



**Document 3.1- ES Volume 2
Appendix 3.4 S42 Statutory Consultee
Responses**

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

April 2018 - Submission Version

PINS Ref: EN010090

S.42 Consultees

Our Ref: DHA/DCH/12321/S42

22nd January 2018
(letters sent on the 24th January)

Dear Sir/Madam,

**DS SMITH PAPER LTD, KEMSLEY PAPER MILL, SITTINGBOURNE, KENT, ME10 2TD
PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER: THE KEMSLEY PAPER MILL
(K4) CHP PLANT**

CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (as amended)

I write on behalf of DS Smith Paper Ltd, who intend to apply to the Secretary of State under Section 37 of the Planning Act 2008 ("the Act") for a Development Consent Order to allow for the construction and operation of a Combined Heat and Power (CHP) Plant at the Kemsley Mill, to the north of Sittingbourne in Kent.

The proposed CHP plant would have a nominal power output of 68 to 73 Megawatts and would provide electricity and steam to the DS Smith paper mill. It would be constructed within the main paper mill site and would comprise a complex of buildings including a gas turbine, a heat recovery steam generator with a 70m stack, a dump condenser, a turbine hall, an auxiliary package boiler with a 35 metre stack and other ancillary infrastructure, buildings and plant.

Section 42 of The Act requires the applicant to consult various prescribed bodies and statutory undertakers about the proposed application, together with directly affected and adjoining local authorities. For the purposes of the consultation under Section 42 the enclosed CD contains a draft of the Environmental Statement (ES) being prepared to accompany the DCO application, which provides a full description of the proposed development. The ES is supported by a Non-Technical Summary and by a draft plan set to illustrate the location and scale of the proposed development.

As the proposed development requires Environmental Impact Assessment the applicant is required by Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ("the EIA Regulations"), to send prescribed consultees a copy of the notice publicising the

dha planning

Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN

t: 01622 776226 f: 01622 776227

e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

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proposed application under S48 of The Act. This Section 48 Notice is therefore enclosed and will be placed in the Sittingbourne News Extra, Sheerness Times Guardian, the Gazette and a nationally circulating paper.

Responding to this Consultation

Responses to this consultation can be made in writing to:

- k4@dhaplanning.co.uk
- David Harvey, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN.

Any responses should include the name of the responding organisation and a contact address where further correspondence regarding the project can be sent. **All responses must be received by 5pm on Friday 2nd March 2018.**

Hard copies of the application documents are available on request for a reasonable charge, via the contact details above. Any representations or responses received will be made public and will be summarised within the Consultation Report submitted as part of the DCO application.

The documents are also available at the project website:

<http://www.dsmith.com/paper/about/paper-mills/kemsley-uk/k4-project-public-consultation>

If you have queries about this consultation or any of the documents provided on the enclosed CD then please do not hesitate to contact David Harvey of DHA Planning on 01622 776 226 or at david.harvey@dhaplanning.co.uk.

Yours faithfully

A black rectangular box redacting the signature of David Harvey.

David Harvey
Director

- Enc.** Statutory Notice under Section 48 of the Planning Act 2008
CD containing:
- Draft Environmental Statement and NTS
 - Draft application plan set

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

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

Kemsley Paper Mill
DHA Planning
By email only

Dear Kemsley Paper Mill team,

28 February 2018

Section 42 Planning Act 2008: Statutory Consultation Proposed CHP plant - Kemsley Paper Mill

Thank you for your letter of the 22nd January 2018 regarding the proposed CHP plant – Kemsley Paper Mill.

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

The licence for the licensed explosive port in this vicinity is in the process of being revoked. Once this licence has been revoked there will be no explosive sites in the vicinity.

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>.

