a summary statement of the position following its discussions with HE as early as possible prior to the end of the Examination.

## 5 Marine Management Organisation (31<sup>st</sup> July 2020)

5.1.1 The Applicant notes the MMO’s submissions at Deadline 7 and has responded where appropriate below. The Applicant confirms that it does not consider there to be a need to comment on any points made by the MMO which are not addressed below.

### ***Soft Start Piling***

5.1.2 The Applicant’s position is that Requirement 28 of the draft DCO provides timing restrictions across a calendar year on impact piling. Those timing restrictions are considered to be sufficient to avoid impacts on bird species; the SoCG with Natural England [REFERENCE] confirms that they are satisfied those measures are sufficient and NE then confirmed at Deadline 7 in their comments on the RIES that the evidence is sufficient to support a conclusion of no adverse impact on the integrity of the Swale SPA and RAMSAR site.

5.1.3 Any impact piling undertaken in order to construct the WKN outfall would then be done under the control of the Marine Licence, Section 5.2.7 of which requires a soft start to be made for any impact piling. It is therefore not considered necessary for that provision to be replicated within the EMMP or dDCO.

### ***South East Marine Plan (SEIMP)***

5.1.4 The Applicant reiterates its position that the assessment of the draft policies within the emerging SEIMP is appropriate and proportionate, and confirms that it considers the same conclusions to apply to any consideration of the entire scheme against those policies, with no conflicts identified.

5.1.5 The Applicant’s position is that it is not necessary to amend the original Planning Statement to include that assessment, as the assessment has been included within the Applicant’s formal submissions made during the Examination and as such forms part of the Applicant’s case in support of the application.

### ***Section 10 – Authority to survey and investigate land***

5.1.6 ‘Land’ is not defined specifically for the purposes of the DCO and Article 10 refers to it within the context of the area within the Order Limits. The Applicant is therefore content that the area in question for the purposes of Section 10 is appropriately defined.

## **6 SEWPAG (5<sup>th</sup> August 2020)**

- 6.1.1 The Applicant notes the response by SEWPAG to ExQ4.1.4 and does not have any further comments to add to its response to that question at Deadline 7.

## **7 Environment Agency (4<sup>th</sup> August 2020)**

- 7.1.1 The Applicant notes that the EA do not have any concerns or comments regarding the ExA’s draft DCO and had no comments on the ExQ4.

## **8 Natural England (4<sup>th</sup> August 2020)**

- 8.1.1 The Applicant welcomes the confirmation by Natural England that the draft WKN Ecological Management and Mitigation Plan is considered by them to be sufficient. Natural England also consider the RIES to be accurate and the Applicant notes their position in respect of no adverse effects being identified on the Swale SPA and RAMSAR site.

## 9 Swale Borough Council (6<sup>th</sup> August 2020)

9.1.1 The Applicant has provided a response to Q4.13.1 and Q.4.14.4 at Deadline 7 and its position remains as set out in those responses.

9.1.2 In response to Q4.11.12 (***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***), SBC provided a copy of their strategic model report.

Applicants Response:

9.1.3 The submission of the strategic model report stemmed from ExQ3.11.3 which was directed to SBC and asked *‘In your submission at D4 [REP4-025] you refer to lack of modelling of the effect on the committed upgrade to the A249/Grovehurst Road interchange and your concern if delivery of major housing allocations in the adopted Plan were undermined by the Application. Please can you describe which of the allocations are relevant to consider in this context and why?’*

9.1.4 In response to that question, SBC stated ‘SBC is currently undertaking an early review of the Local Plan. Strategic Transport Modelling has been undertaken for the Council by SWECO, and this includes forecasting based on a requirement for higher housing levels than in the current adopted local plan (as objectively assessed need is expected to increase from 776 dwellings per year to 1054 dwellings per year following standardisation of the housing needs assessment model). This model forecasts that even with a HIF funded improvement scheme in place, further mitigation at the Grovehurst Interchange will be required to deal with increased traffic above that generated by the allocations in the current Local Plan (and which underpinned the HIF bid). This is identified as a “key intervention” under section 9.2.3 of the SWECO report’.

9.1.5 The Applicant has reviewed the strategic modelling report and has drawn the following observations and conclusions:

- The Swale Highway Model (SHM) was developed using new traffic surveys undertaken in 2017 to create a 2017 base year model.
- This SHM is therefore a newer version of the traffic model that was used to inform the Swale Borough Council Local Plan 2031 Bearing Fruits (adopted in 2017).
- It is not clear if the SHM was used as part of KCCs HIF application for the A249 Grovehurst (and A249 Key Street) junction.
- SHM is being used to support the assessment of the Local Plan review with a set of new development assumptions for the period beyond 2022.

- Future year assessments of 2027 and 2037 are undertaken.
- A previous model run titled ‘Scenario 1 “Do-Minimum” (DM) Weighted Sittingbourne’ is described as resembling that of the adopted Local Plan Bearing Fruits.
- ‘Scenario 1’ is therefore used as a reference scenario and is compared against the Local Plan model rerun scenarios. i.e. it is used as a base scenario (the Local Plan Bearing Fruits) and is compared to the revised model runs with the new development assumptions for the period beyond 2022.
- For these model reruns with the new development assumptions for the period beyond 2022, 4 scenarios were created as follows:
  - ‘776 Scenario Do-Minimum (DM) no2s’;
  - ‘776 Scenario Do-Minimum (DM) with2s’;
  - ‘1054 Scenario Do-Minimum (DM)’; and
  - ‘1054 Scenario Do-Something (DS)’.
- The ‘no2s’ and ‘with2s’ elements relate to without (no) and with highway improvement schemes, which includes the A249 Grovehurst scheme.
- The ‘1054 Scenario Do-Something (DS)’ scenario considers the need for additional mitigation measures (Do-Something).
- The model outputs are V/C which in simple terms is an assessment of volume (predicted traffic demand) divided by capacity (maximum traffic flow at which congestion occurs) expressed as a percentage.
- Table 8-4 of the strategic modelling report sets out the maximum V/C for each junction on the network.
- An extract of Table 8-4 for the A249 Groverhurst junction is set out as follows:

Junction ID	Description	Highest Volume / Capacity									
		Scenario 1		776 Scenario Do-Minimum (DM) no2s		776 Scenario Do-Minimum (DM) with2s		1054 Scenario Do-Minimum (DM)		1054 Scenario Do-Something (DS)	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
8	Grovehurst / Swale Way / B2005	105.9	91.2	105.6	106.1	105.0	76.6	105.6	79.3	91.4	94.5

- This shows that during the AM peak hour, prior to any additional improvements (excluding do-something), the V/C ranges from 105.0 to 105.9. There is a negligible difference between these scenarios in this regard.
- During the PM peak hour, the V/C reduces from 106.1 (776 Scenario Do-Minimum (DM) no2s) to 75.6 (776 Scenario Do-Minimum (DM) with2s) which demonstrates that the A249 Grovehurst improvements provide additional capacity such that there would be spare capacity at the junction.
- In the 1054 Scenario Do-Minimum (DM) during the AM peak hour, the V/C is 105.6 which remains within the range of 105.0 to 105.9.
- It is therefore surmised that the additional dwellings associated with the new development assumptions for the period beyond 2022 do not create any discernible impact upon the A249 Grovehurst junction during the AM peak hour.
- In the 1054 Scenario Do-Minimum (DM) during the PM peak hour, the V/C is 79.3 which is within capacity.
- It is therefore surmised that the additional dwellings associated with the new development assumptions for the period beyond 2022 do not create any noticeable impact upon the A249 Grovehurst junction during the PM peak hour.
- In the 1054 Scenario Do-Something (DS) scenario during the AM and PM peak hours, the V/Cs are 91.4 and 94.5 respectively, which is towards capacity.
- To accommodate the new development assumptions for the period beyond 2022, a ‘key intervention’ is required at the A249 Grovehurst junction, involving the signalisation of the southbound approach arm from the A249 southbound off-slip road.

