



**Document 3.1- ES Volume 2
Appendix 3.2 PINS Scoping Opinion
and Statutory Consultee Responses**

**The Kemsley Mill K4 Combined Heat and
Power Generating Station Development
Consent Order**

April 2018 - Submission Version

PINS Ref: EN010090

SCOPING OPINION

Proposed Kemsley Paper Mill (K4) CHP Plant

September 2017
The Planning Inspectorate

[This page has been intentionally left blank]

CONTENTS

1. INTRODUCTION.....	5
1.1 BACKGROUND.....	5
1.2 THE PLANNING INSPECTORATE’S CONSULTATION	7
1.3 ARTICLE 50 OF THE TREATY ON EUROPEAN UNION.....	7
2. THE PROPOSED DEVELOPMENT	8
2.1 INTRODUCTION.....	8
2.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT	8
2.3 THE PLANNING INSPECTORATE’S COMMENTS	10
3. EIA APPROACH AND TOPIC AREAS	13
3.1 INTRODUCTION.....	13
3.2 RELEVANT NATIONAL POLICY STATEMENTS (NPSS)	13
3.3 SCOPE OF ASSESSMENT.....	14
3.4 TOPIC BASED SCOPING TABLES	19
4. INFORMATION SOURCES.....	49

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

[This page has been intentionally left blank]

1. INTRODUCTION

1.1 Background

- 1.1.1 On 17 August 2017, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from DS Smith Plc (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Kemsley Paper Mill (K4) CHP Plant (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 an Applicant may ask the SoS to state in writing its opinion *‘..as to the scope, and level of detail, of the information to be provided in the environmental statement’*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant’s report entitled ‘Kemsley Paper Mill (K4) CHP Plant EIA Scoping Report (August 2017)’ (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant’s Scoping Report.
- 1.1.4 In submitting the request for a Scoping Opinion the Applicant is deemed to have notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an environmental statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
 - (b) *the specific characteristics of the development;*
 - (c) *the likely significant effects of the development on the environment; and*
 - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice in the preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).

- 1.1.8 The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Applicant will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).
- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any decision taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
 - (b) *a description of the proposed development, including its location and technical capacity;*
 - (c) *an explanation of the likely significant effects of the development on the environment; and*
 - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the topic areas identified in the Scoping Report encompass the matters identified in the EIA Regulations.
- 1.1.12 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate.
- 1.1.13 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on '*..the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)*'.
- 1.1.14 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations). This document must be co-ordinated with the EIA, to avoid duplication of information between assessments.

1.2 The Planning Inspectorate's Consultation

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. A list has also been compiled by the Inspectorate in accordance with the duty to notify the consultation bodies under Regulation 11(1)(a). The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.
- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in undertaking the EIA.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

1.3 Article 50 of the Treaty on European Union

- 1.3.1 On 23 June 2016, the UK held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

2. THE PROPOSED DEVELOPMENT

2.1 Introduction

2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/resources.

2.2 Description of the Proposed Development

2.2.1 The Applicant's description of the Proposed Development, location and technical capacity is provided in the Scoping Report at Sections 1.2 and 1.4.

2.2.2 The Proposed Development site is located on an existing industrial site to the north of Sittingbourne off the Sittingbourne Relief Road B2005 (Swale Way), Kemsley. The existing features on site include concrete hardstanding and other existing buildings and structures. The site is bounded by Swale Way to the west, Ridham Avenue to the south, Barge Way to the north and the Kemsley Sustainable Energy Plant (currently under construction) to the east. The A249 is approximately 2km to the north and west of the site. The site lies adjacent to the south east corner of the Kemsley Paper Mill site, and to the north of Milton Creek, Swale, Kent. Approximately 600m to the west lies the Swale Estuary. The site is accessed from the A249 via Swale Way, Ridham Avenue and then an internal access road. A site location plan is provided at Figure 1.1 to the Scoping Report.

2.2.3 The Proposed Development is the construction, commissioning and operation of a new gas fired CHP plant (K4) to supply steam and power to Kemsley Paper Mill, followed by the decommissioning of an existing 42MWe (megawatt electrical) gas fired combined heat and power (CHP) plant (K1). The mill requires a continuous supply of energy, which is currently supplied on the wider site by K1; K2, a waste plastics and sludge fired steam generator; and by six back-up boilers. The Wheelabrator Kemsley combined heat and power plant (K3) to the east of the paper mill is currently under construction and once operational will also provide energy for the paper mill.

2.2.4 K4 would have a gas turbine nominal power output of approximately 52MW and a steam turbine nominal power output of approximately 16MW. K4 would be located adjacent to the existing K1 plant and fully integrated with remaining K1 supply equipment. The existing features on the Proposed Development site and the proposed new structures and site layout are shown on Figures 1.2 and 1.3 of the Scoping Report.

- 2.2.5 K1 would be decommissioned once K4 is fully operational. The decommissioning and construction programme is not yet known but it is indicated that construction could take approximately 20 months (Scoping Report, paragraph 3.2.2). It is anticipated that in the event that development consent is granted K4 would become fully operational in 2020 and have a lifespan of approximately 20-25 years.

2.3 The Planning Inspectorate's Comments

Description of the Proposed Development

- 2.3.1 The description of the Proposed Development in the Applicant's Scoping Report is limited in detail. The lack of detail affects the Inspectorate's ability to comment. The Scoping Report includes a description of the waste heat recovery boilers but omits other details of individual components that may be required to construct a power plant, for example, location of the flue/stack. The Scoping Report also provides very limited detail regarding the proposed gas and steam turbine technology. The power output of the gas and steam turbine technologies is expressed separately as nominal figures but the likely total maximum generating capacity of the Proposed Development is not stated. There is no reference to the need for a stack/flue, although the potential effects of a stack/flue are mentioned in some of the topic chapters, for example, air quality and landscape and visual. No dimensions are provided for any elements of the Proposed Development. Paragraph 1.4.15 of the Scoping Report identifies a number of existing facilities on the site to which the Proposed Development would be required to 'tie-in'. No information is provided on the nature of the tie-in to each of these facilities. The Inspectorate is not clear what is meant by 'tie-in' but assumes that this refers to a form of physical connection between the Proposed Development and existing facilities. The Inspectorate expects a full and comprehensive description to be provided in the ES, which identifies the individual elements, and sets out the maximum parameters that would apply. The parameters must be consistent with those in the dDCO.
- 2.3.2 No reference is made in the Scoping Report to any associated development. The ES should include a thorough description and assessment of the potential effects of any elements of the Proposed Development that are proposed to be included in the DCO application as associated development.
- 2.3.3 No information regarding the anticipated number of staff and working patterns that would be required is provided for the K4 construction programme. It is stated in Table 2.1 that the Proposed Development would not generate an increase in staff numbers. The Inspectorate assumes that this refers only to the operational phase, and that construction would likely result in temporary increased staff numbers. The ES should address information on such matters and this should be factored into relevant topic based assessments.
- 2.3.4 The Scoping Report includes a number of inconsistencies for example; the Ground Conditions chapter notes that there could be potential effects on operational staff. However, it is noted in other topic chapters, such as traffic and transport, that there would be no operational staff onsite. The Applicant is advised to ensure that the information upon which the assessments are based is consistent between the topic chapters.

- 2.3.5 It is not clear from the Scoping Report whether all the references to decommissioning relate to the decommissioning of K1, K4 or both. The Applicant should decide on the approach that will be taken to describing and assessing the potential effects of the decommissioning works and clearly explain the approach in the ES. It appears that K1 and K4 would be operating simultaneously for a period of time, with K1 decommissioning works taking place while K4 is operating, and it is unclear how this will be addressed in the assessments. The Inspectorate advises that comprehensive information should be provided in relation to the K1 decommissioning works, including the anticipated number of staff and working patterns that would be required and the activities in each phase of the decommissioning process.
- 2.3.6 No information has been provided regarding the timescales for either the construction or the decommissioning phases. This information should be provided either within the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or within each topic chapter.
- 2.3.7 Paragraph 1.2.3 of the Scoping Report describes the access route to the site as being via Ridham Avenue located to the south of the site; however, paragraph 3.2.8 states that there is also a less intensively used access to the wider Kemsley Paper Mill site via Barge Way. It is therefore unclear if it is intended that one or both of these accesses would be used for the Proposed Development. This should be clarified in the ES, and impacts associated with proposed access routes should be assessed. The ES should include a plan identifying the access locations.
- 2.3.8 The Inspectorate notes that it is anticipated that an application for a variation of an existing Environmental Permit would be submitted alongside the DCO application and consented prior to the grant of any development consent. The Inspectorate encourages ongoing dialogue between the Applicant and the Environment Agency (EA) in this regard.
- 2.3.9 Where relevant the Applicant should describe any production process, including energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used. The likely significant effects associated with any particular technologies or substances proposed to be used should be described and assessed.

Alternatives

- 2.3.10 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental

effects'. The Scoping Report does not include any details of alternatives; however, it is noted that the Applicant has indicated their intention (paragraph 3.13.1) to include details in the ES of the alternatives considered, eg site layout, access arrangements, technologies, etc, and to set out the reasons for the final selection, along with a comparison of associated environmental effects.

- 2.3.11 The Inspectorate would expect to see a distinct section in the ES that provides details of the alternatives considered and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

Flexibility

- 2.3.12 The Applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Using the 'Rochdale Envelope'¹, which provides additional details on the recommended approach.

- 2.3.13 Little information on the Proposed Development parameters has been provided in the Scoping Report, although the Inspectorate notes that the assessment of effects on air quality will be used to determine the gas turbine stack height. The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different Proposed Developments. The development parameters will need to be clearly defined in the draft DCO (dDCO) and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

- 2.3.14 It should be noted that if the Proposed Development changes substantially during the EIA process prior to submission of the application the Applicant may wish to consider requesting a new scoping opinion.

¹ Advice Note 9: Using the Rochdale Envelope. 2012. Available at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3. EIA APPROACH AND TOPIC AREAS

3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note 7 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'² and associated appendices.
- 3.1.2 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report. The Inspectorate has set out in this Opinion where it has/has not agreed to scope out certain topics or matters on the basis of the information available at this time. The Inspectorate is content that this should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such topics/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the topics/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.3 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

3.2 Relevant National Policy Statements (NPSs)

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the energy sector is the Overarching National Policy Statement for Energy (EN-1). The designated NPS relevant to fossil fuel electricity generating technologies is the National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2).

² Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping. <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3.3 Scope of assessment

General

3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:

- to demonstrate how the assessment has taken account of this Opinion;
- to identify and collate the residual effects after mitigation for each of the specialist topics, including matters relevant to inter-relationships and cumulative effects;
- to set out the proposed mitigation and/or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
- to describe any remedial measures that are identified as being necessary following monitoring;
- to identify where details in the HRA report (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

3.3.2 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

3.3.1 A number of topic chapters refer to relevant guidance that will be used to undertake the assessments but there is no description of the specific methodology that will be applied. The Inspectorate advises that the ES should present the assessment methodology for each individual topic chapter. If an overarching methodology is applied this should be explained with relevant cross reference, and any departure from that methodology should be described.

3.3.2 There is inconsistency between the terminologies used in the Scoping Report text and those on the figures. The inconsistency makes it difficult to confirm if all of the features addressed in paragraph 1.4.15 are also identified on Figure 1.3. The ES should ensure there is consistency between the figures used and the textual description provided.

3.3.3 Table 2.1 of the Scoping Report aims to identify the potential significant effects applicable to the development stages of the Proposed Development. In most cases the explanation provided to justify the anticipated absence of a significant effect is very limited, particularly in relation to the decommissioning phase(s). In cases where justification is provided there is often confusion caused by the description given. An example of this confusion occurs in the Biodiversity section which identifies that the Applicant does not anticipate significant effects to individual/protected species during

construction. However, the justification appears to suggest that there may be significant effects on overwintering birds from construction noise.

- 3.3.4 Table 2.1 also suffers from formatting issues which restrict the ability of the reader to review the text, particularly in relation to the explanation of anticipated effects to habitat types from NO_x and nitrogen deposition. The Applicant should ensure that any tables used in the ES are clearly legible and fully coherent. The reader is further hampered by the inconsistency between the headings used in Table 2.1 and those used in the topic chapters of the Scoping Report. The Inspectorate's commentary on the matters proposed to be scoped out by the Applicant is provided in Section 3.4 of this Opinion.
- 3.3.5 The term 'post construction' is used in a number of chapters, eg the landscape and visual effects and the archaeology and cultural heritage chapters. The Inspectorate assumes that this is intended to refer to the operational phase of the Proposed Development but this is not clear.
- 3.3.6 The Applicant should ensure that figures referred to and relied upon in the ES should be easily accessible. The Applicant may wish to include such information in an appendix, which should be clearly referenced on the ES contents page. The ES should also ensure that where acronyms are used they are identified clearly at first use. The Scoping Report has not followed this approach and there are acronyms without appropriate explanation.
- 3.3.7 Table 2.1 of the Scoping Report proposes to entirely scope out Community, Social and Economic Effects, Land Use and Waste. The Inspectorate has had regard to the information provided in the Scoping Report and has taken into account the nature and characteristics of the Proposed Development and is content with this approach.

