



## Meeting note

<b>File reference</b>	EN010083
<b>Status</b>	<b>Final</b>
<b>Author</b>	Ewa Sherman
<b>Date</b>	12 October 2017
<b>Meeting with</b>	Wheelabrator Technologies Inc
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>Planning Inspectorate</b> Chris White – Infrastructure Planning Lead Emre Williams – Case Manager Ewa Sherman – Case Officer Alison Down – EIA and Land Rights Advisor Emma Cottam – EIA and Land Rights Advisor <b>Wheelabrator Technologies Inc</b> Chris LeCointe – RPS Chris Ratcliffe - Wheelabrator
<b>Meeting objectives</b>	Project update
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

#### Welcome and Introductions

The Applicant and the Planning Inspectorate (the Inspectorate) team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured that those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under section 51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

#### Project update

The Wheelabrator Kemsley Generating Station (K3) is a combined heat and power (CHP) facility which has an extant planning consent to generate up to 49.9 MW (gross) of electricity. The original permission under s36 of the Town and Country Planning Act 1990 (TCPA) granted by Kent County Council (KCC) has been varied via non material amendments and in June 2017 a Section 73 application was determined, that resulted in an amendment to Condition 16 of the Planning Permission. The scheme is currently under construction. Following the grant of planning permission the Applicant identified an opportunity to optimise the design to increase the electrical

output up to 75MW (gross), for which they propose to submit an application for a Development Consent Order (DCO) under the PA 2008. All planning conditions on the scheme consented through the TCPA will have been discharged and the required mitigation implemented by the time the DCO application is submitted. The Applicant intends to carry forward maintenance conditions imposed on the planning consents as proposed Requirements in the DCO.

The Applicant provided an update on all their activities since autumn 2016, which included further work on the project design; understanding and reporting effects for the Environmental Impact Assessment (EIA); submitting the Scoping Report to the Inspectorate in December 2016; preparing the Preliminary Environmental Information Report (PEIR); and informal consultation with the statutory consultees. The formal statutory consultation was held in March and April 2017 and included a consultation zone of 5km from the site. The Applicant sent over 15,000 letters, held three public exhibitions, and afterwards considered the responses received and assessed the feedback which has subsequently fed into the Consultation Report. The main issues raised were traffic, nature conservation and lighting, with some comments made relating to air quality and noise. The Applicant has also been working on drafting the DCO, and confirmed that no compulsory acquisition would be required for the project.

The EIA has included consideration of the potential effects of the adjacent incinerator bottom ash facility (IBA) and outfall to the Swale Estuary; however, neither the IBA nor the outfall will form part of the project to be consented through the DCO, as both have extant planning consents. Additionally, the Applicant has made an application to the Marine Management Organisation for a Marine Licence (ML) for the discharge from the outfall and expects to have it granted in November 2017, so does not intend to include an application for a deemed ML in the DCO application. For the purposes of the EIA the Applicant has considered a baseline of March 2017 (during construction of the consented TCPA scheme) and a future baseline of 2019 (when construction of the consented TCPA scheme is complete).

The Inspectorate advised the Applicant to provide a clear explanation in the DCO application of the interaction between the planning permission(s) under the TCPA and what the Applicant is proposing for the purposes of the DCO, as well as the justification for the approach taken when assessing the cumulative effects of the project. The Inspectorate advised the Applicant to follow [Advice Note 17](#): Cumulative effects assessment.

The Applicant confirmed that the grid connection for the project has already been constructed under another legislative regime. It has been assessed in the EIA and the connection to the CHP facility will be included in the draft DCO. The Inspectorate emphasised that the Applicant should provide evidence that the proposed scheme is viable and technically feasible. Therefore all information and reasoning needs to be provided in application documents such as the Planning Statement and the Statement of Reasons. The Applicant confirmed that a Schedule of Connection agreement will be included in the DCO.

In terms of consultation feedback from the local authorities (LAs), the Inspectorate advised the Applicant to reach agreement on as many issues as possible before the application is submitted. Statements of Common Ground (SoCG) should be prepared accordingly. Narrowing down the issues now will be of benefit when the LAs are required to produce Local Impact Reports during the examination of the application. The Applicant advised that KCC have stated that they are content with the Proposed

Development and that they have already been sent a draft Statement of Common Ground (SoCG) to this effect. The Inspectorate recommended that KCC is encouraged to finalise the SoCG and to provide a statement setting out their position for the purposes of the DCO application. The Applicant was also advised to share the draft DCO with KCC.

Regarding the consultation held earlier in the year, the Inspectorate advised that the Applicant needs to be aware of any changes to the statutory bodies that have been consulted and any changes/ additions to the parties in the area that may be affected by the Proposed Development. In such situations a targeted consultation might be advisable, unless there are material changes to the proposal, in which case a new round of statutory consultation should be carried out. The Applicant should make all project documents available online so parties who wish to view information on the proposals have the opportunity to view it.

The Inspectorate advised the Applicant to consider allowing sufficient time for a review of draft documents prior to the submission of the application. A full review of a suite of draft documents by the Inspectorate usually takes about 6-8 weeks, followed by a formal meeting - although this will depend on the number of documents and the particular issues raised. The Applicant confirmed their intention to use this review process.

## **AOB**

The Inspectorate will update the DCO application submission date on its website as Q2/Q3 2018.

The date for the next meeting will be arranged when requested by the Applicant.