9.1.6 There are a number of queries and considerations which arise from the above that are not explained within the strategic modelling report:

- In the 1054 Do-Minimum (DM) scenario (i.e. with the new development assumptions for the period beyond 2022) during the PM peak hour, the A249 Grovehurst junction would operate within capacity.
- There is therefore no requirement for additional mitigation for the PM peak hour.



- Any such requirement for additional mitigation must therefore arise from the AM peak hour.
- In the 1054 Do-Minimum (DM) scenario (i.e. with the new development assumptions for the period beyond 2022) during the AM peak hour, the junction would operate similarly to all the other scenarios.
- On this basis, it is not clear why additional mitigation is concluded as being necessary.
- It appears that the new development assumptions for the period beyond 2022 would have no discernible impact upon the operation of the A249 Grovehurst junction.
- Has the need for additional mitigation been determined based upon an increase in the V/C from 105.0 (776 Do-Minimum (DM) with2s scenario) to 105.6 (1054 Do-Minimum (DM) scenario), which is a negligible change.
- Has the need for additional mitigation been determined because the junction would operate at capacity (105.9 in the reference case scenario (scenario 1), 105.0 in the 776 Do-Minimum (DM) with2s scenario and 105.6 in the 1054 Do-Minimum (DM) scenario).
- If this is the case, why was this need for additional capacity not built into the A249 Grovehurst junction at scheme conception for its improvement works.
- If this is the case, why was that junction operation acceptable at the time of scheme conception but not acceptable now.
- Or is there another reason for the need for additional mitigation that is not set out in the strategic modelling report.

9.1.7 Based upon the review of the strategic modelling report, and to return to the initial SBC responses, it is not clear why additional improvements are needed at the A249 Grovehurst junction. It appears that the new development assumptions for the period beyond 2022 would have no discernible impact upon the operation of the A249 Grovehurst junction and thus it is not clear on what basis the K3 and WKN Proposed Development could undermine the new development assumptions for the period beyond 2022.

9.1.8 In terms of the adopted Local Plan, to put the traffic flows generated by the K3 and WKN Proposed Developments in context, the Applicant has added all of the estimated traffic flows that would be generated by the other allocated and emerging developments on the A249 and compared this to that generated by the K3 and WKN Proposed Developments. This comparison shows that the traffic flows generated by the K3 and WKN Proposed Developments amount to only 4% to 5% of the peak hour traffic flows that the other allocated and emerging traffic flows would generate on the A249.

- 9.1.9 This demonstrates that the traffic flows generated by the K3 and WKN Proposed Developments is negligible in the context of the delivery of allocated sites and would not ‘eat’ into the additional capacity provided by the improvement works such that it would compromise the delivery of the other schemes.
- 9.1.10 Notwithstanding the above, the Applicant notes that in a meeting with KCC on 10 February 2020, there were discussions on the modelling work KCC had undertaken on the committed upgrade to the A249/Grovehurst Road interchange as part of its HIF application. There were discussions on the allowances and assumptions that the modelling had made in terms of allocated developments and other emerging developments, for example, whether the consented K3 (consent granted in 2012) traffic flows had been included in the modelling. Although KCC were unable to advise on these assumptions during the meeting, KCC agreed to provide these details on the assumptions to the Applicant. These assumptions have not been received and the strategic modelling report does not make it clear on such assumptions made.

## **Appendix A**

### **Kemsley Paper Mill K4 DCO Application Chapter 2 – Environmental Statement**

## 2 Site description and Proposed Development

### 2.1 Introduction

2.1.1 This chapter provides a description of the Site and surrounding area. It also sets out details of the Proposed Development and provides construction and post-construction information.

### 2.2 The Site and wider area

2.2.1 The Site lies in the south east corner of the existing Kemsley Paper Mill approximately 600m west of the Swale Estuary and north of Milton Creek in the Borough of Swale, Kent. The entire Site is within the security fence for the Paper Mill. The main part of the Site is roughly triangular in shape and consists almost entirely of existing concrete hardstanding. The Site lies within the wider Paper Mill industrial complex which comprises a number of existing large industrial buildings, flue emission stacks, concrete hardstanding and other associated development. **Figure 1.1** in Chapter 1 shows the Site location and application boundary.

2.2.2 The Site is accessed from the A249 via Swale Way and Barge Way into the Paper Mill. An internal access road provides access to the Site.

2.2.3 The Site lies immediately east of the Kemsley residential suburb of Sittingbourne with the town centre some 2.5km south of the Site. An aerial view of the Site is shown in **Figure 2.1**.

2.2.4 The nearest statutory designation with regard to ecological interest is the Swale Special Protection Area and Site of Special Scientific Interest which lies approximately 280m east of the Site at its closest point. The Site is also less than 200m from the Milton Creek Local Wildlife Site. A designated Scheduled Monument 'Castle Rough' a former Medieval moated site lies approximately 240m south west of the Site. The Site lies over 7km from the North Downs Area of Outstanding Natural Beauty. All statutory designations in proximity to the Site are shown on **Figure 2.2**.

### 2.3 DS Smith Paper Ltd and Kemsley Paper Mill

2.3.1 DS Smith Paper Ltd (DS Smith) is a European manufacturer of recycled corrugated case materials and speciality papers. The company operate nine paper mills across Europe, with Kemsley their only mill within the UK. DS Smith have invested heavily in modernising Kemsley, which now employs around 400 people and has an annual production capacity of up to 800,000 tonnes of recycled paper/case materials.

#### Existing energy sources

2.3.2 The paper production process is energy intensive and requires a substantial amount of electricity and steam. The energy and steam requirements of the Kemsley Mill are provided by a range of sources, operated by either DS Smith or partner companies.

2.3.3 The power sources are:

- K1 – a gas turbine combined heat and power (CHP) plant and 6 ancillary package boilers located within the mill site which provides electricity and steam to the mill;
- K2 – a steam generator located within the mill site which uses waste plastic and sludge as a source to provide steam to the mill;
- K3 – an energy from waste plant currently under construction to be operated by Wheelabrator to the east of the main mill complex which from 2019 will provide steam to the mill.