Baseline scenario

- 3.3.8 The ES should include a description of the baseline scenario without implementation of the Proposed Development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the available environmental information and scientific knowledge.
- 3.3.9 Paragraph 1.4.15 refers to existing onsite facilities to which the Proposed Development would require tie-in. This includes a new water treatment plant, which is described as currently under construction. The Inspectorate assumes that this development would be included in the baseline scenario used for the assessments as it appears that it would be operational prior to the submission of any DCO application.

Forecasting methods or evidence

- 3.3.10 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each technical chapter.
- 3.3.11 If the ES does make use of an overarching methodology this should be clearly set out and ideally within a separate chapter, which explains the approach for determining which effects are 'significant' and 'non-significant' for the purposes of the EIA.
- 3.3.12 The extent of the study area is not identified for many of the topic assessments. The study area must be clearly delineated in the ES topic chapters, and all receptors within that area which could potentially be significantly affected by the Proposed Development should be identified and described.
- 3.3.13 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

Residues and emissions

- 3.3.14 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the topic based assessments.
- 3.3.15 The Scoping Report identifies that the construction phase as having the potential to generate noise, dust, and greenhouse gas (GHG) emissions (from plant), and that operation of the gas fired turbine will result in emissions to air (including nitrogen dioxide and GHG), and noise, but has not quantified these. The Inspectorate expects information on such emissions to be included in the ES.
- 3.3.16 No means of waste recovery/disposal or related development is identified. It is concluded in Table 2.1 that the Proposed Development would not generate a significant quantity of demolition or contaminated waste; however no information has been provided on demolition or construction in support of this.

Mitigation

- 3.3.17 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is

secured, ideally with reference to specific DCO requirements or other legally binding agreements.

- 3.3.18 The Scoping Report provides little or no information regarding the Applicant's approach to the identification of mitigation measures to address any potentially significant effects. However the Inspectorate notes that it is stated in paragraph 4.1.5 that the Applicant will (where relevant) include information on mitigation and residual effects within the topic chapters of the ES.

Vulnerability of the development to risks of major accidents and/or disasters

- 3.3.19 The Applicant's Scoping Report refers to risk of accidents and disasters in Chapter 3.11. The Scoping Report seeks to subdivide matters according to whether they are 'natural hazards' or 'technological hazards'. The Inspectorate reminds the Applicant that the ES should (where relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected) include a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters. The Regulations do not differentiate between natural hazards and technological hazards. The Applicant should take care to ensure that the ES includes the information necessary to satisfy the Regulations.
- 3.3.20 The Inspectorate notes that the Applicant proposes to scope out a standalone risk assessment for consideration in the ES (Chapter 3.11). Having regard to the nature of the Proposed Development and the justification provided the Inspectorate agrees that the Proposed Development is unlikely to require a standalone assessment regarding its vulnerability to risks of major accidents and/or disasters. However where this matter is considered within any topic chapters it should be clearly identified. Further commentary on this issue is provided in the 'Risks of Accidents and Disasters' topic-based table in Section 3.4 of this Opinion. The Applicant should liaise with the relevant statutory consultees to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards.

Transboundary effects

- 3.3.21 Schedule 4 part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Inspectorate notes that the Applicant has indicated in the Scoping Report whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.22 Regulation 32 of the EIA Regulations inter alia requires the SoS to publicise a DCO application if the SoS is of the view that the proposal

is likely to have significant effects on the environment of another EEA State and where relevant to consult with the EEA State affected.

3.3.23 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

A reference list

3.3.24 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

3.3.25 In addition to the Inspectorate's Advice notes listed in paragraph 1.5.6 of the Scoping Report, the Applicant's attention is drawn to Advice Note seventeen in relation to the assessment of cumulative effects.

3.4 Topic based scoping tables

Traffic and transport (see Scoping Report Chapter 3.2)		
<p>The Scoping Report sets out at paragraph 3.2.22 that the Study area will be determined in line with IEMA guidance.</p> <p>The Applicant proposes that the scope of the methodology for the assessments is to be agreed with Highways Officers at Kent County Council (KCC) (and Highways England) and that assessments will use the guidance as follows; The Design Manual for Roads and Bridges (DMRB), Guidelines for the Environmental Assessment of Road Traffic (IEMA, 1993) and Planning Practice Guidance: Travel Plans, Transport Assessments and Statements in Decision Taking (PPG, 2014).</p> <p>The Scoping Report identifies the potential for significant effects in relation to construction traffic and further assessment is proposed to be carried out.</p> <p>The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.</p>		
Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on local road infrastructure during all phases.	The Inspectorate agrees that this can be scoped out based on the description of the Proposed Development provided in the Scoping Report and statement that it will not require the construction of or significant alteration to local road infrastructure.
Table 2.1	Effects on traffic flows during operation.	The Inspectorate agrees that this can be scoped out on the basis that there would be no discernible increase in traffic movements as there would be minimal deliveries or staff travelling to the site during the operational phase and only periodic vehicle movements are required, associated with maintenance (paragraph 3.2.1).
Table 2.1	Effects on pedestrians and cyclists during operation.	The Inspectorate agrees that this can be scoped out on the basis that there would be no discernible increase in traffic movements as there would be very few deliveries or staff travelling to the site during the operational phase and only periodic vehicle movements associated

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		with maintenance (paragraph 3.2.1).
Table 2.1	Effects on air traffic during all phases.	The Inspectorate agrees that this can be scoped out for the construction and decommissioning phases but does not agree that the information provided supports scoping this out during the operational phase. The Scoping Report explains that the gas turbine stack height and resultant plume height are currently unknown. The Inspectorate notes the proximity of the Proposed Development to nearby airports and considers that air traffic movements and radar systems should be considered by the Applicant in preparing the ES. If impacts to these receptors cannot be ruled out the ES should assess the potential for significant effects.
Table 2.1	Effects on public transport during all phases.	The Inspectorate agrees that this can be scoped out for the operational phase, on the basis that there would be no discernible increase in traffic movements, according to the statement (paragraph 3.2.1) that there will be very few deliveries or staff travelling to the site at the Proposed Development during that phase except in relation to periodic maintenance activities. The Scoping Report does not provide information on the anticipated number of workers required for construction and decommissioning. It is possible that there would be impacts to public transport provision during the height of construction activities. The Inspectorate considers that this matter should be addressed within the ES.
3.2.12	All traffic effects during decommissioning.	Paragraph 3.2.12 of the Traffic and transport topic chapter is inconsistent with the information contained in Table 2.1 which proposes to scope in effects on traffic flow and pedestrians and cyclists during the decommissioning (and construction) phases (see comments above). The Inspectorate does not agree that this matter can be scoped out according to the justification that the effects identified during the construction phase would be applicable to those during the

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		decommissioning phase and that therefore any construction mitigation or management measures identified would equally apply to the decommissioning phase. Potential significant effects resulting from decommissioning activities and any corresponding mitigation measures should be clearly and discretely identified in the ES topic chapter.
	Other points	Inspectorate's comments
3.2.4	Baseline	The approach taken to the establishment of the baseline is unclear. The information provided suggests that the baseline used for the assessment would be 2019/2020 when '..construction would be ongoing..'. However, it is also stated that K4, if consented, would be fully operational in 2020 (Scoping Report, paragraph 1.4.13), after which K1 would be decommissioned. The Applicant is referred to the Inspectorate's general comments on this point made above in Section 3.3, under 'Baseline'.
3.2.8	Description of the Proposed Development	It is stated at paragraph 3.2.8 that there are two points of vehicular access to the Paper Mill, although the site description (paragraph 1.2.3) refers only to one, via Swale Way. It is therefore unclear whether two site accesses are envisaged for the Proposed Development. All potential access points should be assessed in the ES.
Table 3.2.1	Assessment	It is not clear if the criteria used to establish receptor sensitivity for this assessment is the Applicant's own or based on the 1993 IEMA guidance. The ES should explain the origin and justify the use of the criteria necessary to inform the assessment of receptor sensitivity. In respect of relevant guidance, the Applicant is referred to Highways England's scoping consultation response, specifically in relation to having regard to DfT Circular 02/2013 and the September 2015 HE guide. The Scoping Report explains that significance is determined having regard

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		to the combination of receptor sensitivity and the magnitude of the impact. Sensitivity levels, which range from 'Negligible' to 'Substantial', are not defined in the Scoping Report and should be in the ES.
N/A	-	The assessment of traffic and transport effects should include consideration of trips resulting from waste generated at the site during construction and decommissioning. These movements should also be factored into other assessments as relevant, such as air quality and noise.
N/A	-	For the avoidance of doubt, in relation to the construction and decommissioning phases of the Proposed Development, which are likely to generate increased traffic on the local roads network, the Inspectorate considers that the ES should include an assessment of the impacts to the M2 and A249. The Applicant is referred to Highways England's scoping consultation response, in this regard.

Air Quality (see Scoping Report Chapter 3.3)

The Scoping Report does not set out a study area for the assessment.

The Applicant proposes to assess the risk of impacts having regard to assessment methodology provided in the Institute of Air Quality Management (IAQM) guidance. The ADMS 5 dispersion model will be used to assess the nitrogen oxides emitted from K4. Five years of sequential meteorological data has been collected at Gravesend.

Potential impacts are identified as being emissions associated with the operation of the Gas Turbine and their effects on human health and ecological receptors, and dust and emissions during construction and decommissioning (demolition).

The Inspectorate has provided comment on matters that the Applicant has set out as being scoped out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Traffic-related effects on local air quality during all phases.	<p>The Inspectorate agrees that this can be scoped out during operation.</p> <p>The Inspectorate does not agree to scope out this matter insofar as it relates to the construction and decommissioning phases, as the Scoping Report does not include sufficient justification to support the approach requested. The Inspectorate notes that it is possible that some construction traffic could route through an Air Quality Management Area (AQMA) on the M20 at Maidstone (proximity to the site not identified). The Inspectorate has a particular concern regarding the uncertainty surrounding the proposed construction and decommissioning programme and the likely number of Heavy Goods Vehicle (HGV) movements and construction traffic routes.</p>
Table 2.1	Effects of dust during operation.	The Inspectorate agrees that the effects of dust during operation can be scoped out, on the basis that the Proposed Development is unlikely to produce

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		significant dust emissions during operation.
Table 2.1	Effects of odour during all phases.	The Inspectorate agrees that this can be scoped out during operation and decommissioning, based on the nature and characteristics of the Proposed Development as described in the Scoping Report. However, it is not agreed that it may be scoped out during construction, as insufficient information has been provided in the Scoping Report regarding the ground conditions, particularly the potential for contaminated land and in relation to material storage methods.
Table 2.1	Effects on transboundary air quality during all phases.	The Inspectorate agrees that this can be scoped out for all phases, subject to the results of the dispersion modelling, as reflected in paragraph 3.3.1 on page 30 of the Scoping Report.
	Other Points	Inspectorate's comments
N/A	Study area.	<p>The Scoping Report does not set out the study area for the assessment or how such a study area would be determined. However the inspectorate acknowledges that it is stated that it would be led by the results of the dispersion modelling.</p> <p>The Inspectorate agrees with the comments made by Natural England (NE) in their scoping consultation response in relation to the inclusion of the identified European sites as potential receptors.</p>
3.3.11	Methodology.	Other than a reference to having regard to IAQM guidance, limited information is provided on the methodology that will be used for this assessment. The ES should set out the methodology applicable to the individual topic chapter. If an overarching methodology is applied this too should be referenced and any departure from that should be described. The Applicant should seek agreement on the methodology with relevant consultees, such as Swale Borough Council (SBC).
3.3.12	Construction/	It is stated that generic mitigation

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

	decommissioning mitigation measures.	measures drawn from IAQM guidance will be recommended to address dust nuisance and emissions effects. The Inspectorate expects that these measures, and the effects that they are intended to mitigate, will be specifically identified and described in the ES.
N/A	-	The ES should consider and assess the Applicant's proposed approach to waste management during construction and decommissioning and take into account any potential impacts associated with proposed storage and handling methods.