Electrical Safety

No comment from a planning perspective

Please note that any further electronic communication on this project can be sent directly to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter or 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,



Marion Davies

Date: 01 March 2018
Our ref: 237759
Your ref: DHA/DCH/12321/S42



David Harvey
DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent ME14 3EN

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

T 0300 060 3900

By email only, no hard copy to follow

Dear Mr Harvey

**Consultation under Section 42 of The Planning Act 2008 (as amended)
Proposed application for a Development Consent Order for The Kemsley Paper Mill (K4) CHP
Plant**

Thank you for your letter dated 22 January 2018 consulting Natural England on the above proposal. 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.

Based on the information provided, there are a number of areas where Natural England recommends further clarity is provided in relation to potential impacts to designated nature conservation sites and the associated mitigation measures that may be required. These are detailed more fully within Annex A appended to this letter; once this information has been collated we would be happy to provide further advice on the proposal in relation to designated sites. Natural England would be pleased to discuss the concerns and further information required through our [Discretionary Advice Service](#) if this would be helpful.

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 Sean Hanna on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely



Sean Hanna
Lead Adviser
Sussex and Kent Team

Annex A: Natural England's detailed advice in relation to the proposed Kemsley Paper Mill CHP (K4) Plant

Designated nature conservation sites – further information required

As detailed within the Environmental Statement, the application site is within close proximity, and has the potential to impact the following designated sites:

- The Swale Site of Special Scientific Interest (SSSI)
- The Swale Special Protection Area (SPA)
- The Swale Wetland of International Importance under the Ramsar Convention (Ramsar Site)
- The Swale Marine Conservation Zone (MCZ)
- Medway Estuary and Marshes SSSI
- Medway Estuary and Marshes SPA
- Medway Estuary and Marshes Ramsar Site
- South Thames Estuary and Marshes SSSI
- Thames Estuary and Marshes SPA
- Thames Estuary and Marshes Ramsar Site
- Queendown Warren SSSI
- Queendown Warren Special Area of Conservation (SAC)

Natural England considers that impacts to these sites are likely to result through a number of pathways including lighting, noise, water quality, changes to water temperature within The Swale, air quality and disturbance to species associated with the above sites. These are discussed in more detail below.

Noise

The Environmental Statement and accompanying Information to Inform the Habitats Regulations Assessment (Appendix 10.1) discounts impacts on the basis that noise levels within the designated sites will not exceed 80dB L_{Amax} . Natural England's advice is that it is generally accepted that noise levels below 55dB are unlikely to result in disturbance to coastal bird species. Above 55dB, disturbance can occur and the significance of the impact is both species and site specific. Consequently, we recommend that further assessment of the potential impacts from noise impacts during construction and operation to species associated with The Swale SSSI, SPA and Ramsar Site and The Swale MCZ is provided along with details of any avoidance and mitigation measures that may be required. It would also be helpful if a noise contour plan detailing existing noise levels is provided to supplement those provided for construction and operation levels within the Environmental Statement.

Air Quality

Natural England notes that the Ecology section of the Environmental Statement (Chapter 10) and the Information to Inform the Habitats Regulations Assessment (Appendix 10.1) in general defer consideration of the air quality impacts and mitigation measures to Chapter 5 of the Environmental Statement. Chapter 5, the Air Quality section of the Environmental Statement appears to relate primarily to human health rather than ecological impacts. As such, we would recommend that further detailed consideration of the potential for air quality impacts, which should include information on the specific avoidance and mitigation measures to be implemented in relation to designated sites is provided.

We also note that section 5.29 of Appendix 10.1 states that '...redevelopment is not anticipated to increased traffic on the A249, nor on local service roads'. Natural England recommends that further clarity is provided within the assessment to confirm that there will be no increase in traffic which could result in air quality impacts to the designated sites.

Natural England notes that the Air Quality 'in-combination' assessment within Appendix 10.1 has yet to be completed and as such we are unable to provide detailed advice on this at present.