2.3.4 It should be noted that K3 is an entirely separate proposal from the Proposed Development.

2.3.5 The K1 plant is 22 years old and is operated under a contract by E.ON (Business Heat and Power). DS Smith have assessed the condition of K1 and is aware that it will require significant investment into the gas turbine, waste heat recovery boilers and steam turbine which would not be proportional to the length of extended life achieved. If development consent is granted, by the time K4 is fully commissioned K1 will be nearly 25 years old. Moreover, K1 is oversized for its existing use, as it was sized originally to provide energy to the now redundant Sittingbourne Mill in the centre of Sittingbourne and it is therefore inefficient.

2.3.6 DS Smith therefore intends to replace the existing K1 plant with a new CHP plant to be constructed on available land adjacent to K1.

2.3.7 **Figure 2.3** shows the location of the K1-3 facilities.

## 2.4 The Proposed Development

2.4.1 DS Smith is seeking permission to decommission the existing gas-fired CHP Plant (K1) and build a new gas-fired CHP plant (K4) with a nominal power output of 68-73 Megawatts to be operated by DS Smith and/or other companies to supply steam and power to their existing Kemsley Paper Mill.

2.4.2 The Proposed Development will comprise a combined cycle plant fuelled by a gas turbine of 52-57 MW nominal power output, waste heat recovery boilers providing 105 MWth steam and steam turbine technology of around 16 MW nominal power output. A full list of proposed plant items is provided below:

Main plant items:

- a) local equipment room and control including battery enclosure
- b) a generator;
- c) a gas turbine;
- d) a heat recovery steam generator;
- e) a 70m high heat recovery steam generator stack;
- f) a turbine hall (including steam turbine);

- g) a CHP pipe bridge, including pipes and cables for steam and electricity, connecting the plant with the paper mills and the existing electricity substation.
- h) a dump condenser;
- i) a fin fan cooler; and
- j) a 35m high package boiler stack;

#### Ancillary plant items

- k) a start transformer;
- l) a fire extinguisher cabinet;
- m) switchgear;
- n) a block transformer;
- o) a transformer;
- p) a package boiler;
- q) a fuel gas skid;
- r) condensate pumps;
- s) heat recovery steam generator chemical dosing equipment;
- t) an effluent sump;
- u) a condensate tank;
- v) boiler water feed pumps;
- w) K2 and low pressure package boiler feed pumps

## 2.5 Parameters

- 2.5.1 Whilst the final detailed design of the CHP plant is not expected to be materially different from that described in this ES, the detailed design, construction and commissioning of the CHP plant will be carried out by an experienced contractor after development consent has been granted and contracts placed with the equipment suppliers.
- 2.5.2 To reflect this and in accordance with the Rochdale Envelope principles a series of maximum parameters that provide the strategic framework for the Proposed Development have been designed. These parameters are the framework on which the EIA has been undertaken and in which the Proposed Development is required to come forward within.
- 2.5.3 At this stage the exact location of the heat recovery steam generator (HRSG) stack is not determined and could be located either at the end or in the centre of the HRSG dependent on the final technological solution i.e. whether a vertical or horizontal tubed boiler is installed in the HRSG.
- 2.5.4 Two site layout parameter plans have therefore been produced which reflect the potential variation in stack location and pipe bridge (but are identical in all other matters). These are provided as **Figures 2.4a&b**. The two potential stack locations have

been assessed independently in the ES as appropriate. In addition to the potential variation in stack location the layout parameter plans provide an 'envelope' in which each of the major plant items are to be located. These envelopes are larger than the maximum dimensions of the plant to allow flexibility at the final design stage as to where exactly these plant items are required to be located. This essentially consists of a 5m buffer around each major plant item.

2.5.5 The maximum dimensions of the plant (minimum with regard to stack heights) are provided in Table 2.1 and can be described as a credible "worst case" for EIA assessment purposes.

Building or structure	Maximum length (metres)	Maximum width (metres)	Maximum height (metres) (above existing ground levels)	Minimum height (metres) above existing ground levels
a) Local equipment room (including battery enclosure)	23.1	13.75	9.9	-
b) Generator	5.5	4.4	6.6	-
c) Gas turbine	16.5	8.8	9.9	-
d) Heat recovery steam generator	30.8	16.5	35.2	-
e) 70m high heat recovery steam generator stack	-	4 diameter	-	75m
f) Turbine hall (including steam turbine)	25.3	19.8	16.5	-
g) CHP pipe bridge	40.7	4.4	12	-
h) Dump condenser	16.5	13.2	8.8	-

i)	Fin fan cooler	11.55	7.15	7.7	-
j)	35m package boiler stack	-	0.6 diameter	-	35m
(k – w)	All other ancillary plant	-	-	7.5	-

Table 2.1: maximum dimensions of the proposed K4 plant.

2.5.6 In addition to the above, during the construction of the Proposed Development and decommissioning of K1 the following facilities and equipment will be provided on Site:

- (1) temporary construction site offices;
- (2) canteen, welfare, and related support facilities;
- (3) parking of construction vehicles plant and machinery or for the vehicles of construction workers (the existing main Paper Mill car park will also be utilised as required);
- (4) open and covered storage of construction materials and equipment;
- (5) workshops for pre-fabrication, assembly and testing of equipment

2.5.7 The construction laydown area is shown on **Figure 2.5** and consists of a rectangular area of existing hardstanding north of the proposed location of K4 (it should be noted that the laydown area shown has increased in size in comparison to that shown at the time of the S47 consultation. This increase was reflected in the plans produced as part of the S42/48 and consultation undertaken on this basis. This enlarged area simply extends further west over existing concrete hardstanding that exists in this location).

2.5.8 Two illustrative plans of the Proposed Development showing how the layout of the site is likely to look (which includes the potential variation in stack location) are provided as **Figures 2.6a&b**.

2.5.9 **Figures 2.7 -2.10** provide illustrative 3D CGI's of how K4 is likely to look (using the maximum dimensions in Table 2.1) in the context of the existing Paper Mill.

#### **Operation of K4**

2.5.10 The Proposed Development would operate by taking in clean, filtered ambient air into the compressor stage of the gas turbine. The air is compressed and passed into the combustion chamber (gas turbine) where fuel (natural gas) is mixed with the air and ignited producing hot high-pressure gases. The expanding hot gases are fed through the rotor blades of the gas turbine and converted to mechanical energy. The gas turbine in turn drives an electrical generator to produce electricity



- 2.5.11 With exhaust gas temperatures between 500-550°C, the exhaust from the gas turbine still contains recyclable energy in the form of heat. This energy is used to generate pressurised steam from de-mineralized water in the heat recovery steam generator ( HRSG). Dependant on the load requirements further heat can be added at this point by burning additional gas in the inlet duct to the HRSG. After passing through the HRSG, the final exhaust gases are discharged through a stack into the atmosphere in accordance with emission limits of the Large Combustion Plant Directive (LCPD).
- 2.5.12 The steam produced in the HRSG is expanded through the steam turbine which converts thermal and pressure energy into mechanical energy and low pressure steam. The mechanical energy is in turn used to drive an electrical generator to increase the electrical output of the plant. Any power that is generated over and above that required by the Paper Mill is exported back to the National Grid via the existing substation (see Section 2.6).
- 2.5.13 The low pressure steam is transferred to the Paper Mill for use within the paper production process, improving overall thermal efficiency.
- 2.5.14 In the event the paper production process is interrupted and the steam demand is reduced, the steam is diverted to the air cooling condensers which convert the steam back to water for re-use in the thermal cycle. **Figure 2.11** provides a simplified infographic demonstrating the key CHP process.