Climate change (see Scoping Report Chapter 3.4)

The proposed methodology considers direct and indirect greenhouse gas (GHG) emissions and vulnerability to climate change. The Applicant proposes to scope out direct GHG emissions from construction activity, instead focusing on embodied carbon in materials. Similarly the Applicant proposes to scope out operational GHG effects from all sources except combustion and gas supply. The assessment of significance is based on reference to the UK's national carbon budget; absolute emissions and GHG intensity expressed in tonnes of CO_{2e}/MWh; by reference to similar generation plant and by reference to sectoral GHG goals. The evaluation of significance is ultimately based on professional judgement.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects of greenhouse gas emissions (GHG) on global climate during decommissioning.	No information has been provided in the Scoping Report on the decommissioning activities or whether the Applicant intends to assess effects arising from decommissioning. The Inspectorate considers that decommissioning impacts should be addressed and the assessment in the ES must also justify the approach taken to identifying all emissions (including those that are direct or indirect) and considered within the assessment.
Table 2.1	Vulnerability of the Proposed Development to climate change.	The Inspectorate is content that vulnerability to climate change can be scoped out. This is on the basis that the lifespan of the Proposed Development is limited in terms of the anticipated effects from predicted climate change. The construction phase would be temporary and of limited duration and the operational lifespan is also anticipated to be only 20-25 years.

Noise (see Scoping Report Chapter 3.5)

The study area is not defined, however the Applicant has identified that the locations for baseline measurement surveys would be representative of the nearest noise sensitive receptors.

The Applicant proposes to undertake BS5228 assessments for construction noise (ABC method) and vibration and to model noise effects during operation using SoundPlan. The assessment proposes to use previously gathered baseline noise data and excludes measurement of baseline vibration. Traffic noise effects are proposed to be scoped out. Operational vibration is proposed to be qualitatively assessed.

The Scoping Report has identified potential for noise and vibration effects from construction plant and from fixed and mobile plant during operation.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects of road traffic noise.	The Applicant should provide traffic flow data for construction, operation and decommissioning (of the proposed development and K1). In the absence of this data, the Inspectorate does not agree that road traffic noise effects can be scoped out. The Inspectorate also notes that changes to traffic flows during construction and decommissioning are scoped in under traffic and transport (Table 2.1) however paragraph 3.2.12 states that the 'ES chapter will scope out decommissioning phase traffic effects'.
3.5.3	No measurement of baseline vibration.	The SoS requires further justification to exclude baseline vibration measurement from the assessment in light of construction vibration being identified as a potential impact in paragraph 3.5.5.
	Other points	Inspectorate's comments
N/A	Study Area	No study area is defined. The study area should be justified in the ES and agreed with the LPA.
N/A	Methodology	The assessment should consider the requirements of the Noise Policy

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		Statement for England and the need to establish Lowest Observed Adverse Effect Levels (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) thresholds for noise and vibration during construction and operation.
3.5.2	Currently known baseline.	The text states 'surveys to gather additional baseline noise data will be undertaken where appropriate'. The need for further baseline noise data should be agreed with the LPA.
Table 2.1 and paras 3.5.4 - 3.5.5	Baseline vibration.	Table 2.1 refers to vibration effects during construction only in respect of foundation piling, although the topic chapter refers more generally to construction plant. The Inspectorate advises that all potential sources of significant vibration effects should be identified, not only piling.
3.5.5	Qualitative operational vibration assessment.	The operational noise and vibration performance requirements of the proposed development should be agreed with the LPA. The need for quantitative operational vibration assessment to underpin these requirements should also be agreed with the LPA.
3.5.6	Methodology.	The ES should set out the full assessment method in the ES, including details of any plant and equipment sound power/pressure level assumptions used to inform noise assessments.
3.5.8-3.5.9	Operational effects.	Whilst the baseline noise environment is proposed to be characterised using BS4142, the Applicant has not stated that operational effects will be assessed using BS4142 criteria. For the avoidance of doubt the Inspectorate considers that a BS4142 assessment should be undertaken unless otherwise justified.
3.5.10	A qualitative comparison of decommissioning compared with construction effects is proposed.	Decommissioning of K1 should be considered as part of the BS5228 assessments. The Applicant should ensure that the distinction between decommissioning of K1 during construction and decommissioning of K4 at end of life is clearly articulated in the ES.
-	Consultation.	No reference is made to consultation

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		with any relevant bodies to agree the scope of the assessment. SBC and NE should be consulted in relation to the assessment of potential effects on ecological receptors and to agree the detailed method of assessment, noise monitoring approach and selection of noise sensitive receptors.
--	--	--

Ground conditions (see Scoping Report Chapter 3.6)

The study area is not defined; however, the Applicant proposes that the study area would be defined on the basis of the results of the Desk Top Study (DTS).

The Applicant's proposes to establish the baseline conditions through a series of assessments taking into consideration the following guidance documents: BS10175:2011 + A1:2013 Code of Practice for Investigation of potentially contaminated sites; BSI BS5930:1999 Code of Practice for Site Investigations; Model Procedures for the Management of Contaminated Land, Contaminated Land Report 11; Contaminated Land Exposure Assessment (CLEA) Guidelines, Environment Agency, 2004; the LQM/CIEH Generic Assessment Criteria for Human Health Risk Assessment (2nd Edition) July 2009; Surface Water Environmental Quality Standards (EQS); UK Drinking Water Standards; and Assessing Risks posed by Hazardous Ground Gases to buildings, CIRIA Report C665. The Inspectorate advises that the relevant guidance should be followed and reasons for departing from it explained.

The Scoping Report identifies a range of potentially significant effects that are proposed to be scoped in to the assessment. The potential effects include ground contamination and impacts to human health including to construction workers and operational staff and general public; ground contamination and impacts to controlled waters from changes to surface and groundwater bodies; and ground gas and impacts to human health including construction workers, operational staff and the general public. It is noted that the EA have stated in their scoping consultation response that the proposals outlined to address ground conditions are acceptable and in accordance with appropriate guidance.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on geology and geomorphology during all phases.	The Inspectorate agrees that such effects can be scoped out for all phases based on the location and nature of the Proposed Development, and the historical and existing land use.
Table 2.1	Effects on mineral resources during all phases.	The Inspectorate agrees that such effects can be scoped out for all phases based on the information that no mineral extraction is proposed and the Proposed Development does not lie in a

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		minerals safeguarding area.
3.6.20	Cumulative effects.	<p>The Inspectorate considers that the Applicant's proposed approach is inconsistent with the approach to the assessment of cumulative effects outlined in Chapter 3.12 of the Scoping Report.</p> <p>The Inspectorate considers that an assessment of cumulative effects should be included within the ES. In undertaking the assessment the Applicant should have regard to the advice contained in the Inspectorate's Advice Note 17.</p>
	Other points	Inspectorate's comments
3.6.21	Transboundary effects on hydrology receptors.	The Scoping Report includes an assertion that the Proposed Development would not have transboundary effects on hydrology receptors. However, there is no supporting information to justify this statement. It is also unclear what the intent is in this regard.
N/A	Project Description.	Paragraph 3.6.11 notes that there could be potential effects on operational staff however it is noted in other topic chapters, such as traffic and transport, that there would be no operational staff onsite. The Applicant is advised to ensure that the information upon which the assessment is based is consistent between the topic chapters.
3.6.11	Ecological receptors.	The Inspectorate notes that the consideration of potential effects on ecological receptors is not included in the matters to be considered in this topic of the ES. This is despite the Swale Estuary Special Protection Area (SPA), Ramsar site, Marine Conservation Zone (MCZ) and Site of Special Scientific Interest (SSSI) being mentioned in the baseline information. The Inspectorate considers that interrelated effects on ecological receptors should be included in this assessment, as contamination of controlled waters could potentially result in impacts on ecological features related to the water environment.

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

3.6.17	Methodology.	The Inspectorate notes that the level of significance of an effect will be derived having regard to the sensitivity of a receptor and the magnitude of the impact. The Scoping Report states that a significant effect is defined as one that is concluded to be moderate or above. Although Tables 3.5.1 and 3.5.2 indicate the values that will be used to define sensitivity and magnitude respectively, no information is provided to indicate how these values combined will be used to determine significance. This information should be included in the ES.
Tables 3.5.1 and 3.5.2	Sources of information.	It is not clear whether the sensitivity and magnitude criteria shown in these tables are derived from published guidance documents. If so, the sources should be identified in the ES.
3.6.4	Baseline description.	It is stated that the ground beneath the Proposed Development is likely to include 'Upper Cretaceous White Chalk Subgroup Bedrock at depth'. However, it is unclear from the descriptions of geological strata subsequently provided whether this is an aquifer (and what type) or unproductive strata, and therefore whether it is water-bearing and to what degree. The ground conditions beneath the site should be clearly described in the ES.
-	Inter-relationships with other environmental topics.	No reference is made to the inter-relationships between this topic and others, such as, for example, the water environment and biodiversity. The Inspectorate considers that this should be covered in the ES, as contamination of controlled waters has been identified as a potential effect, which could then impact on ecological receptors.
N/A	Environment Agency's scoping consultation response.	The Applicant is referred to the EA's scoping consultation response, and their recommendation that the Applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation.

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

Landscape and visual effects (see Scoping Report Chapter 3.7)

The Scoping Report notes that the study area will be based on a Zone of Theoretical Visibility (ZTV). The scope is not defined, but the Report has identified that no designated landscapes lie within the site.

The Scoping Report states that the assessment methodology will be based on the guidance contained within the Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition.

The Scoping Report identifies potentially significant effects on landscape and townscape character and on sensitive visual receptors during and post-construction including night-time lighting.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on landform/topography during all phases.	The Inspectorate agrees that this can be scoped out having had regard to the location and nature of the Proposed Development according to the description provided in the Scoping Report.
Table 2.1	Effects on landscape/townscape character during decommissioning.	The Inspectorate agrees that this can be scoped out based on the location of the Proposed Development and that decommissioning will result in removal of tall structures, such as the flue/stack, from the site.
Table 2.1	Effects on protected landscapes during all phases.	The Inspectorate agrees that this can be scoped out on the basis that the Scoping Report indicates that the nearest protected landscape is the Kent Downs Area of Outstanding Natural Beauty (AONB), approximately 10km to the south east of the site. The Proposed Development is additional industrial development in an already industrialised area, and the change to the existing views would not be likely to be perceptible at such distances.
Table 2.1	Effects on sensitive views during decommissioning.	The Inspectorate agrees that this can be scoped out based on the location of the Proposed Development and that

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		decommissioning activities will be temporary and will ultimately result in the removal of existing prominent structures, such as the flue/stack, from the site.
3.7.5	Sensitive receptors.	The Inspectorate notes that a number of local footpaths are identified, the users of which may be affected. The ES should assess any impacts to the Public Right of Way (PRoW) footpath ZU1 in the assessment, in addition to the Saxon Shore Way identified in the Report. The Applicant is also referred to KCC's comments in this regard.
3.7.7	Effects on sensitive visual receptors 'during and post construction phase', including night time lighting.	It is not clear whether it is intended to take this matter forward for inclusion in the ES as the information provided in paragraphs 3.7.10. – 3.7.11 is contradictory, and it is not included in the summary table (4.1) of matters that will be included in the ES. For the avoidance of doubt, the Inspectorate does not consider that this can be scoped out, particularly as the dimensions of the flue/stack and the extent of the visible plume are not known at this time.
	Other points	Inspectorate's comments
N/A	-	The Scoping Report does not address the need to include an assessment of effects on amenity receptors. The Inspectorate considers that potential impacts on amenity receptors should be assessed within the ES.

Archaeology and Cultural Heritage (see Scoping Report Chapter 3.8)

The study area will focus on a 1km area around the Proposed Development site boundary for the purpose of buried archaeology, and 3km for the purpose of the settings of heritage assets.

The Applicant proposes that the assessments would conform to legislation and guidance, including the National Policy Statement (NPS) for Energy (NPS EN-1; DECC, 2011a); Code of Conduct, Chartered Institute for Archaeologists 2014; and Standard and Guidance for Desk based Heritage Assessment, Chartered Institute for Archaeologists 2014.