Water quality

The Environmental Statement highlights that the scheme could result in a number of impacts to the designated sites in close proximity to the application site (The Swale SSSI, SPA and Ramsar Site and The Swale MCZ). These include impacts from contaminated run-off, construction materials and altered water flow for example. Whilst the Environmental Statement provides general principles of the measures that are to be developed to ensure impacts to the designated sites do not occur, we recommend that greater clarity is provided at this stage on the prevention and control measures that are to be implemented. The final detail of which can of course be agreed post consent but there needs to be sufficient certainty at this stage that impacts can be avoided or fully mitigated to allow Natural England to provide detailed advice on the proposal.

Water temperature

Mention is made of warm water discharges to The Swale within the Environmental Statement but no assessment of the potential impacts that could result to the designated sites from this appears to have been provided. It would be helpful if clarity were provided on whether this will result in any additional impacts to those from the existing consented CHP which this proposal will replace; if so the potential ecological impacts should be fully detailed along with the avoidance and mitigation measures.

Lighting

Sections 10.6.4 and 10.6.5 of the Environmental Statement detail that light impacts during construction and operation are unlikely to result in significant impacts to the designated sites. It would however be helpful if light contour plans detailing the current and likely lux levels within the designated sites during construction and operation of the scheme are provided.

Protected species

We have not assessed the potential impacts to protected species as part of this advice letter. However as part of the Development Consent Order process, we would be happy to provide advice on mitigation measures as part of the Letter of No Impediment on a cost recovery basis through our [Discretionary Advice Service](#).



Historic England

SOUTH EAST OFFICE

Mr David Harvey
DHA Planning
Eclipse House, Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

Direct Dial: 01483 252043

Our ref: PA00703608

7 February 2018

Dear Mr Harvey

Pre-application Advice

KEMSLEY PAPER MILL, SITTINGBOURNE, KENT, ME10 2TD

Thank you for consulting Historic England regarding the proposed construction and operation of a Combined Heat and Power (CHP) Plant at the Kemsley Mill, Sittingbourne, Kent. We provide the following advice.

Advice

An Environmental Statement (ES) has now been submitted for the proposed development. This includes a Cultural Heritage chapter which assesses the development's impact upon both non-designated and designated heritage assets and their setting.

The ES states that the development will have no direct physical impact upon any designated heritage assets. It also states that the development will cause no change to the setting of the Grade I Church of St Giles, or the scheduled monuments of 'Murston Old Church' or 'World War II Heavy Anti-aircraft Gunsite.' This is by virtue of the distance between these assets and the development site, and the screening effect of intervening development. We agree with these statements.

We think that the assessment of the development's impact upon the setting of the closest scheduled monument (Castle Rough) is inadequate in some respects. The assessment discusses only the *visual* impact of the development upon the setting of the monument, i.e. it fails to assess the impact that changes in ambient lighting, noise and traffic might also have. We would expect an assessment of these aspects of setting to have been undertaken, especially considering the proximity of the monument to the proposed development. This would also have been in line with Historic England's guidance on setting ('The Setting of Heritage Assets'), and advice we gave



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

Telephone 01483 252020
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.



SOUTH EAST OFFICE

in August 2017 regarding the scope of the ES.

Although we think the assessment is in some aspects inadequate, we do - following our own site visit - agree that the *visual* impact of the development on the setting of Castle Rough will be negligible. This is because views to, from and around the monument have already been considerably compromised by the existing industrial complex. As the new development will sit comfortably within the massing of the existing complex, the additional visual impact it will cause should therefore indeed be negligible.

It may be that the impact of additional noise, lighting and traffic associated with the development will also be negligible for the same reasons. However, we note that this has not been formally assessed and thus we cannot determine this aspect of the development's impact. We understand that a noise assessment has been carried out and was used to assess impacts upon residential areas and ecology; therefore we believe that sufficient raw data should be available to allow the impact of additional noise upon the setting of Castle Rough to be assessed also.

The Cultural Heritage chapter of the ES also assesses the development's impact upon the setting of other designated assets (e.g. grade II buildings and Conservation Areas), and upon non-designated buried archaeology. We are principally interested in designated assets and would therefore defer to the advice of the Heritage Conservation Team at Kent County Council (KCC) with regards to the impact on non-designated heritage.