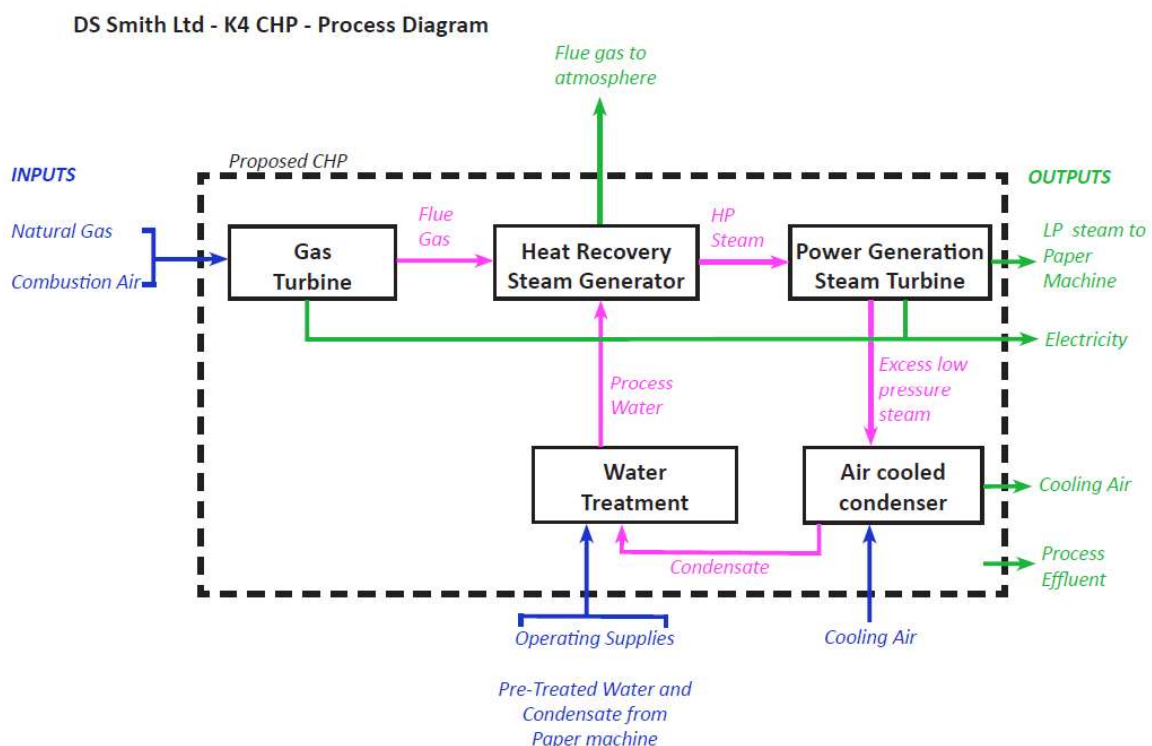


Figure 2.11: infographic showing the key stages of the CHP process.

- 2.5.15 In order to control corrosion in the plant the pH of the water is increased by the addition of chemical additives (a list of process chemicals currently used for K1 is provided in Table

2.2 in section 2.8.9 below). In order to safeguard the quality of all water discharged from K4 all process drains along with any waste water are collected via a dedicated drains network and flow into a dedicated sump for neutralisation by the addition of acid (if required). From here any excess water will be conveyed to the Mills existing waste water treatment facility (WWTF) and discharged under DS Smith's existing discharge permit (permit no. EPR BJ7468IC-V009) into the Swale as currently occurs for K1. The volume of water discharged from K4, by virtue of being a smaller more efficient plant than K1, will be less and will not therefore exceed the existing WWTF permit limit. The permit for the WWTF contains discharge limits for both water pH and temperature which will remain in place for K4 and subject to periodic monitoring. Both water quality and temperature from K4 is therefore safeguarded before being discharged into the Swale.

- 2.5.16 The planned operational mode once the Proposed Development is fully commissioned would be: K2 supplying steam, K3 supplying steam, K4 supplying the balance of the Mill steam requirements and electrical power to run the Mill operations. Any surplus electricity generated would be supplied to the national grid (see section 2.6).
- 2.5.17 Six package boilers from the K1 plant will be retained with a new medium package boiler proposed as part of K4.
- 2.5.18 In the event of a planned or unplanned shut down of any of the above steam raising plant, the package boilers will be used to supplement the Mills steam supply and support any deficit. It is expected that a minimum of 2 package boilers would be kept in 'hot standby' mode at all times to cater for any unforeseen events ensuring that steam is always available to the Mill in emergency and unplanned scenarios. Five of these low pressure boilers would be kept available to run at any given time allowing the remaining to be released for inspections and maintenance. This regime is designed to allow two paper machines to be in production if all other steam sources fail.
- 2.5.19 The anticipated uptime (i.e. the time in which K4 will be fully operational) for K4 alone is circa 96%.

## **2.6 Decommissioning of K1**

- 2.6.1 DS Smith's intention is to decommission the K1 plant after the successful commissioning of the Proposed Development.
- 2.6.2 There will be a period whereby K1 and K4 will operate simultaneously during the commissioning of K4 albeit this will be intermittent and will not involve both plants operating at full capacity. Notwithstanding this, a worst case scenario has been assessed in the ES for robustness assuming that there will be a period whereby K1 and K4 will simultaneously operate at full capacity for a period of one year.
- 2.6.3 Post full commission of K4 it will then be necessary to fully decommission K1. In practical terms this would entail the removal of sections of the natural gas feed pipework to the redundant K1 equipment. The gas feed pipework would then be sealed by installing permanently fixed blanking devices. In addition to this, sections of the exhaust gas ducts to the Flue stack of the K1 Waste Heat Recovery Boilers would be removed and sealed. These actions effectively render the redundant K1 equipment inoperable, as they will be fully isolated from their associated fuel sources and exhaust gas paths.

- 2.6.4 In terms of dismantling, the decommissioned components of K1 would be separately evaluated at a future date once K4 is fully operational. It is envisaged that some major components could be sold (e.g. Gas Turbine and Steam Turbine). It is likely that the remaining components would be demolished, recycled or scrapped.
- 2.6.5 It should be noted that the decommissioning will not involve the 6 existing package boilers (see section 2.6) which will be retained and used in the event of planned or unplanned shutdown of K2, K3 or K4 to supplement the Mills steam supply and support any deficit.

## 2.7 Ancillary facilities and services tie-ins

- 2.7.1 K4 is largely a replacement of the existing K1 and therefore requires the same tie-ins to ancillary facilities and services as K1. It is proposed that K4 will tie-in to the existing services and facilities such that no off-site infrastructure is required. **Figure 2.12** shows the location of the required ancillary facilities and services within the Paper Mill which K4 will connect into. No ancillary construction activities are required to facilitate the tie-ins required and all physical tie-ins will take place within the red line boundary of the Site. Further details are provided below:

### **Gas Supply**

- 2.7.2 K4 will be connected to the existing gas station (e) as shown on **Figure 2.12**. K4 will include its own gas conditioning equipment.