The Scoping Report identifies the potential impacts as being disturbance and removal of buried remains during construction, and impacts on the settings of heritage assets during and post construction including lighting.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on archaeology during operation and decommissioning.	<p>The Inspectorate agrees that this matter can be scoped out from the assessment of operational phase impacts.</p> <p>The Scoping Report does not explicitly provide a justification to support a decision to scope out impacts to archaeology during decommissioning. However, the Inspectorate considers that impacts to archaeology will mostly occur during the construction phase of the Proposed Development. The Inspectorate also considers that decommissioning activities are likely to present a lower risk to archaeological features. On that basis the Inspectorate agrees that impacts during decommissioning can be scoped out from the ES.</p>
Table 2.1	Effects on Scheduled Monuments during decommissioning.	<p>The Inspectorate agrees that this matter can be scoped out for the decommissioning phase based on the location of the Proposed Development, and the proximity of Scheduled Monuments to the site as indicated in the Scoping Report and Appendix II.</p>

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

Table 2.1	Effects on architecture/buildings/ structures during all phases.	The Inspectorate agrees that effects on listed buildings can be scoped out for all phases based on the location of the Proposed Development, and the proximity to the site of any listed buildings as indicated in the Scoping Report and in Appendix II.
Table 2.1	Effects on historic parks and gardens during all phases.	The Inspectorate agrees that this matter can be scoped out for all phases based on the location of the Proposed Development and statement that there are no such receptors in proximity to the site. It is noted that Historic England state in their scoping consultation response that they are content with the scope of the assessment.
Table 2.1	Effects on other features of historic interest during all phases.	The Scoping Report has not defined what 'other features of historic interest' means in relation to the assessment process. In the absence of this information the Inspectorate does not agree to scope this out for any phase of the Proposed Development.
	Other points	Inspectorate's comments
-	Comments from Historic England.	The ES should include an assessment of the impacts to setting of heritage assets and should consider lighting, noise and traffic impacts in addition to visual impacts. The Applicant is referred to Historic England's scoping consultation response in this regard.
-	Appendix II	Any plans in the ES used to depict heritage features should identify such features by name, be clearly legible and support the ES textual description appropriately.

Biodiversity (see Scoping Report Chapter 3.9)

Paragraph 3.9.13 notes that European sites in a 10km study area surrounding the Proposed Development will be assessed. The study area for other sites is not set out in the Scoping Report.

The Scoping Report sets out that the methodology will be based on the CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland – Terrestrial, Freshwater and Coastal (2016). An ecological impacts assessment will be undertaken.

The Scoping Report notes that the Proposed Development has the potential to impact the Swale SPA, Ramsar and SSSI, and on other designated sites in the area. The impacts would mostly result from changes to air quality affecting interest features and their supporting habitats. Dust deposition and noise from construction are also considered, particularly in respect of bird interest features on the Swale SPA/Ramsar/SSSI.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on habitat types during construction and decommissioning.	The Inspectorate does not agree that this matter can be scoped out. The justification provided in the Scoping Report relies on the Proposed Development site being entirely composed of concrete hardstanding. The justification neglects the possibility for indirect effects and those generated by wider construction/decommissioning activities, eg changes in water quality, dust deposition and vehicle emissions. The Inspectorate agrees with NE that the air quality assessment should include consideration of Queendown Warren SAC.
Table 2.1	Effects on the conservation status of faunal communities during all phases.	The Inspectorate does not agree that this matter can be scoped out for any phase as insufficient information has been provided to support this approach.
Table 2.1	Effects on individual/protected species during	Although it is proposed in column 3 of the table that effects during construction are scoped out, in addition to

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

	construction and decommissioning.	decommissioning, the accompanying text notes that construction noise could have adverse effects on the overwintering birds which are a feature of the Swale SPA. This is reiterated in Chapter 3.9, which additionally refers to potential effects on the Swale Ramsar site and SSSI. The Inspectorate does not agree that this matter can be scoped out for either of these phases, and advises that the assessment should also consider the potential effects of noise and disturbance during construction and decommissioning on other species in the area, including but not limited to features of other European sites, not only those which are a feature of the SPA.
Table 2.1	Effects on ecosystem integrity during all phases.	The Inspectorate does not agree that this matter can be scoped out for any phase, as insufficient information has been provided to support this approach.
Table 2.1	Effects on wildlife conservation during construction and decommissioning.	Although it is proposed in column 3 of the table that effects during construction are scoped out, in addition to decommissioning, the accompanying text notes that noise and the creation of new contamination pathways during construction has the potential to affect interest features of the nearby Swale SPA and SSSI. The Inspectorate advises that the ES includes an assessment of these impacts during decommissioning, and also in relation to other ecological features. The Inspectorate does not agree that this matter can be scoped out.
Table 2.1	Effects on natural resources management during all phases.	The Inspectorate does not agree that this matter can be scoped out for any phase, as insufficient information has been provided to support this approach.
Table 2.1	Effects on natural processes during construction and decommissioning.	The Inspectorate does not agree that this matter can be scoped out for these phases as no information has been provided to describe this matter or support this approach.
3.9.28	Transboundary effects.	The Inspectorate does not agree that this matter can be scoped out as insufficient information has been

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		provided to support this approach. The Inspectorate notes the proximity of the site to European sites, such as the Swale SPA and Ramsar site.
	Other points	Inspectorate's comments
-	Consultation/agreement with relevant bodies.	No reference is made in this chapter to any discussion with any other bodies. The Inspectorate advises that the Applicant should agree the scope and methodology of the ecological assessment with other relevant bodies, such as SBC and NE.
3.9.2	Study area.	<p>The Inspectorate notes that, other than in relation to European sites, for which a 10km study area is proposed, the extent of the study area is not identified, and that it is stated that an assessment is required to determine the potential effects '...across and adjacent to the development area.' The Inspectorate notes that six European sites are identified in this chapter as being within 10km of the Proposed Development site boundary. The study area should be sufficiently broad to capture all receptors, not only those on or adjacent to the site, which could be significantly affected by the Proposed Development, and the justification for the parameters of the selected study area(s) must be provided in the ES. The ES should assess any impacts associated with abstraction activities. The assessment should include consideration of designated sites in the wider area. The Applicant is referred to comments from the EA in this regard.</p> <p>The Inspectorate agrees with the comments made by NE in their scoping response that the ecological assessment should include consideration of the Swale Estuary MCZ.</p>
3.9.4	Identification of ecological sites.	The Scoping Report states that a number of statutory and non-statutory designated sites are illustrated on Appendix 2 (Site Constraints Plan). However, Appendix 2 only shows SPAs, Ramsar sites and SSSIs, none of which

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		are identified by name, and there is no distinction made between SPAs and Ramsar sites. The Inspectorate recommends that the ES includes a plan which clearly identifies each ecological site considered in the assessment.
3.9.10	Simultaneous operation of K1 and K4.	The Scoping Report anticipates that air quality will improve when K4 replaces K1. However; paragraph 1.4.12 states that K1 will only be decommissioned once K4 is fully operational. This suggests the possibility of simultaneous operation of both K1 and K4. Therefore the assessment should take this into account and address any impacts associated with dual operation, including those on ecological receptors.
3.9.11 & 3.9.16	Guidance documents.	The Scoping Report suggests that a threshold of 80dB L_{Amax} will be used in relation to noise disturbance causing birds to cease feeding or fly away, and to relying on criteria used by the local authority and Wildlife Trust for the valuation of habitats and plant communities. The sources of the guidance to be used have not been identified. In the absence of this information the Inspectorate is unable to make a substantive comment. The ES should ensure that any guidance relied upon for the assessment should be clearly referenced in the ES.
N/A	Kent County Council	The Applicant is referred to KCC's scoping consultation response. The Inspectorate considers that the ES should include an assessment of any potential significant effects on the Milton Creek Local Wildlife Site and explain any preventative measures.

Water Environment (see Scoping Report Chapter 3.10)

The study area has not been defined within the Scoping Report.

The Applicant proposes to undertake the assessment through an initial desk based review of literature and data sources, with site-specific hydrological data obtained through consultation with the EA, Lead Local Flood Authority, Drainage Board and commercial data suppliers.

The Scoping Report identifies that the Proposed Development may result in impacts on surface water quality during and post construction, surface water run-off and flood risk, coastal water quality during construction and operation, groundwater quality during construction, and groundwater resources during operation.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out of the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Effects on surface water temperature during all phases.	The Scoping Report includes insufficient information to support the request to scope this matter out of the ES. The Inspectorate does not agree that this can be scoped out of the ES.
Table 2.1	Effects on groundwater quality during operation and decommissioning.	The Inspectorate agrees that this can be scoped out from this ES topic chapter based on the location and nature of the Proposed Development, and the confirmation that the potential for any contamination hotspots to exist on site whereby contamination if disturbed could migrate into groundwater will be addressed as part of the ES ground conditions chapter, and cross referenced as necessary in the water environment chapter.
Table 2.1	Effects on groundwater quantity during all phases.	The Inspectorate does not agree that this can be scoped out according to the information provided, and on the basis that the site is underlain by a secondary aquifer. The Applicant is advised to take into account the comments of the EA in this regard.

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

Table 2.1	Effects on groundwater temperature during all phases.	The Scoping Report includes insufficient information to support the request to scope this matter out of the ES. The Inspectorate does not agree that this can be scoped out of the ES.
Table 2.1	Effects on coastal/oceanic water quality during decommissioning.	The Inspectorate does not agree that this matter may be scoped out during decommissioning. It is indicated in Table 2.1 that pollution during demolition activities which are likely during decommissioning could affect surface water quality in the Swale Estuary.
Table 2.1	Effects on coastal water temperature during all phases.	The Inspectorate agrees that this can be scoped out based on the information provided that the Proposed Development would not involve any processes that could alter coastal water temperature.
Table 2.1	Effects on coastal processes/hydrodynamics during all phases.	The Inspectorate agrees that this can be scoped out based on the location and nature of the Proposed Development.
Table 2.1	Effects on water resources (ground/surface) during construction and decommissioning.	The Inspectorate agrees that this can be scoped out based on the likely activities and water demands during decommissioning. However it is not agreed that it may be scoped out during construction. The Inspectorate considers that the impact of proposed activities, during construction (as well as operation) on groundwater resources is carried out in consultation with the EA.
3.10.7	Surface water quality during operation.	The Inspectorate notes that this topic chapter identifies potential effects on surface water quality only 'during and post construction', although it is indicated in Table 2.1 that this matter will be considered for all phases of the Proposed Development. The justification provided in Table 2.1 relates only to demolition and construction activities. In the absence of a clear approach and justification for scoping out surface water quality effects, the Inspectorate confirms that it should be considered for all phases. The Inspectorate considers that the impact of proposed activities, during operation likely to affect surface water quality is carried out in

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		consultation with the EA
	Other points	Inspectorate's comments
3.10.8	Climate change related sea and river level rise and peak rainfall intensities over the lifespan of the Proposed Development.	The Inspectorate notes that reference is made to assessment of these effects over a 20 year lifespan, although an approximate 20 – 25 year lifespan is suggested under this matter in Table 2.1. The Inspectorate understands that the anticipated lifespan is an estimation but advises that the same parameters should be used consistently in all the assessments.
Table 3.9.2 & Table 3.9.3	Magnitude of impacts and significance of effects.	It is assumed that the heading in Table 3.9.2 should read 'Magnitude' rather than 'Sensitivity'. Table 3.9.3 only includes the sensitivity criteria and not the magnitude criteria. It also includes alternatives, for example, 'minor or moderate', 'major or substantial'. The significance levels are not defined so the approach that will be taken to determining whether an effect is either, for example, minor or moderate is not clear. The approach must be explained in the ES, particularly as it is stated that only effects that are considered to be moderate or above will be determined to constitute a significant effect.
3.10.23	Transboundary effects on hydrology and flood risk receptors.	The Scoping Report includes an assertion that the Proposed Development would not have transboundary effects on water environment receptors. However, there is no supporting information to justify this statement. It is also unclear what the intent is in this regard.
N/A	Environment Agency's scoping consultation response.	The Applicant is referred to the EA's scoping consultation response, and to their concerns about reference to the lack of water at the site in terms of any required abstraction.
N/A	-	The ES should consider and assess the Applicant's proposed approach to waste management during construction and decommissioning and take into account any potential impacts associated with proposed storage and handling methods.

Risk of accidents and disasters (see Scoping Report Chapter 3.11)

No study area is defined within the Report, however, the Applicant has identified the risk of major accidents as being minimised through a number of legislative instruments.

The site is not considered to be vulnerable to natural hazards, with the exception of river/estuarine flooding, and the Applicant has advised that the effects of climate change related sea and river level rise and peak rainfall intensities over the lifespan of the development will be included in the Flood Risk Assessment.