Relevant Policy

When applying for planning permission (or a Development Consent Order) for a development, applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance (para. 128 NPPF).

The planning system should play an active role in guiding development to sustainable solutions; with economic, social and environmental gains sought jointly and simultaneously (para.8 NPPF). When determining an application for a DCO, the deciding body should therefore seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets, whether through changes to the asset or to its setting.

Next Steps



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Telephone 01483 252020
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SOUTH EAST OFFICE

We agree that the development's impact upon the setting of the Castle Rough scheduled monument will be negligible as regards *visual* impact. Although this may also be true of the development's impact upon other aspects of the monument's setting (e.g. noise, lighting levels), we note that this has not yet been clearly assessed or demonstrated within the ES.

We recommend that any application for a Development Consent Order is accompanied by a refined assessment of the development's impact upon the setting of the Castle Rough scheduled monument, i.e. one which also addresses the impact of increased noise, lighting and traffic. This is in accordance with paragraph 128 of the NPPF.

If the application cannot demonstrate that the impact of these aspects upon the setting of the Castle Rough scheduled monument will also be negligible, the applicant should seek to improve the proposal so that harm is avoided, minimised or mitigated. This is in accordance with paragraph 8 of the NPPF.

You should consult the Heritage Conservation Team at Kent County Council as regards the development's impact upon non-designated archaeology and how harm may best be avoided, minimised or mitigated. You should also consult the Conservation Officer at Swale Borough Council regarding the development's impact upon the setting of Grade II listed buildings, Conservation Areas and non-designated heritage assets.

Please do not hesitate to contact me if you require any further clarification or advice.

Yours sincerely



Maria Buczak
Assistant Inspector of Ancient Monuments
E-mail: maria.buczak@HistoricEngland.org.uk

cc: Wendy Rogers, KCC Heritage Conservation Team

KEMSLEY PAPER MILL, SITTINGBOURNE, KENT, ME10 2TD
Pre-application Advice



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

Telephone 01483 252020
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Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.



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List of information on which the above advice is based
Environmental Statement (Chapters 1-13)
Non-Technical Summary
Additional Plans



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

Telephone 01483 252020
HistoricEngland.org.uk



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Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.

Mr David Harvey
DHA PLANNING
Eclipse House (Eclipse Park)
Sittingbourne Road
Maidstone
Kent
ME14 3EN

Our ref: KT/2017/123292/02-L01
Your ref: DHA/DCH/12321/S42

Date: 26 February 2018

Dear Mr Harvey

CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (AS AMENDED).

PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER: THE KEMSLEY PAPER MILL (K4) CHP PLANT, SITTINGBOURNE, KENT

Thank you for sending us this consultation. We would like to offer the following advice:

Groundwater and Contaminated Land

The DCO application documents will need to set out how the ground conditions will be investigated, assessed, and if necessary remediated as part of the development. Details of any piling for foundations will also need to be agreed through the DCO process to ensure protection of the underlying aquifer.

Environmental Permitting

For your information, we are having ongoing discussions with the applicant regarding the environmental permitting requirements of the proposal.

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

Yours sincerely

Mr Niall Connolly
Planning Specialist

Direct dial 0208 474 6765
Direct e-mail kslplanning@environment-agency.gov.uk

David Harvey

From: Correspondence <Correspondence@equalityhumanrights.com>
Sent: 30 January 2018 10:52
To: David Harvey
Cc: Info
Subject: EHRC-CU10600 Harvey 20180130 Your letter to EHRC
Attachments: EHRC-CU10600 Harvey 20180122 LetterFromDavidHarvey-DHAPanning.pdf

Dear Mr Harvey

Subject: Consultation - Combined Heat and Power (CHP) plant at the Kemsley Mill

Thank you for your letter dated 22 January 2018.