### **Electricity**

- 2.7.3 K4 will be connected to the existing DNO 132KV grid connection (i) as shown on **Figure 2.12** for both the import of power (in the event of planned or unplanned shutdown) and export of electricity via the LP and MP manifolds (h).

### **Process water**

- 2.7.4 Process water for the Paper Mill is extracted off site and piped to the site via the Sonora pipeline whereby it is stored in open lagoons located immediately south of K4. From here the water is abstracted by the process water pumping station (g) and transposed to the water treatment plant (f) whereby it will be used for the operation of K4. Process water for the site is regulated under EA permit 9/40/02/0021/GR. As a smaller more efficient plant K4 will use less water than K1 and thereby remain within the existing permit limits.

### **Water treatment plant**

- 2.7.5 The existing K1 water treatment plant (WTP) will be replaced (c) as illustrated on **Figure 2.12**. Feed water from the new WTP (f) (a new water treatment plant is currently under construction; planning not required but under building regulations) will be used for K4 to supply demineralised water. The pH of the water is increased by the addition of alkaline chemicals in order to control corrosion in the plant.

### **Process water drainage**

- 2.7.6 Any excess water from the K4 process will be collected via a dedicated drains network and flow into a dedicated sump for neutralisation where necessary. From here any excess water will be conveyed using existing drainage facilities to the Mills existing waste water treatment facilities (WWTF) (j) as shown on **Figure 2.12** and discharged under DS Smith's existing discharge permit (permit no. EPR BJ7468IC-V009) into the Swale as currently occurs for K1. The volume of water discharged from K4, by virtue of being a smaller more efficient plant than K1, will be less and will not therefore exceed the existing WWTF permit limit.

### **Surface water outfall**

- 2.7.7 There will be no increase in impermeable area as a result of the Proposed Development. All surface water run-off will continue to be conveyed into the existing surface water drainage network and discharge at an existing outfall (k) as shown on **Figure 2.12**.

### **Facility control room**

- 2.7.8 K4 will be connected to and controlled from the existing K1 control room (l) identified in **Figure 2.11**. This will continue to use the existing foul sewer mains connection. Potable water will be taken from the existing site distribution system as shown on **Figure 2.12**.

### **Package boilers**

- 2.7.9 The 6 existing package boilers (b) as shown on **Figure 2.12** will be retained and used in the event of planned or unplanned shutdown of K2, K3 or K4 to supplement the Mills steam supply and support any deficit.

## **2.8 Construction of the Proposed Development**

### **Building materials**

- 2.8.1 The construction materials required will be those normally associated with a development of this nature, including:
- Concrete
  - Concrete reinforcement including high yield ribbed, hot-rolled bars complying with BS 4449 Strength Grade B500C and mild steel plain, hot-rolled bars complying with BS 4482 Strength Grade 250;
  - Cement
  - Bricks
  - Bitumen
  - Exposed structural steelwork grade: S355 JO/S355 J2

- Galvanised steel corrugated panels & galvanised steel sheets;

2.8.2 Building materials will need to be imported to the Site. Any spoil that is generated from the Proposed Development will be re-used on-site. Any contaminated spoil will be removed to an appropriately licensed landfill for disposal, albeit the likelihood of contamination being present on the site is considered low. This has been confirmed in the contamination report submitted in support of the application (see Chapter 8).

2.8.3 Construction materials delivered to the Site will be controlled through a specific construction method statement and incorporated in the CEMP (Appendix 2.1). Areas for storage of materials will be allocated and appropriate storage facilities (containers and bunds) will be utilised.

### **Employment**

2.8.4 It is anticipated that the construction of K4 will employ between 150-200 people during its peak construction period (an estimated 6 month period). Employment during the rest of the construction and commissioning/decommissioning period is anticipated to average 100 construction related staff.

### **Working hours**

2.8.5 Construction activities will be undertaken during normal construction working hours of 07:00 and 19:00 on weekdays and 07:00 to 16:00 on Saturdays and Sundays. No continuous 24-hour activities are envisaged at this stage. Chapter 5 (Air quality) and Chapter 7 (Noise) demonstrate that Sunday working on the Site will not result in significant detriment to local residents in noise amenity terms or the capacity of the local road network.

### **Waste**

2.8.6 For all phases of the Proposed Development there will be a Principal Contractor who will be charged with responsibility for management and co-ordination of all waste streams during decommissioning and construction. This will involve responsibility for the waste segregation, storage and collection of waste on-site.

2.8.7 Section 33 of the Environmental Protection Act (EPA) 1990 deals with the treatment, storage and disposal of waste. Section 34 of the EPA deals with "Duty of Care" and covers all those who produce or handle wastes from demolition, earthworks and construction activities, who are obligated to ensure its safekeeping, best practice management, transport and subsequent recovery or disposal.

2.8.8 The Waste (England and Wales) Regulations 2011 (amended in 2012 and 2014) clarify the requirements for waste prevention programmes and Waste Management Plans, and provide further detail on the "Duty of Care" as mentioned in the EPA 1990.

2.8.9 All waste generated during construction and/or demolition will be dealt with in accordance with these legislative requirements.

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### **Accident and disaster mitigation**

- 2.8.10 The construction of the Proposed Development will be undertaken by Costain Group Plc a well-established engineering company and well experienced in general health, safety and disaster mitigation during the construction of complex developments. This will be overseen by E.ON who have successfully implemented a number of similar CHP plants across the UK and Europe.
- 2.8.11 By way of example an extensive suite of legislative requirements and codes of practice and guidance are in place to avoid accidents and disasters during construction. This includes but is not limited to the those listed below:
- Construction (Design and Management) Regulations 2015;
  - Control of Pollution Act 1974;
  - Control of Substances Hazardous to Health Regulations 2002;
  - Environmental Protection Act 1990;
  - Health and Safety at Work Act 1974;
  - Environment Agency – Pollution Prevention Guidance notes; and
  - HSE – Codes of Practice and Guidance Notes.
- 2.8.12 In light of the above it is considered that the risk of accidents during the construction of the Proposed Development will be comprehensively controlled and mitigated as far as is reasonably possible in accordance with UK legislation.
- 2.8.13 It is therefore considered that the risk of a major accident or disaster is as low as reasonably practical. Compliance with this legislation and guidance will form part of any contract made by DS Smith with the appointed construction contractor. These Regulations and their requirements are furthermore included in the draft Construction Environmental Management Plan provided as **Appendix 2.1**.