The Inspectorate has provided comment on matters that the Applicant has proposed to scope out from the ES.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
Table 2.1	Risk of major accidents and/or disasters during construction and decommissioning.	The Inspectorate does not agree that this matter may be scoped out for these phases as no information has been provided in support of this approach. The Inspectorate notes the comments contained in the Health and Safety Executive's scoping consultation response that while the development is outside the safeguarding distance it is within the vicinity of a port licensed to handle explosives, and agrees that the safeguarding distances may need to be reviewed depending on the final nature of the development.
	Other points	Inspectorate's comments
3.11.5	River/estuarine flooding.	The Inspectorate notes that the Applicant proposes to include in the flood risk assessment the effects of climate change related sea and river level rise and peak rainfall intensities over the lifespan of the Proposed Development in order to assess its vulnerability and resilience to climate change. The Inspectorate considers this to be an acceptable approach.
3.11.11 - 3.11.14	Consideration within the ES.	The Inspectorate notes that the Applicant considers that the risk of accidents from the Proposed Development would be controlled and mitigated as far as is reasonably

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

		<p>possible in accordance with the UK legislation that applied during the operational phase. On that basis it is proposed that a standalone risk assessment is not undertaken and that instead a list of the relevant legislation is provided in the introductory chapters of the ES which sets out what risk/accidents it is intended to address and demonstrates how the development will comply with the legislation. The Inspectorate refers the Applicant to comments made in this Opinion regarding the need for the ES to address the significant environmental effects applicable to the vulnerability of the Proposed Development to accidents and disasters.</p>
N/A	Public Health England (PHE)	<p>The Scoping Report provides no justification to rule out the potential for significant effects to the environment from electromagnetism/radiation. The Applicant is referred to PHE's scoping consultation response in this regard. On this basis the Inspectorate does not agree that this matter can be scoped out of the ES during operation of the Proposed Development. However, given that the impacts of electromagnetism are primarily related to operational activities the Inspectorate is content that this matter can be scoped out of the ES for the construction and decommissioning phases.</p>

Cumulative effects (see Scoping Report Chapter 3.12)

The Scoping Report does not establish how the study area for the assessment of cumulative effects will be determined.

The Scoping Report expresses the intent that cumulative effects will be considered on an issue-by-issue basis and the scope of the EIA will be expanded, if necessary, to include any cumulative issues that arise in the future.

The Applicant has identified the developments that it considers should be considered within the cumulative effects assessment and requested that consultees suggest any other relevant developments not listed. The Applicant is referred to the scoping consultation comments made by Royal Mail, KCC and National Grid in this regard.

Para	Applicant's proposed matters to scope out	Inspectorate's comments
-	-	No matters are identified in this chapter to be scoped out. However, it is proposed in Chapter 3.6 that no cumulative assessment is required in relation to ground conditions. The Inspectorate's comments on that point are provided in the Ground Conditions topic based scoping table above.
	Other points	Inspectorate's comments
-	Recommended advice.	The Applicant is referred to the Inspectorate's Advice Note seventeen for advice on the approach to the cumulative effects assessment.

Confidential Information

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

4. INFORMATION SOURCES

4.1.1 The Planning Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures. These include:

- Pre-application prospectus³
- Planning Inspectorate Advice Notes⁴
 - Advice Note three: EIA consultation and notification
 - Advice Note four: Section 52
 - Advice Note five: Section 53 rights of entry
 - Advice Note seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping
 - Advice Note nine: Rochdale envelope
 - Advice Note ten: Habitat regulations assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process).
 - Advice Note eleven: Transboundary impacts
 - Advice Note seventeen: Cumulative effects assessment

4.1.2 Applicants are also advised to review the list of information required to be submitted within an application for development consent as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended).

³ <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

⁴ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Swale Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - South East
The relevant fire and rescue authority	Kent Fire and Rescue Service
The relevant police and crime commissioner	Kent Police and Crime Commissioner
The Environment Agency	The Environment Agency - Kent, South London and East Sussex
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Kent County Council Highways Authority
The relevant strategic highways company	Highways England - South East
Trinity House	Trinity House
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	NHS Swale Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	South East Coast Ambulance Service

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

RELEVANT STATUTORY UNDERTAKERS	
	NHS Foundation Trust
Railways	Highways England Historical Railways Estate
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - Kent, South London and East Sussex
The relevant water and sewage undertaker	Southern Water
The relevant public gas transporter	Cadent Gas Limited
	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	National Grid Gas Plc
	Scotland Gas Networks Plc
Southern Gas Networks Plc	
Wales and West Utilities Ltd	
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited

Scoping Opinion for
Proposed Kemsley Paper Mill (K4) CHP Plant

RELEVANT STATUTORY UNDERTAKERS	
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Utility Distribution Networks Limited
	UK Power Networks Limited

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Swale Borough Council
	Canterbury City Council
	Maidstone District Council
	Ashford District Council
	Medway Council
	Kent County Council
	Thurrock Council
	London Borough of Bexley
	London Borough of Bromley
	Surrey County Council
	East Sussex County

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Consultation bodies who replied by the statutory deadline:

Canterbury City Council
Environment Agency
ES Pipelines Ltd
Health and Safety Executive
Highways England
Highways England Historical Railways Estate
Historic England
Marine Management Organisation
Ministry of Defence
National Grid
Natural England
NATS Safeguarding
Public Health England
Royal Mail
Southern Water
Trinity House

From: Austin Mackie [mailto:austin.mackie@canterbury.gov.uk]
Sent: 31 August 2017 14:06
To: Environmental Services
Subject: Your Ref: EN010090-000007

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11

Proposed application by DS Smith Plc (the Applicant) for an Order granting Development Consent for the Kemsley Paper Mill (K4) CHP Plant (the Proposed Development)

Scoping consultation

Dear Sir / Madam

Thank you for consulting us on the above.

Having regard to the project and location, we can confirm that this Authority would not wish to comment on the content of the scoping opinion.

Regards

--

Austin Mackie

Principal Planning Officer

Planning Services
Development Management

Canterbury City Council

Tel: 01227 862 178

www.canterbury.gov.uk



INVESTORS
IN PEOPLE | Silver



Please give us your views through our [customer satisfaction survey](#).

Planning Inspectorate
3/20 Eagle Wing
Temple Quay House (2 The Square) Temple
Quay
Bristol
Avon
BS1 6PN

Our ref: KT/2017/123292/01-L01
Your ref: EN010090-000007
Date: 14 September 2017

Dear Sir/Madam

EIA SCOPING OPINION

**KEMSLEY PAPER MILL (K4) CHP PLANT: A COMBINED HEAT AND POWER PLANT
COMPRISING A GAS TURBINE (52MW), WASTE HEAT RECOVERY BOILERS
(105MWTH STEAM) AND STEAM TURBINE (16MW).**

KEMSLEY PAPER MILL, SITTINGBOURNE, KENT

Thank you for the opportunity to comment on this scoping opinion. We would like to offer the following advice:

Environmental Permitting

The applicant is aware that these proposals will require an Environmental Permit. We would encourage twin tracking of the permit and DCO applications.

Groundwater and contaminated land

This site overlies alluvium, a secondary aquifer and at depth a chalk aquifer. Any pathways for contamination must be strictly controlled to avoid pollution of the principal and secondary aquifers from any historic contamination identified on the site from previous uses. At this stage, we do not provide detailed site-specific advice or comments with regard to land contamination issues apart from identifying the site sensitivity as above. However the outlined proposals to address ground conditions in the EIA are acceptable and generally appear in accordance with appropriate guidance.

We recommend you follow the requirements of the National Planning Policy Framework

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency



INVESTOR IN PEOPLE



(NPPF). Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, in completing any site investigations and risk assessments the applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation.

In making our response we have considered issues relating to controlled waters The evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.

We recommend that the applicant:

- Applies the risk-based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that the best decision are made for the site;
- Refers to the Environment Agency guidance on requirements for land contamination reports;
- Uses BS 10175 2001, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme;
- Uses MCERTS accredited methods for testing contaminated soils at the site; and
- Consults our website at www.environment-agency.gov.uk for further information about any permissions that may be required.

Fisheries and Biodiversity

From a biodiversity perspective, we have no concerns about the proposed development given that the site is being redeveloped and currently offers negligible opportunities for wildlife. We do however have some concerns about reference to the lack of water at the site (page 19) and the potential for more than is currently used to be required. As this means the operator may need to abstract ground or surface water, it is important that the EIA Scoping Request considers the potential for impacts on designated sites in the wider area and fish in the vicinity of point abstraction from surface water. All requirements of the Eels Regulations that apply here, for example, would need to be implemented in the final design. We do not consider there to be any issues from a geomorphological perspective raised by this request.

Pre-application advice

We would welcome the opportunity to provide the applicant with pre-application advice. We provide a pre-application service, on a cost recovery basis. For further information, the applicant should contact me using the contact details below.

Please do not hesitate to contact me if you require any further information.

Yours faithfully

Mr Niall Connolly
Planning Specialist

Direct dial 0208 474 6765

Direct e-mail kslplanning@environment-agency.gov.uk

From: ESP Utilities Group Ltd [mailto:donotreply@espug.com]
Sent: 22 August 2017 15:35
To: Environmental Services
Subject: Your Reference: Kemsley Paper Mill Our Reference: PE132940. Plant Not Affected
Notice from ES Pipelines

Environmental Services
The Planning Inspectorate

22 August 2017

Reference: Kemsley Paper Mill

Dear Sir/Madam,

Thank you for your recent plant enquiry at (Kemsley Paper Mill).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works. Therefore, ESP **DOES NOT OBJECT** to the proposed stopping up order.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

Important Notice

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at:

PlantResponses@espipelines.com

Yours faithfully,

Alan Slee
Operations Manager

Bluebird House
Mole Business Park
Leatherhead
KT22 7BA

☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.



Please consider the environment before printing this e-mail

—
This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

—

Our ref: HE/HRE/RD/PL/3
Your ref: EN010090-000007

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

**For the attention of Alison L Down
By Email Only**

Dear Madam

**PROPOSED APPLICATION BY DS SMITHPLC FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE KEMSLEY PAPER MILL (K4) PLANT**

I refer to your letter dated 17th August 2017 and confirm that we do not have any comments to make upon the above proposal.

Yours faithfully



Robert Davies
Historical Railways Estate
(on behalf of the Secretary of State for Transport)
Email: robert.davies@highwaysengland.co.uk

Robert Davies

Room T9 ,3rd Floor
37 Tanner Row
York YO1 6WP

Direct Line: 01904 670866

21 August 2017

From: Bown, Kevin [mailto:Kevin.Bown@highwaysengland.co.uk]
Sent: 24 August 2017 18:15
To: Environmental Services
Cc: Planning SE; growthandplanning; transportplanning@dft.gsi.gov.uk
Subject: FAO Case Officer Ms Alison Down: Highways England response re Pre Application DCO EN010090-000007 Kemsley Paper Mill Sittingbourne Kent ME10 2TD: Scoping Consultation

Dear Ms Down,

PINS Ref: DCO EN010090-000007

Location: Kemsley Paper Mill Sittingbourne Kent ME10 2TD

Applicant: Kemsley Paper Mill (K4) CHP Plant by DS Smith PLC

Proposals: A Combined Heat and Power Plant comprising a gas turbine (52MW), Waste Heat Recovery Boilers (105MWth steam) and Steam Turbine (16MW).

Highways England Ref: 5093#3455

I am writing in response to your letter dated the request for advice dated 17 August 2017 relating to the above described and located proposed development, with comments requested by the 14 September 2017.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We would be concerned about any proposals that could have an adverse impact on the safety, reliability or operation of the SRN, in this case particularly with regards the M2 and A249 north of M2.

Highways England have no comment on whether an EIA is required; but if it is (or is produced voluntarily), it should be compatible and consistent with the Transport Assessment and also contain information on all transport related effects including noise, vibration and air quality.

We note that within the 'EIA Scoping Report' that the *"scope and methodology of the assessments will be agreed with Highway Officers at KCC (and Highways England)"*. We look forward to working with the applicant's transport advisors with regards the production of an appropriate, robust Transport Assessment to cover both the impacts and any necessary mitigation required as a result of the proposals.

The Transport Assessment should be undertaken in accordance with

- DfT Circular 02/2013 *The Strategic Road Network and the Delivery of Sustainable Development* (September 2013)
- HE publication: *Planning for the future – A guide to working with Highways England on planning matters* (Sept 2015)

We would also recommend that paragraph 15 of the *Guidance for Travel plans, transport assessments and statements in decision-taking* (DCLG March 2014) is followed when completing the Transport Assessment.

I hope the above comments are useful. Should you have any questions or comments then please do not hesitate to contact me to discuss the proposals further, or any aspect related to the SRN.

I have also copied this email direct to the applicant's agents and Kent Highways.