The Commission does not have the resources to respond to all consultations. However, you and the local authority concerned will have obligations under the Public Sector Equality Duty to identify any adverse impact on a protected group as defined by the Equality Act (2010) and take appropriate mitigating action.

The Commission will respond to consultations where it may consider there to be pertinent matters to address.

Yours sincerely

EHRC Corporate Correspondence Team

Correspondence Unit | Arndale Centre, Arndale House, Manchester, M4 3AQ



Our vision

We live in a country with a long history of upholding people's rights, valuing diversity and challenging intolerance. The Commission seeks to maintain and strengthen this heritage while identifying and tackling areas where there is still unfair discrimination or where human rights are not being respected.

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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

David Harvey

From: Thomas Bulpit <Thomas.Bulpit@mcga.gov.uk>
Sent: 07 March 2018 16:22
To: David Harvey
Cc: David Harvey; Helen Croxson
Subject: DCO Consultee Response / Kemsley Paper Mill K4 CHP Plant

Good Afternoon,

I am writing in response to your letter and attached documents dated 22nd January, with regards to the proposals for a Development Consent Order (DCO) for the above works.

We have made an initial assessment of the plans, and note that the far majority of the works take place above the Mean High Water Springs (MHWS). Therefore we will reserve comments until we are approached by either the Planning Inspectorate or the Marine Management Organisation at the formal marine licencing stage.

Should you have any questions please feel free to get in touch.

Best Regards,

Tom

Thomas Bulpit, Marine Licencing Lead

Maritime & Coastguard Agency

Spring Place, 105 Commercial Road, Southampton, SO15 1EG

Direct: 020381 72418 | Mobile: 07825 792138

Email: Thomas.bulpit@mcga.gov.uk | GSI: Thomas.bulpit@mcga.gsi.gov.uk

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Marine
Management
Organisation

Marine Licensing Team T +44 (0)300 123 1032
Lancaster House www.gov.uk/mmo
Hampshire Court
Newcastle upon Tyne
NE4 7YH

David Harvey
DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

Your reference: DHA/DCH/12321/S42
Our reference: DC10165/Regulator

By email only

22 February 2018

Dear Mr Harvey,

CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (AS AMENDED): PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER FOR THE KEMSLEY PAPER MILL (K4) CHP PLANT

Thank you for your letter dated 24 January 2018, 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) Combined Heat and Power (CHP) Plant.

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.

¹ Under Part 4 of the 2009 Act



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In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (as amended) enables Development Consent Orders (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences².

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 Environmental Statement submitted on the 24 January 2018. The following chapters have not been considered as part of this review:

- Chapter 03: Methodology
- Chapter 04: Transport
- Chapter 05: Air Quality
- Chapter 06: Climate Change
- Chapter 07: Noise
- Chapter 08 Ground Conditions
- Chapter 10: Ecology
- Chapter 11: Landscape
- Chapter 12: Heritage
- Chapter 13: Summary Tables

Based on the information provided, no element of the proposals are within the UK Marine Area (as defined by Section 42 of The 2009 Act). The proposals are therefore wholly outside of the MMO’s remit.

From the information provided, notably within the Non-Technical Summary and Section 02 ‘Site description and Proposed Development’, the MMO has determined that the application boundary for the K4 plant is located entirely above MHWS and the report contains no reference to any additional activities on existing infrastructure, such as an outfall pipe, which may extend below MHWS.

² Section 149A of the 2008 Act

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>

In relation to Chapter 09 of the Draft Environmental Statement, Section 9.4.5 references a drainage network which is connected to a surface water outfall into the River Swale. The MMO is aware of a Marine Licence which is in place for the construction, maintenance and operation of the outfall (Ref. 'MLA/2017/00316'). For clarity, the undertaker for this proposed DCO should contact the MMO to discuss licensing requirements should any additional works be required which are outside of the parameters of this licence.

Please note that this response constitutes the MMO's initial comments, and that the MMO reserves the right to make further comments on this project throughout the determination process, and to modify its present advice or opinion in view of any additional information that may come to its attention.