### **Construction Environmental Management Plan (CEMP)**

- 2.8.14 The draft DCO requirements include the production of a Construction Environmental Management Plan (CEMP) (**Appendix 2.1**). The CEMP would include the following items amongst others:
- A table showing the objectives, expected results, activities, and responsibilities required;
  - The broad plan of the phasing of the work and its context within the whole project;
  - Baseline levels for noise, vibration and dust monitoring;

- Threshold and action levels for noise, vibration and dust to warn of activities that may require particular care and control;
- Details of prohibited or restricted operations (for example locations, hours of operation etc.);
- Arrangements for the implementation of the CEMP and environmental monitoring, including responsibilities, the role of environmental authorities, and participation of stakeholders;
- A monitoring and supervision plan;
- A response plan in the event of accidents or otherwise unexpected events and potential risk register;
- Details regarding delivery / removal of materials and plant;
- Locations and protocol with regard to material storage and compounds;
- Reference to ground conditions and remedial measures and/or mitigation associated with ground contamination if necessary;
- Contact details during normal working hours and emergency contact details outside these hours;
- The provision for reporting, public liaison, and prior notification for particular construction related activities;
- A mechanism for the general public to register complaints and the procedures for responding to such complaints;
- Reference to management of material resources and waste.

### **Construction traffic**

- 2.8.15 It is assumed that many of the construction staff vehicle movements will take place at the beginning and end of each day. The HGV deliveries are assumed to be spread across the day and will be timed, where possible, to avoid the peak traffic flow periods (i.e. from 08:00 to 09:00 and 17:00 to 18:00). During construction, it is estimated there will be an average of 100 staff on site with a peak of up to 200 staff on site during the early groundworks and foundation works period.
- 2.8.16 It is estimated that construction of K4 will generate an average of 25 to 30 HGV deliveries per day (average of 50 to 60 HGV movements per day) throughout the 20 month construction period. During the early groundworks and foundation works period, this could peak at up to 40 HGV deliveries per day (up to 80 HGV movements per day).
- 2.8.17 Construction workers will be provided with allocated parking areas within the Site and the use of public transport and car sharing will be encouraged.

2.8.18 Construction traffic will also be managed through a Construction Traffic Management Plan, which will include:

- A routing strategy for construction HGVs to ensure they approach the Application Site via the strategic road network
- Wheel washing facilities
- Peak time restrictions for HGVs where possible
- Controls governing the movement of large loads

## 2.9 Post construction

### *Site operating hours*

2.9.1 At this stage it is anticipated that K4 will become fully operation in the summer/autumn of 2021 with the commissioning/decommissioning period of K4/K1 anticipated to commence approximately 6 months before this date.

2.9.2 Once fully commissioned during regular operation the plant will be operated / manned 24 hours a day 365 days per year. The operational shift pattern will be mornings, afternoons & night shifts with approximately 4 staff on each shift.

### *Lighting*

2.9.3 The final detailed design of the CHP plant is not yet completed and as such, at this stage there is no detail available to identify either where luminaires will be installed (exactly) or the exact typology of luminaire (including size, spacing, etc.).

2.9.4 Lighting will however be minimal and implemented using British Standard EN12464-2:2014 Lighting - Lighting of Work Places, Outdoor Works. Adherence to this BS will ensure that any nuisance or disturbance associated with operational lighting installations will be minimised as far as is practicable. Contemporary lighting schemes minimise light spill and reduce lateral and vertical light spill from the source. Therefore, disturbance / nuisance to visual receptors are not considered likely to result in a significant adverse effect particularly in the context of the Mill and the existing external lighting.

### *Maintenance of the plant*

2.9.5 The information below outlines the maintenance requirements that will be applicable to the main plant items associated with K4 once operational. In general, major maintenance involves replacing a small number of wearing components of the main plant items for new or refurbished components however, wholesale or major replacement of plant items is not carried out during planned maintenance. K4 also has a number of auxiliary plant items however, due to the relatively simple nature and short duration of maintenance interventions of such plant, it is not considered necessary to provide details of such activities.



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### Gas Turbine

- 2.9.6 In general each year there will be a planned gas turbine outage either for minor or major maintenance. The yearly minor maintenance is followed by a major maintenance every 3 - 4 years depending on the operating hours per year. The length of the outages varies between 2 - 3 days for the minor maintenance up to 3 - 4 weeks for the major maintenance. Maintenance of the gas turbine will be carried out on-site by an appointed contractor with a small number of wearing components being removed from site for repair or refurbishment. Major maintenance will typically involve up to 10 – 15 technicians being based at the site for the duration of the maintenance period.

### HRSO

- 2.9.7 The HRSO will be inspected and maintained on a yearly basis and typically takes 2 - 7 day in parallel to the planned gas turbine outages. Maintenance of the HRSO will be carried out by an appointed contractor and typically involves up to 10 technicians being based at the site for the duration of the maintenance period.

### Steam Turbine

- 2.9.8 The steam turbine has typical inspection interval of 5 years for minor inspection and 10 years for major inspection. The length of the outages varies between 1 week for the minor maintenance up to 2 - 3 weeks for the major maintenance. Maintenance of the steam turbine will be carried out on-site by an appointed contractor with a small number of wearing components being removed from site for repair or refurbishment. Major maintenance will typically involve up to 10 – 15 technicians being based at the site for the duration of the maintenance period.

### Auxiliary Boilers and Medium Pressure Boiler

- 2.9.9 The auxiliary boilers and medium pressure boiler will be inspected on a yearly basis and typically takes 5 days. Inspection and resulting maintenance of the auxiliary boilers and medium pressure boiler will be carried out by an appointed contractor and typically involves up to 5 technicians being based at the site for the duration of the maintenance period.
- 2.9.10 The gas turbine and steam turbine minor and major inspections along with maintenance of other plant items such as transformers, circuit breakers and auxiliary plant will be carried out in parallel to the respective equipment by appointed contractors.
- 2.9.11 The above maintenance activities will normally be planned on a long-term basis by the operations and maintenance team and will take place to coincide with gas turbine maintenance activities and typically conducted in the summer months and/or in the yearly planned shutdown of the customer plant which is typically during Christmas time. Typically for a consolidated major maintenance outage including the gas turbine, steam turbine, HRSO, auxiliary boilers / medium pressure boiler & auxiliary plant there will be a maximum of 45 – 50 technicians based on the site in addition to the regular operations and maintenance team.

2.9.12 The scope and nature of the proposed maintenance activities related to K4 over its operational lifetime has been considered by each technical author of the ES assessments and scoped out on the basis that it is unlikely to result in significant environmental effects.

**Management of risk and disasters**

2.9.13 The risk of major accidents related to the operation of gas turbines is well understood and low when proper management and operational procedures are employed.

2.9.14 The operation of the existing K1 facility is governed by a number of legislative instruments intended to minimise as far as is reasonably possible the risk of accidents/disasters. As a replacement of K1, K4 will be required to operate under the same regulatory regime.