Regards

Kevin Bown, Spatial (Town) Planning Manager BSc(Hons) MPhil CMS MRTPI

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Tel: +44 (0) 300 470 1046

Web: <http://www.highways.gov.uk>

Safe roads, reliable journeys, informed travellers
Highways England: operating, maintaining and improving the strategic road network in England.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

**Highways England Company Limited | General enquiries: 0300 123 5000
| National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | <https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk**

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.



Historic England

SOUTH EAST OFFICE

Ms Alison Down
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
Bristol
BS1 6PN

Direct Dial: 01483 252043

Our ref: PL00159842

30 August 2017

Dear Ms Down

Kemsley Paper Mill (K4) CHIP Plant, Sittingbourne, Kent

Thank you for consulting Historic England on a Scoping Opinion relating to the development above.

We note that the applicant's intention is to include an Archaeology and Cultural Heritage chapter within the Environmental Statement (ES), which will assess the development's impact upon both non-designated and designated heritage assets, and their setting. The applicant has stated that all assessment of setting will be carried out in accordance with Historic England's guidance 'The Setting of Heritage Assets.'

We support the inclusion of heritage within the ES and are content with the stated scope of the assessment, as set out within the submitted EIA scoping report. The applicant should note that, in line with Historic England's guidance, any assessment of setting should include the impact that changes in lighting, noise and traffic could have upon the setting of heritage assets, in addition to the more obvious visual impacts.

We are principally interested in designated assets and so would defer to the advice of the heritage team at Kent County Council (KCC) as regards any impact on non-designated heritage assets. We recommend that the applicant consults and collaborates with KCC during the creation of the ES.

Yours sincerely,



Maria Buczak
Assistant Inspector of Ancient Monuments
maria.buczak@HistoricEngland.org.uk

cc: Wendy Rogers, KCC



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk



From: Dave.Adams2@hse.gov.uk [mailto:Dave.Adams2@hse.gov.uk] **On Behalf Of**
NSIP.Applications@hse.gov.uk
Sent: 13 September 2017 11:52
To: Environmental Services
Subject: NSIP - Kemsley Paper Mill (K4) CHP Plant - EIA Consultation, HSE response

FAO Alison L Down

Dear Ms Down

Thank you for your letter of 17th August 2017 regarding the information to be provided in an environmental statement relating to the Kemsley Paper Mill (K4) CHP Plant. HSE does not comment on EIA Scoping Reports but the attached information is likely to be useful to the applicant/developer.

Kind regards,

Dave Adams

Dave.MHPD.Adams

**Land Use Planning Policy, Chemicals, Explosives & Microbiological Hazards Division,
Health and Safety Executive.**

Desk 76, 2.2, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

+44 (0) 20 3028 3408 dave.mhpd.adams@hse.gov.uk

www.hse.gov.uk | <http://hse.gov.uk/landuseplanning>

**YOU CAN
WITH  HSE**

CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN010090
Our ref: 4.2.1.6062

HSE email: NSIP.applications@hse.gov.uk

FAO Alison L Down
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Ms Down

13 September 2017

**PROPOSED KEMSLEY PAPER MILL (K4) CHP PLANT (the project)
PROPOSAL BY DS SMITH PLC (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 17th August 2017 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

The redline boundary of the development does not fall within the consultation zones of any major accident hazard site with Hazardous Substances Consent (HSC).

There are currently no major accident hazard pipelines within the development. If in the intervening period we are notified of a change to this situation, the developer would need to seek advice from us.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

With regard to Chapter 3.11 of the above document, Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE is consulting further with DCLG to clarify this requirement.

Explosives sites

This development is outside the safeguarding distance (but within the vicinity) of a port licensed to handle explosives (Independent Sea Terminals Ltd, Ridham Dock, Kent). Depending on the final nature of the development, the safeguarding distances may need to be reviewed.

Electrical Safety

No comment, from a planning perspective.

Waste

In respect of waste management the applicant should take account of and adhere to relevant health and safety requirements. More details can be found on HSE's website at: <http://www.hse.gov.uk/waste/index.htm>.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy



Alison L Down
EIA & Land Rights Advisor – Environmental
Services Team
Planning Inspectorate
Major Applications and Plans
3D Eagle
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Environment, Planning & Enforcement

Invicta House
County Hall
MAIDSTONE
Kent ME14 1XX

Phone: 03000 419618
Ask for: Alexander Payne
Email: alexander.payne@kent.gov.uk

14 September 2017

BY EMAIL ONLY

Dear Ms Down,

Re: Proposed application for the granting of a Development Consent Order for the Kemsley Paper Mill (K4) CHP Plant.

Thank you for your letter dated 17 August 2017 providing Kent County Council (KCC) with the opportunity to inform the Secretary of State on the information to be provided in the Environmental Statement (ES) relating to the proposed Kemsley CHP plant (K4).

The County Council has reviewed the Scoping Report (August 2017) submitted by the applicant and for ease of reference, provides a commentary structured under the chapter headings used in the report.

1.4 Nature and Purpose of the Development

It is unclear from the Scoping Report as to whether any of the feed stock for the proposed plant is to be waste. In the event that it is, consideration will need to be given to the waste capacity requirement in Kent and how the proposal performs against the waste planning policies as set out in the Kent Minerals and Waste Local Plan 2016 (KMWLP) and the National Planning Policy for Waste 2014.

KMWLP Policy CSW7 (Waste Management for Non-Hazardous Waste) states that 562,500 tonnes of additional recovery capacity is required – but this does not take into account the capacity being provided by the Wheelabrator Site at Kemsley (K3), which is currently under construction. The construction of the K3 plant would result in almost all of the tonnage recovery requirement of Policy CSW7 being met and as such, the County Council is reviewing the waste capacity requirement as part of its ongoing work for the associated Minerals and Waste Sites Plans.

3.2 Traffic and Transport

KCC has not been able to fully review section 3.2 Traffic and Transport of the Scoping Report at this stage. To ensure the applicant is fully aware of what KCC expects to be included in the ES from a Highways and Transportation perspective, KCC will consult with the applicant directly to provide comments on Section 3.2 Traffic and Transport of the Scoping Report.

3.7 Landscape and visual effects

KCC anticipates that the ES will consider the potential impacts upon Public Right of Way (PRoW) footpath ZU1, which passes to the south and east of the application site alongside Milton Creek. This footpath follows the route of the Saxon Shore Way, a promoted long distance walk around the coast of Kent, and will also carry the England Coast Path; a new National Trail that is intended to be in place by 2020.

3.8 Archaeology and Cultural Heritage

The County Council acknowledges that the Scoping Report correctly identifies the archaeological potential of the location with prehistoric and Roman remains having been found in the general area of the Kemsley ridge. The Scoping Report also recognises that the setting of heritage assets in the area including the Scheduled Monument of Castle Rough may be affected. Whilst the site has been previously developed, it has been correctly identified that buried archaeology may be affected by construction activities and that the setting of heritage assets may be affected by both construction and operational activities.

KCC agrees with paragraphs 3.8.4–3.8.5 (p45), which state that further assessment is required to understand if the impact of the construction and operation of the CHP plant on heritage assets is significant. KCC agrees with the scope of the desk based assessment that is proposed to support the chapter on cultural heritage in the ES and the extent of the study area.

The County Council acknowledges that the Kent Historic Environment Record will be consulted but recommends that the applicant also consults the County Council's archaeological advisors to agree any additional survey work that may be required to inform the ES. Where there is an apparent need for further mitigation, KCC welcomes discussion with the applicant at an early stage with a County Archaeological Officer.

3.9 Biodiversity

In terms of protected species, KCC recognises that as the site is predominantly surfaced with hard standing, it is unlikely to have any significant impacts. Nevertheless, the site is also located almost adjacent to the Milton Creek Local Wildlife Site, which is a non-statutory designated site of importance for the conservation of wildlife in Kent. KCC recommends that the ES includes a full assessment of any potential impacts on the Milton Creek Local Wildlife Site, along with any necessary preventative measures.

The site is also located close to a number of statutory designated sites. These include:

- The Swale - Special Protection Area (SPA);
- The Swale - Site of Special Scientific Interest (SSSI); and
- The Swale - Ramsar Site

KCC is satisfied that the potential impacts upon these sites have been identified, particularly with regard to dust soiling, changes in air quality and construction noise. KCC agree that noise modelling will need to be undertaken but it is recommended that the ES includes appropriate breeding/wintering bird surveys within the appropriate vicinity to fully assess any potential impacts upon the designated sites.

The Swale SPA is designated for its breeding bird and waterfowl assemblage and therefore there is potential for significant impacts. The County Council would anticipate that a Construction Environmental Management Plan will be submitted with the application to demonstrate that appropriate measures will be implemented to prevent any adverse impacts through dust soiling.

With regard to The Swale SPA and The Swale Ramsar Site, KCC recommends that the competent authority, under the provisions of the Habitats Regulations, should have regard to any potential impacts that the proposal may have. The competent authority should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Sufficient information will need to be submitted to allow the competent authority to undertake a Habitat Regulations Assessment.

3.10 Water Environment

As the Lead Local Flood Authority, the County Council is satisfied that the effect of the proposal upon surface water flooding and drainage (including surface water quality, quantity, flood risk and the effects of climate change) are scoped in the ES.

3.12 Cumulative Effects

Given the land uses in this area, cumulative impact will be an important issue to address in the ES. This has been included within the Scoping Report; KCC would like to ensure this cumulative effect is fully assessed and would particularly draw attention to the number of other waste facilities in the vicinity.

If you require further information or clarification on any matter in this letter, then please do not hesitate to contact me.

Yours sincerely,



Katie Stewart

Director for Environment, Planning and Enforcement



**Defence
Infrastructure
Organisation**

The Planning Inspectorate
3/18 Eagle Wing,
Temple Quay House,
Temple Quay

BS1 6PN
England

Dear Ms Down,

Your Reference: EN010090-000007

Our Reference: 10041067

MOD Safeguarding - SITE OUTSIDE SAFEGUARDING AREA

Proposal: Kemsley Mill Paper Mill CHP Plant

Location: Sittingbourne
Kent

Grid Reference:

Planning Reference: EN010090-000007

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas.

I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Yours sincerely

Claire Duddy
Assistant Safeguarding Officer

**Safeguarding Department
Statutory & Offshore**

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 2143

Fax: +44 (0)121 311 2218

Email: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

31 Aug 2017

From: Mongan, Kathleen (MMO) [mailto:Kathleen.Mongan@marinemanagement.org.uk]
Sent: 12 September 2017 16:11
To: Environmental Services
Cc: Walker, Edward (MMO); McPherson, Jamie (MMO)
Subject: EN010090-000007 Kemsley Paper Mill (K4) CHP Plant - MMO Response to Scoping Consultation

Dear Ms Down

Please find attached the Marine Management Organisation's response to the scoping consultation request, received 17 August 2017, for a proposed application by DS Smith Plc for the Kemsley Paper Mill (K4) CHP Plant.

If you have any queries regarding the attached please do not hesitate to get in touch.

Kind regards

Kathleen

Kathleen Mongan | Marine Licensing Case Officer | Her Majesty's
Government – Marine Management Organisation |
Direct line: 020802 65326 | Email:
Kathleen.Mongan@marinemanagement.org.uk | Lancaster House, Newcastle
Business Park, Newcastle upon Tyne, NE4 7YH

The Marine Management Organisation (MMO)

The information contained in this communication is intended for the named recipient(s) only. If you have received this message in error, you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the content is strictly prohibited and may be unlawful.

Whilst this email and associated attachments will have been checked for known viruses whilst within MMO systems, we can accept no responsibility once it has left our systems.

Communications on the MMO's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes. MG10



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Alison L Down
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your reference: EN010090-000007
Our reference: DC10169/Regulator

By email only

12 September 2017

Dear Ms Down,

RE: Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 17 August 2017, notifying the Marine Management Organisation (the "MMO") of the proposed application by DS Smith PLC for an Order granting Development Consent for the Kemsley Paper Mill (K4) CHP Plant and Scoping consultation.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences².

¹ Under Part 4 of the 2009 Act

² Section 149A of the 2008 Act



As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“dML”) enable the MMO to fulfil these obligations.

Further information on licensable activities can be found on the MMO’s website³. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.

Kemsley Paper Mill (K4) CHP Plant

The MMO has reviewed the consultation documents and from the information provided has concluded that no element of the proposals fall within the remit of the MMO. Figure 1.4 of the Environmental Impact Assessment (EIA) Scoping Report illustrates that the application boundary for the K4 plant is located entirely above Mean High Water Spring (MHWS) and the report contains no reference to any additional infrastructure, such as an outfall pipe, which may extend below MHWS.