Conclusion

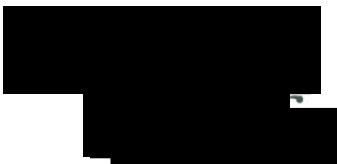
Based on the information provided, the MMO has no comments to make in respect of the proposed K4 CHP Plant as works are located entirely above MHWS and therefore are outside the remit of the MMO. However, should it become apparent that any element of the proposals will extend below MHWS, the MMO reserves 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 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,

A large black rectangular redaction box covering the signature area of the letter.

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

David Harvey

From: Jiggins Craig <Craig.Jiggins@caa.co.uk>
Sent: 14 March 2018 14:59
To: Tim Spicer
Cc: David Harvey
Subject: RE: CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (as amended)

Hi Tim

We looked at the original application received last 17 August 2017, and felt that there needed no comment from the CAA as there are already Stacks on the site at equal or greater height, and therefore this new stack didn't require lighting. Also, the distance from any nearby airports/aerodromes such as Southend and Rochester was sufficient that these airports/aerodromes didn't require consultation.

However, I would suggest that it would be prudent to establish the related viewpoints of local emergency services Air Support Units of the proposal, due to the unique nature of operations in respect of altitudes and potentially unusual landing sites:

- National Police Air Service (NPAS) organisation via email npas.obstructions@npas.pnn.police.uk;
- Air Ambulance Units - <https://associationofairambulances.co.uk/member/kent-surrey-sussex-air-ambulance/>

Regards

Craig

Craig Jiggins

ATM Technical Specialist
Safety and Airspace Regulation Group (SARG) - Airspace Regulation
Civil Aviation Authority

020-7453 6559

www.caa.co.uk

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From: AROps
Sent: 12 March 2018 09:59
To: Jiggins Craig <Craig.Jiggins@caa.co.uk>; Miller David S <David.Miller@caa.co.uk>
Subject: FW: CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (as amended)
Importance: High

From: Tim Spicer [<mailto:tim.spicer@dhaplanning.co.uk>]
Sent: 12 March 2018 09:53
To: AROps <AROps@caa.co.uk>
Cc: David Harvey <david.harvey@dhaplanning.co.uk>

Subject: CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 (as amended)

Importance: High

Dear Sir/Madam

You were recently formally consulted by DHA Planning on behalf of DS Smith Paper Ltd in relation to a forthcoming application to the Secretary of State for Business, Energy and Industrial Strategy for a new CHP plant at Kemsley Paper Mill, Sittingbourne.

I re-attach the consultation letter issued on the 24th of January as well as a site location plan. A reminder of the above was also issued on the 20th of February.

As part of this development DS Smith are proposing a 70m stack and we are therefore keen to understand from the CAA whether you have any concern with a stack in this location and whether any associated lighting or other such safety measures would be required.

The Planning Inspectorate on behalf of the Secretary of State will look for the CAA to comment on the application and to have engaged with us.

I'd be most grateful if you could look to issue a formal position statement from the CAA at your earliest convenience but if you wish to discuss further informally in the meantime then please do not hesitate to call.

Kind regards

Tim

Tim Spicer
Associate (Environment)

Office: 01622 776226

Email: tim.spicer@dhaplanning.co.uk



DHA Planning Ltd. Registered in England. Registration No. 2683290

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Kemsley Paper Mill (K4) CHP Plant– proposed development by DS Smith Paper Ltd

Section 42 consultation response by Royal Mail Group Limited – March 2018

Introduction

Reference the letter from DHA Planning to Royal Mail dated 22 January 2018, Royal Mail's response to DS Smith Paper Ltd's section 42 consultation is set out below.

Royal Mail – relevant information

Royal Mail is responsible for providing efficient mail sorting and delivery nationally. As the 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, its ability 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, Rainham, Medway and Sheerness. Royal Mail's Delivery Office in Sittingbourne (Central Avenue, Sittingbourne ME10 4AA) is only 3 miles from the proposal site. In exercising its statutory duties, Royal Mail uses all of the main roads in the vicinity of the proposed K4 CHP Plant at Kemsley Paper Mill on a daily basis.