2.9.15 For reference a list of relevant legislation that an operational CHP power plant is required to satisfy is outlined below:

- Health and Safety At Work Act 1974 - lays down wide-ranging duties on employers to ensure the 'health, safety and welfare' at work of all their employees, as well as others on their premises, including temps, casual workers, the self-employed, clients, visitors and the general public.
- Confined Spaces Regulations 1997 – sets a requirement to manage access to areas which are substantially enclosed (though not always entirely), and where serious injury can occur from hazardous substances or conditions within the space or nearby (e.g. lack of oxygen).
- Dangerous Substances and Explosive Atmospheres Regulations 2002 - Requires an operator to identify DSEAR areas and implement a process for the equipment and working within those areas.
- Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 - This Regulation covers both electrical and nonelectrical equipment and requires the operator to ensure that all equipment used in DSEAR zoned areas is ATEX rated
- The Regulatory Reform (Fire Safety) Order 2005 - Requires the operator to carry out a fire safety risk assessment and implement and maintain a fire management plan.
- Gas Safety (Management) Regulations 1996 – Requires an operator to control the potential hazards from gas mains failures and mitigate the risks from major pipeline incidents.
- Pressure Equipment Regulations 2016 – prohibits the use of pressure equipment until it has been demonstrated that it has undergone a declaration of conformity, it is safe and designed & manufactured to sound engineering practices. Covers the requirement to demonstrate that written schemes of examination, the safe

operating limits of pressure systems, and that the systems are safe under those conditions. Requires operators to maintain and keep records of the examination of pressure systems.

- Supply Of Machinery (Safety) Regulations 2008 – Requires operators to ensure all equipment complies with the relevant standards and risk assessments when supplied to site.
- European Commission Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields - Design specifications for all electrical equipment to be utilised in the completed CHP installation shall be compliant with Council Recommendation 1999/519/EC or harmonised EMF standards.
- Control of Electromagnetic Fields at Work Regulations 2016 –The management of Electro Magnetic Fields during installation, commissioning and ongoing maintenance shall conform to these regulations. The CEMFAW Regulations contain a schedule which introduces limits, explains the effects of EMFs and provides details of safety conditions which must be met.
- Ionising Radiations Regulations 2017 (IRR17) – these regulations impose duties on employers to protect employees and other persons against ionising radiation arising from work with radioactive substances and other sources of ionising radiation. Certain duties are also imposed on employees.

2.9.16 It is noted that the proposed development does not fall within the scope of EU legislation 2012/18/EU (control of major-accident hazards involving dangerous substances) or Council Directive 2009/71/Euratom (Community framework for the nuclear safety of nuclear installations) and does not fall within the consultation zones of any major accident hazard site with Hazardous Substance Consent.

2.9.17 Compliance with this legislation and guidance identified will form part of any contract made by DS Smith with the appointed operator of K4.

2.9.18 In light of the above it is considered that the risk of accidents from the proposed development will be comprehensively controlled and mitigated as far as is reasonably possible in accordance with UK legislation in existence at the time of operation.

2.9.19 It is therefore considered that the risk of a major accident or disaster is as low as reasonably practical.

#### ***Anticipated annual resource consumption***

2.9.20 At this stage the exact annual resource consumption of K4 is unknown however as a smaller more efficient plant its resource consumption will be less than that of K1 and therefore less than that shown in Table 2.2 below.

Resources consumed	Quantity
Natural gas	Total Gas Consumed (MWh ncv) 2017 = 1,587,831
Process water	2017 = 982,826 M <sup>3</sup>
Process chemicals	Sulphuric acid = 652.90 tonnes in 2016 Caustic soda = 616.78 tonnes in 2016 Sodium bisulphate = 11.79 tonnes in 2016 Optisperse HP3100 = 1.65 tonnes in 2016 Steamate NA0840 = 4.8 tonnes in 2016 Cortrol OS6501 = 2.05 tonnes in 2016

Table 2.2: annual resource consumption of K1.

### **Environmental Permit**

#### The Environmental Permitting (England and Wales) Regulations 2016

- 2.9.21 In accordance with Schedule 1 of the EPR 2016, an Environmental Permit will be required to operate an installation in which combustion activities of over 50 megawatts thermal rated capacity are carried out. This is required in addition to a DCO granted by the SoS. The Proposed Development cannot legally operate without the relevant permit.
- 2.9.22 The Environmental Permitting Regulations (EPR) aims to prevent or minimise pollution from new and existing installations which come under the regime through an integrated permitting system. An Environmental Permit (EP) sets conditions and requirements in order to prevent or reduce emissions to air, water and land and limit waste and noise generated. Conditions on the prevention of accidents, efficient use of energy / resources and decommissioning of plant are also set.
- 2.9.23 Under the regime the operator has to demonstrate that the design and choice of technology is Best Available Technology (BAT) which minimises impacts to the environment.
- 2.9.24 The Environment Agency (EA) is the competent authority for environmental permitting in England. Prior to issuing an Environmental Permit the EA must be satisfied that the installation will not cause adverse effects on the environment. Monitoring and auditing ongoing compliance with the terms of the Environmental Permit issued is undertaken and enforced by the Environment Agency.
- 2.9.25 DS Smith has an existing Environmental Permit for the operation of K1 (permit no. EPR/BJ7395IG) and has entered into formal discussions with the EA regarding the Environmental Permit for the Proposed Development. It is currently envisaged the existing K1 environmental permit will be varied (Major Variation) to include the new K4 CHP plant however, ongoing discussions with the EA are required to confirm this.

### **2.10 Decommissioning K4**

- 2.10.1 The operational lifetime of K4 from the commencement of operation in 2021 is unknown at this stage however the CHP plant will be decommissioned at the end of its useful life.

- 2.10.2 In order to facilitate decommissioning, many of the structures and equipment for the development will be made of materials suitable for recycling as far as is practicable.
- 2.10.3 An investigation will be undertaken into ground conditions and the water environment at the time of decommissioning to ensure that conditions remain as assessed in this ES prior to construction of the Proposed Development. Plant equipment, where possible, will be dismantled and, if necessary, decontaminated on site, followed by inspection and if necessary further decontamination once the equipment has been removed from position and before it has been removed from site. Buildings and facilities which cannot be re-used will be demolished with all materials recycled or disposed of following Duty of Care.
- 2.10.4 Infrastructure dedicated to the facility will be removed or taken out of use if no further immediate use is required for it on the Site. Disconnection of site services, whether partial or complete will be considered before dismantling work commences on Site.
- 2.10.5 Despatch of equipment from Site whether as a saleable asset, e.g. as spare parts to other power generation facilities, or as scrap, will be accompanied by a Certificate of Decontamination.
- 2.10.6 Dismantling of equipment shall be subject to the same conditions and control of works as required by relevant HS&E legislation. Work will be conducted under permits to work and also certificates of safety, if deemed necessary by the working environment.
- 2.10.7 The Site will be left in a safe manner. Trenches, pits and excavations shall be made safe by suitable back-fill, or access denied by suitable fencing and notices coupled with adequate regular site inspections.
- 2.10.8 Buildings and facilities which are to remain in place for other commercial or industrial purposes will be cleaned thoroughly internally and externally to avoid any potential risk of pollution. If these buildings or facilities are to continue for activities for which the Environmental Permit is no-longer required a suitable programme of reconstruction and timescale for completion will be agreed with the Environment Agency to achieve the best environmental outcome and to minimise waste.
- 2.10.9 In the event of a definitive cessation of all activities a full site closure plan will accompany the surrender of the site licences to the relevant regulatory bodies and consultees. Details of the decommissioning will be included in the Site Closure Plan which is included in part of the application for the amended Environmental Permit.