The MMO is currently in contact with K3 CHP Ltd, referred to on page 4 of the EIA Scoping Report, in respect of a Marine Licence Application for an intertidal outfall structure associated with the Wheelabrator Kemsley K3 facility. The MMO understands that a separate DCO application has been made to The Planning Inspectorate for this wider scheme. If it should become apparent that this planned outfall structure will form a part of, or become linked to, the K4 facility the MMO reserves the right to make further comment on the proposals. However, the MMO notes that the EIA Scoping Report clearly states on page 4 that the proposed development sought by D S Smith Plc. is not linked to or reliant upon the DCO application by K3 CHP Ltd.

Conclusion

Based on the information provided the MMO has no comments to make in respect of the scope of the assessment for the K4 Combined Heat and Power Plant as works are located entirely above MHWS and therefore are outside the remit of the MMO. However, should it become apparent that any element of the proposals will extend below MHWS the MMO reserves the right to provide further comment during the application process.

Your feedback

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have

³ <https://www.gov.uk/planning-development/marine-licences>

⁴ <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

received from us. Please help us by taking a few minutes to complete the following short survey (<https://www.surveymonkey.com/r/MMOMLcustomer>).

If you require any further information please do not hesitate to contact me using the details provided below.

Yours Sincerely,



Kathleen Mongan
Marine Licensing Case Officer
T: 020802 65326
E: kathleen.mongan@marinemanagement.org.uk

From: Jefferies, Spencer [mailto:Spencer.Jefferies@nationalgrid.com]

Sent: 13 September 2017 15:25

To: Environmental Services

Subject: EN010090 - Kemsley Paper Mill (K4) CHP Plant - EIA Scoping Notification and Consultation

Good afternoon,

Please accept this email as National Grids consultation response.

Please note that National Grid Gas PLC and National Grid Electricity Transmission PLC have no assets near the order boundary of proposed Kemsley Paper mill. (see attached)

Please can you provide more information of sites 8,9 and 11 from the 'Cumulative Sites' section. These sites contain NGET assets.

Kind regards

Spencer Jefferies BSc

Development Liaison Officer

Acquisitions and Surveying

Network Management

National Grid House, Warwick Technology Park

Gallows Hill, Warwick. CV34 6DA

Mobile: 07812651481

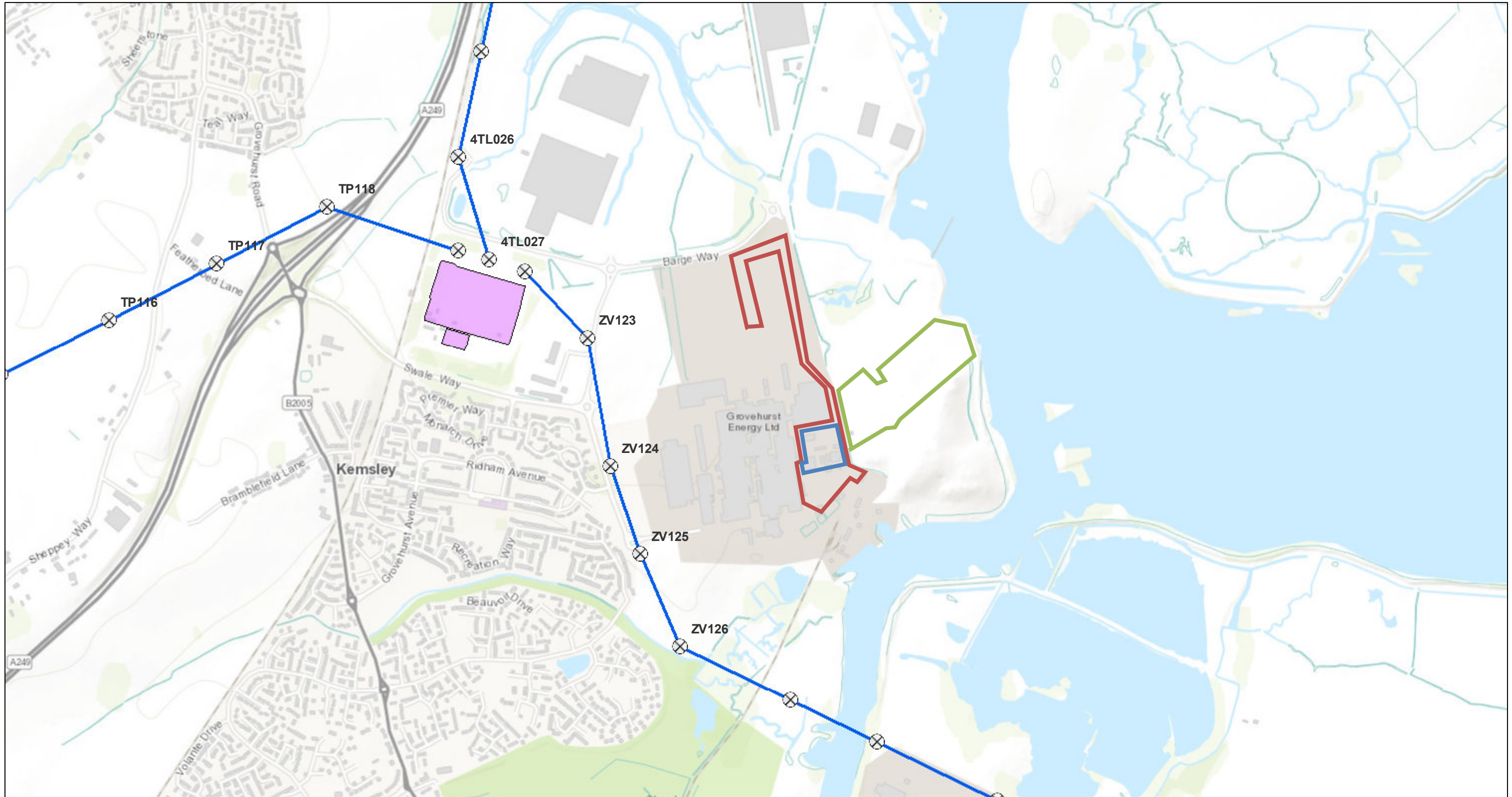
Email: spencer.jefferies@nationalgrid.com

General enquiries: box.landandacquisitions@nationalgrid.com


This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.


You may report the matter by contacting us via our [UK Contacts Page](#) or our [US Contacts Page](#) (accessed by clicking on the appropriate link)

ArcGIS Web Map



September 13, 2017

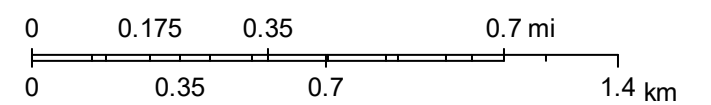
 Substation_Site

 Towers

OHL (Over-head Line)

 400

1:18,056



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS

From: ALLEN, Sarah J [mailto:Sarah.ALLEN@nats.co.uk] **On Behalf Of** NATS Safeguarding
Sent: 18 August 2017 08:43
To: Environmental Services
Subject: RE: EN010090 - Kemsley Paper Mill (K4) CHP Plant - EIA Scoping Notification and Consultation (Our Ref: SG25008)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully

NATS

NATS Safeguarding

D: 01489 444687

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



Date: 14 September 2017
Our ref: 224123
Your ref: EN010090-000007



Alison Down
Planning Inspectorate
3D Eagle Way
2 The Square
Bristol BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Environmentalservices@pins.qsi.gov.uk

T 0300 060 3900

Dear Ms Down

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11

Proposed application for an Order granting Development Consent for the Kemsley Paper Mill (K4) CHP Plant, Sittingbourne, Kent

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 17 August 2017 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 0207 026 8007. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Marian Ashdown
Senior Adviser
Sussex and Kent Team
Marian.ashdown@naturalengland.org.uk

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites)

The development site is in close proximity to the following designated nature conservation sites:

- The Swale SPA/Ramsar/SSSI
- The Swale Estuary Marine Conservation Zone (MCZ)
- Medway Estuary and Marshes SPA/Ramsar/SSSI
- Thames Estuary and Marshes SPA/Ramsar/SSSI
- Queendown Warren SAC/SSSI
- Further information on the SSSIs and their special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>
- Potential impacts of the proposal should be assessed against the Conservation Objectives³ for the SPA qualifying features (dark bellied brent geese, dunlin, water bird assemblage and breeding bird assemblage). Supplementary advice on the Conservation Objectives⁴ has been produced for the Swale, which may help in the assessment.

The sites listed above are sensitive to the following impacts, which should be considered in the EIA:

- Disturbance during construction, operation and demolition, including from noise, visual intrusion and lighting
- Water quality and hydrological impacts on adjacent habitats
- Air pollution impacts

Detailed comments on the Scoping Report submitted by the applicant are set out at Annex B to this letter.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the Kent Biological Records Centre for further information.

³ <http://publications.naturalengland.org.uk/publication/5745862701481984>

⁴ <https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9012011&SiteNameDisplay=The+Swale+SPA>

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England understands that the development site is made up of concrete hardstanding, and therefore there is no need for a habitat survey of the site. However, the ES should consider potential impacts on adjacent and nearby habitats, and associated species. It should include details of:

- Any historical data for areas potentially affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

3. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments

which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

4. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

5. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Natural England is not aware of any plans or projects further to those set out in paragraph 3.12.3 of the Scoping Report, that should be included in the cumulative assessment.

Annex B

Additional specific comments on the Scoping Report

1. Natural England's comments on Table 2.1:
 - Biodiversity – habitat types – air quality assessment should include consideration of Queendown Warren as well as the Swale.
 - Biodiversity - Individual/protected species – SPA/Ramsar/SSSI birds may be affected by the construction and demolition phases, as well as during operation.
 - Biodiversity – wildlife conservation – The Swale Estuary MCZ should be included in the assessment.
2. Air quality, paragraph 3.3.13, The Swale Ramsar and SSSI, Medway Estuary and Marshes Ramsar and SSSI, Thames Estuary and Marshes Ramsar and SSSI and The Swale Estuary MCZ should also be included as a potential receptors.
3. Biodiversity, para 3.9.12, should include construction and demolition disturbance to marsh harrier breeding in adjacent reedbeds, as part of the SPA breeding assemblage.
4. The Swale Estuary MCZ should be added to the map on p.73.
5. It would be helpful to set out clearly how the proposed K4 CHP plant will tie in to the existing surface effluents out take, and where this water is discharged. This is important in assessing potential pathways for impact on any ecological receptors.



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

Alison Down
EIA & Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Your Ref : EN010090-000007

Our Ref : 38026

8th September 2017

Dear Alison,

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed
Kemsley Paper Mill (K4) CHP Plant, Sittingbourne, Kent.**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals screen out possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF likely to give rise to significant public exposures; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,

Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented.

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: Daniel PARRY-JONES [mailto:daniel.parry-jones@realestate.bnpparibas]
Sent: 13 September 2017 18:14
To: Environmental Services; Alison Down
Cc: holly.trotman@royalmail.com; Tony (tony.haines@royalmail.com)
Subject: RE: EN010090 - Kemsley Paper Mill (K4) CHP Plant - EIA Scoping Notification and Consultation

[FAO Alison Down](#)

Alison,

Further to your email of 17 August 2017 please find attached Royal Mail's consultation response on Kemsley Paper Mill (K4) CHP Plant.

Please can you confirm receipt by the deadline closing tomorrow.

Many thanks.

Dan Parry-Jones



**BNP PARIBAS
REAL ESTATE**

Real Estate for a c

Daniel Parry-Jones
Director
Consulting

BNP Paribas Real Estate UK
Portwall Place Portwall Lane
Bristol BS1 6NA
Tel : +44 (0) 117 984 8418
Fax : +44 (0) 117 984 8401
Mob: +44 (0) 7770 854975
realestate.bnpparibas.co.uk

Connect with us
  

This email is subject to our [disclaimer](#). Corporate details can be found [here](#).



Do not print this document unless it is necessary, consider the environment.



Kemsley Paper Mill (C4) CHP Plant

Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement

Introduction

Reference the letter from PINS to Royal Mail dated 17 August 2017 requesting Royal Mail's comments on information that should be provided in D S Smith plc's Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report, Royal Mail's response is provided below.

Royal Mail- relevant information

Royal Mail is responsible for providing efficient mail sorting and delivery nationally. As a Universal Service Provider under the Postal Services Act 2011, Royal Mail has a statutory duty to deliver mail to every residential and business address in the country as well as collecting mail from all Post Offices and post boxes six days a week.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

Royal Mail has operational facilities in Sittingbourne, Faversham, Sheerness and Gillingham as well as all other main settlements in Kent. Sittingbourne Delivery Office is only 3 miles from the proposal site. In exercising its statutory duties Royal Mail vehicles use, on a daily basis, all of the roads that may potentially be affected by additional traffic arising from the construction and operation of the proposed Kemsley Paper Mill (C4) CHP Plant.

Royal Mail therefore wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations is not adversely affected by the construction and operation of this proposed scheme.

Royal Mail's comments on information that should be provided in D S Smith plc's Environmental Statement

The Traffic and Transport section of the applicant's scoping report indicates that the proposed development will generate construction staff movements, Abnormal Indivisible Loads and HGV movements throughout the day during its construction and decommissioning. It is noted that following the methodology identified in stage 1 of the scoping process the proposed development has the potential to result in likely significant traffic and transport related effects, which is of potential concern to Royal Mail for the above reasons.



It is noted that ES will establish a baseline position during a 2019 / 2020 future year when the construction would be ongoing, estimate the number of and routing of construction HGVs and construction staff and assess the effects of these upon the baseline position to determine any significant effects.

Generally, the proposed assessment methodology set out in the Traffic and Transport section of the applicant's scoping report appears to be reasonable.

However, Royal Mail has the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted through full advance consultation by the applicant at the appropriate time in the DCO and development process.
2. The ES should include detailed information on the construction traffic mitigation measures that are proposed to be implemented, including a draft Construction Traffic Management Plan (CTMP).
3. With the adjacent Wheelabrator Kemsley Generating Station (K3) Power Upgrade planning permission and DCO proposal together with other nearby planned major developments, careful attention must be given in the ES to the potential for cumulative traffic impact during the construction and operation phases.
4. Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or D S Smith plc have any queries in relation to the above then in the first instance please contact Holly Trotman (holly.trotman@royalmail.com) of Royal Mail's Legal Services Team or Daniel Parry-Jones (daniel.parry-jones@bnpparibas.com) of BNP Paribas Real Estate.



The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Developer Services
Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW

Tel: 0330 303 0119

Email: developerservices@southernwater.co.uk

Your Ref

EN010090

Our Ref

PLAN-019654

Date

11/09/2017

Dear Sirs,

Proposal: Request for scoping opinion for decommission an existing gas fired Combined Heat and Power plant and build, commission and operate a new gas-fired Combined Heat and Power (CHP) plant to supply steam and power to their Kemsley Paper Mill.

Site: Kemsley Paper Mill (K4) CHP Plant, Sittingbourne, Kemsley, Kent, ME10 2TD. EN010090

Thank you for your letter of 17/08/2017.

Further to your scoping document for the above site I have the following observations to make in respect of the proposed development:

- Southern Water's current sewerage/water records show that there is a foul sewer and 250 mm foul sewer within the proposed development site. No new development/building works will be permitted to be constructed over or within 3.0 metres of the existing foul sewer. Sewer record attached for your information.
- In addition due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer/s now deemed to be public could be crossing the above property.
- Southern Water requires a formal application for a connection to the public foul and surface water to be made by the applicant or developer, if applicable. An assessment should be carried out to determine the impact of proposed discharge to public sewers on the capacity of downstream network.



- Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer, if required. An assessment should be carried out of the impact of any fresh water demand on public water distribution network.
- Southern Water requires that an assessment of the impact of proposed site activities, during the construction as well as operation of the plant, on the public groundwater resources and surface water quality is carried out in consultation with Environment Agency.

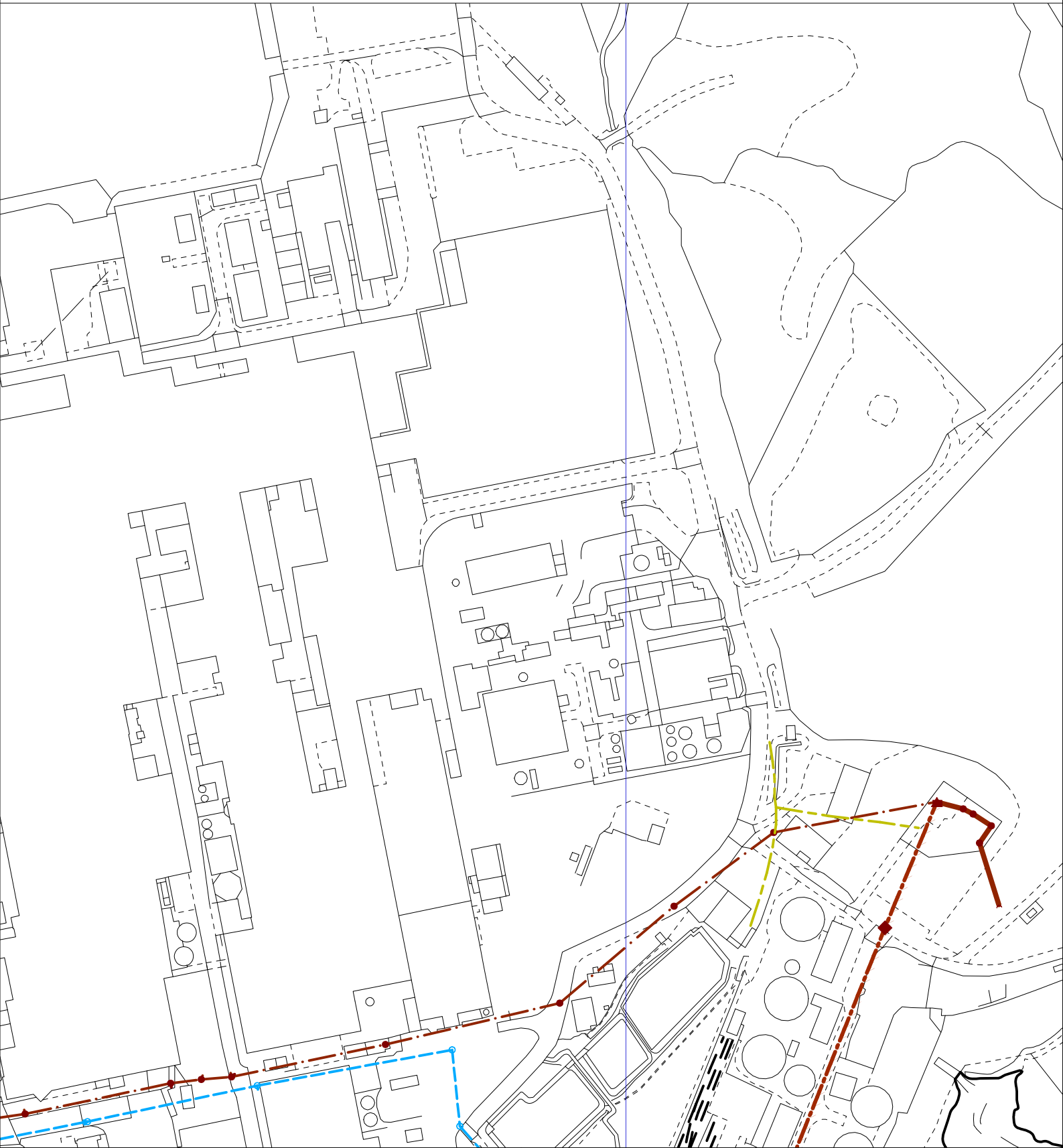
If you require any further information please do not hesitate to contact our office on the above telephone number.

Yours sincerely



Developer Services

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ9166SE

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: Ponnay

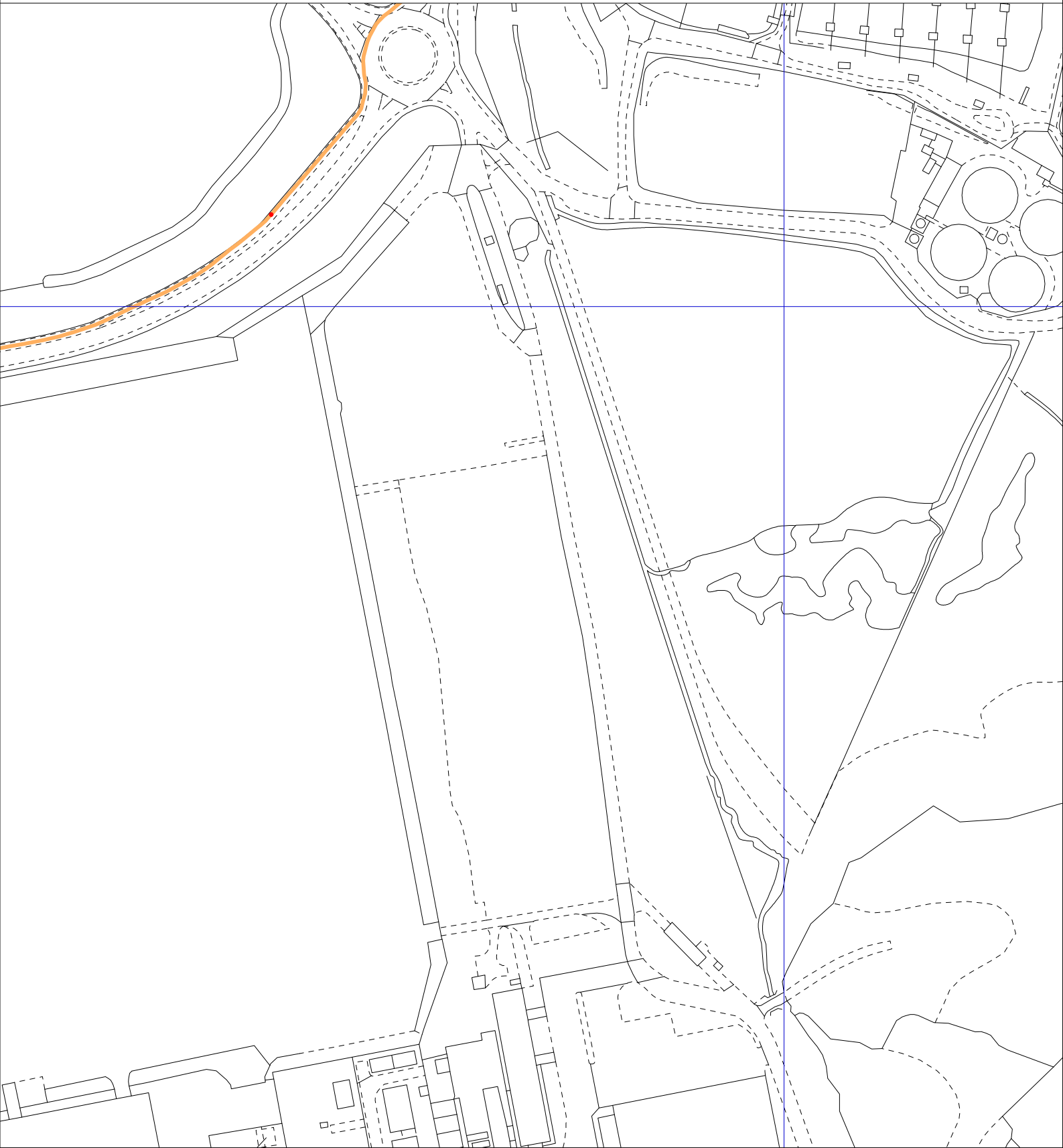
Date: 6-9-2017

Southern Water MapGuide Browser

Requested By:



SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ9166NE

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: Ponnann

Date: 6-9-2017

Southern Water MapGuide Browser

Requested By:



From: Stephen Vanstone [mailto:Stephen.Vanstone@thls.org]
Sent: 22 August 2017 09:25
To: Environmental Services
Cc: Trevor Harris; Nicholas Saunders
Subject: RE: EN010090 - Kemsley Paper Mill (K4) CHP Plant - EIA Scoping Notification and Consultation

Good morning Alison,

Thank you for your e-mail below concerning the scoping opinion for the above project.

I can confirm that Trinity House has no comments on the EIA Scoping Report, as we do not consider that this project will have an impact on marine navigation. Therefore, we do not require further communication regarding this matter.

Kind regards,

Steve Vanstone
Navigation Services Officer

From: Environmental Services [mailto:environmentalservices@pins.gsi.gov.uk]
Sent: 17 August 2017 14:58
To: Navigation
Cc: Thomas Arculus
Subject: FW: EN010090 - Kemsley Paper Mill (K4) CHP Plant - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence about the proposed Kemsley Paper Mill (K4) CHP Plant.

Please note the deadline for consultation responses is **14 August 2017** and is a statutory requirement that cannot be extended.

Kind regards.

Alison

Alison L Down
EIA & Land Rights Advisor – Environmental Services Team
Major Applications and Plans
The Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay,
Bristol, BS1 6PN

Direct Line: 0303 444 5039

Helpline: 0303 444 5000

Email: alison.down@pins.gsi.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)

Web: www.gov.uk/government/organisations/planning-inspectorate (The Planning Inspectorate)

Twitter: @PINSgov