## **2.11 Alternatives and Primary Mitigation**

### ***Alternatives***

- 2.11.1 The K1 plant is 22 years old and will require significant investment into the gas turbine, waste heat recovery boilers and steam turbine both to extend its operational life but also require modification to meet the Industrial Emissions Directive (IED). The IED comes into force in 2020 and sets stricter emission limits for industry. Moreover, K1 is oversized for its existing use, having been sized originally to also provide energy to the now redundant Sittingbourne Mill in the centre of Sittingbourne, and it is therefore inefficient.

- 2.11.2 In light of this DS Smith began investigating other long term energy solutions for the Paper Mill including a benchmarking exercise with Aschaffenburg Mill in Germany who has recently commissioned a new CHP plant.
- 2.11.3 Initial investigations were undertaken by Parsons Brinckerhoff on behalf of DS Smith who assessed a number of potential options for the mill. Various technological solutions for the Site were considered but primarily focused around either investing in and modifying the existing K1 facility or constructing a new CHP plant. CHP technology was considered to be the most feasible option both in terms of reliability, flexibility, cost and emissions.
- 2.11.4 In light of the significant cost involved in modifying and upgrading K1, and given it is oversized for its need and therefore inefficient, the construction of a new CHP plant was the preferred option and moreover the more financially viable.
- 2.11.5 Notwithstanding this, in the absence of securing permission for K4, DS Smith would be forced to invest in and modify K1. Gas fired CHP has a significant benefit on electricity costs for the mill and the paper industry in general and imported electricity from the grid would not be an option due to the significant cost differential. The future baseline in the absence of the Proposed Development is therefore a modified K1 (see section 3.8 Chapter 3).
- 2.11.6 Having decided on the best solution for the Paper Mill DS Smith then went out to tender and received an expression of interest from five energy companies.
- 2.11.7 The other key alternative considered by DS Smith as part of the Proposed Development was the location of the new CHP plant (K4).
- 2.11.8 DS Smith in the early stages of the K4 project considered the following key factors for location of the new K4 facility:
- Location of the steam and other key tie ins to the Mill operations
  - Location of tie-ins required for a new CHP plant
  - Aesthetics in terms of location
- 2.11.9 The location for K4 was limited to the land within and around the Paper Mill owned by DS Smith. Locations around the Paper Mill for K4 including the northern and western sides of the mill were considered.
- 2.11.10 These were disregarded due to landscape and visual impact in terms of visibility and existing character. Locating K4 in these locations would introduce stacks in locations where there are no existing stacks and moreover would act to extend the existing line of built development of the mill. Furthermore, these locations would require greater infrastructure works to connect both K4 to its required tie-ins but also K4 to the Mill.
- 2.11.11 The proposed location of K4 next to K1 was therefore chosen on the basis that it would result in the least construction work in terms of ancillary infrastructure but moreover it would relate best to the layout of the mill, located in an area where stacks are already a characteristic feature. Additionally development in this location would be almost entirely

on existing hardstanding and result in the least obtrusive extension to the mill in landscape and visual terms.

**Primary Mitigation**

- 2.11.12 EIA is an iterative process, and the findings of the current EIA have helped to inform the design of the Proposed Development in order to minimise impacts on the environment.
- 2.11.13 The design of the Proposed Development has therefore taken into account measures to avoid significant adverse effects where possible. Details of the ‘primary’ mitigation measures embedded in the design of the Proposed Development are summarised in Table 2.1 below:

Topic	Issue	Design Amendment resulting from ES
Air Quality	Ambient concentrations of nitrogen dioxide and carbon monoxide and effects on sensitive receptors	<p>Pollutants from the combustion of gas need to emit at sufficient height to ensure that pollutant concentrations are acceptable by the time they reach ground level. The stack also needs to be high enough to ensure that releases are not within the aerodynamic influence of nearby buildings, or else wake effects can quickly bring the undiluted plume down to the ground.</p> <p>An HRSG stack height of 70m is proposed following a series of atmospheric dispersion modelling simulations to predict the ground-level concentrations with the stack at different heights. A 75m stack will mitigate any significant effect on sensitive receptors from the developments emissions.</p> <p>Atmospheric modelling demonstrated that the 35m package boiler stack would be sufficient to ensure ground level concentrations would be within statutory limits.</p>

- 2.11.14 Where additional ‘secondary’ mitigation measures are required to further mitigate the impact of the Proposed Development on the environment these are discussed and documented in each relevant topic chapter, which clarify the extent to which the potential significance of each adverse effect will be offset by the mitigation measures proposed.

**Appendix B**

**Applicant's Response to KCC's Response to ExQ4.1.1.**

**Table of Waste Incinerator Returns, 2018**



Waste Incinerator Returns, 2018 Environment Agency		
LoW code	Tonnes	Percentage of input WTI Calculation
20103	7	0%
20106	5	0%
20203	430	0%
20304	5	0%
20501	3,667	0%
20704	8	0%
40222	790	0%
70213	9	0%
70413	1	0%
70512	3,383	0%
70513	119	0%
70514	259	0%
80201	13	0%
150102	29	0%
150106	1	0%
150110	62	0%
150202	521	0%
150203	42	0%
160103	9	0%
160214	93	0%
160303	23	0%
160304	6	0%
160305	197	0%
160306	1,583	0%

Waste Incinerator Returns, 2018 Environment Agency		
LoW code	Tonnes	Percentage of input WTI Calculation
160504	7	0%
160505	7	0%
170107	279	0%
170204	5,417	0%
170411	9	0%
170601	0	0%
170605	10	0%
170802	35	0%
180101	11	0%
180102	1	0%
180103	1,331	0%
180104	18,701	0%
180106	89	0%
180108	435	0%
180109	1,020	0%
180201	0	0%
180202	10	0%
180203	61	0%
180207	6	0%
180208	66	0%
190102	3,043	0%
190112	420	0%
190203	4,148	0%
190210	2,655	0%

Waste Incinerator Returns, 2018 Environment Agency		
LoW code	Tonnes	Percentage of input WTI Calculation
190503	6,250	0%
190805	196	0%
191002	805	0%
191004	4,459	0%
191201	4	0%
191204	683	0%
191207	113,031	1%
191208	3	0%
<b>191210</b>	<b>971,616</b>	<b>9%</b>
<b>191212</b>	<b>2,186,097</b>	<b>20%</b>
200101	2,909	0%
200102	52	0%
200108	44,232	0%
200110	18	0%
200111	219	0%
200119	0	0%
200121	1	0%
200123	101	0%
200126	4	0%
200132	5	0%
200133	13	0%
200135	167	0%
200136	216	0%
200138	2,590	0%

Waste Incinerator Returns, 2018 Environment Agency		
LoW code	Tonnes	Percentage of input WTI Calculation
200139	119	0%
200140	522	0%
200199	63	0%
200201	12,668	0%
200202	256	0%
200203	13	0%
<b>200301</b>	<b>7,710,773</b>	<b>69%</b>
200302	1,862	0%
200303	26,571	0%
200304	3	0%
<b>200307</b>	<b>56,346</b>	<b>1%</b>
200399	66	0%
<b>Grand Total</b>	<b>11,191,956</b>	