The adjacent Wheelabrator Kemsley Generating Station (K3) Power Upgrade planning permission and DCO proposal together with other nearby planned major developments creates potential for cumulative traffic impact during the construction and operation phases.

Therefore Royal Mail is concerned that its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations may be adversely affected by the construction of this new Power Station.

Royal Mail's comments / requests

Royal Mail's consultant BNP Paribas Real Estate has reviewed the section 42 consultation documents including ES Chapter 04 – Transport. It is noted that a CTMP will be prepared and agreed with the Local Highways Authority Officers prior to commencement of construction works. However, the documents do not appear to formally acknowledge the need to ensure that major road users such as Royal Mail are not disrupted though full advance consultation by the applicant at the appropriate time in the development process.



In order to address this, Royal Mail requests that:

1. The forthcoming DCO application offers a requirement that Royal Mail is pre-consulted by DS Smith Paper Ltd on any proposed road closures/ diversions/ alternative access arrangements, hours of working and the content of the final CTMP.
2. The forthcoming DCO application offers a requirement that the final CTMP includes provision for a mechanism to inform major road users about works affecting the local network (with particular regard to Royal Mail's distribution facilities in the vicinity of the DCO application site).

The above requests, made by Royal Mail at section 42 consultation stage, have been agreed and actioned by the developer of another NSIP proposal, to the satisfaction of Royal Mail and resulting in no further action by Royal Mail as a statutory consultee.

Should DS Smith Paper Ltd or DHA Planning have any queries in relation to the above then in the first instance please contact Joe Walsh (joe.walsh@royalmail.com) of Royal Mail's Legal Services Team or Daniel Parry-Jones (daniel.parry-jones@bnpparibas.com) of BNP Paribas Real Estate.

David Harvey

From: Allana Johnston <AllanaJohnston@EnergyAssets.co.uk>
Sent: 29 January 2018 16:06
To: David Harvey
Subject: Energy Assets Pipelines response - DHA/DCH/12321/S42

To whom it may concern

With regards to your request for details of existing services, we can confirm that based on the details provided to us, we have no buried plant or equipment in the identified area.

Regards
EAP

Allana Johnston
Utility Network Coordinator



Tel: 01506 425378

Web: www.energyassets.co.uk



Smell gas? Call the free Gas Emergency Services line immediately on 0800 111 999. If your gas needs reconnecting ring 0845 527 9330

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Registered Office: Ship Canal House, 98 King Street, Manchester, M2 4WU

Please consider the environment before printing this email

David Harvey

From: ESP Utilities Group Ltd <donotreply@espug.com>
Sent: 14 February 2018 14:29
To: David Harvey
Subject: Your Reference: DHA/DCH/12321/S42. Our Reference: PE134509. Plant Not Affected Notice from ES Pipelines

DHA Planning

14 February 2018

Reference: DHA/DCH/12321/S42

Dear Sir/Madam,

Thank you for your recent plant enquiry at (DHA/DCH/12321/S42).

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.

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>

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Land and Acquisitions

Spencer Jefferies
Development Liaison Officer
Network management
Spencer.Jefferies@nationalgrid.com
Direct tel: +44 (0)7812 651481

SUBMITTED ELECTRONICALLY:
k4@dhaplanning.co.uk

www.nationalgrid.com

02 March 2018

Dear Sir/Madam

PROPOSED APPLICATION FOR DEVELOPMENT CONSENT ORDER: THE KEMSLEY PAPER MILL (K4) CHP PLANT (known as 'the Order')

CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG)

I refer to your letter dated 22nd January 2018 regarding the Order. NGET and NGG have no assets in the proposed Order boundary (see attached) therefore, would not object to the Order in the future providing the boundary stays the same.

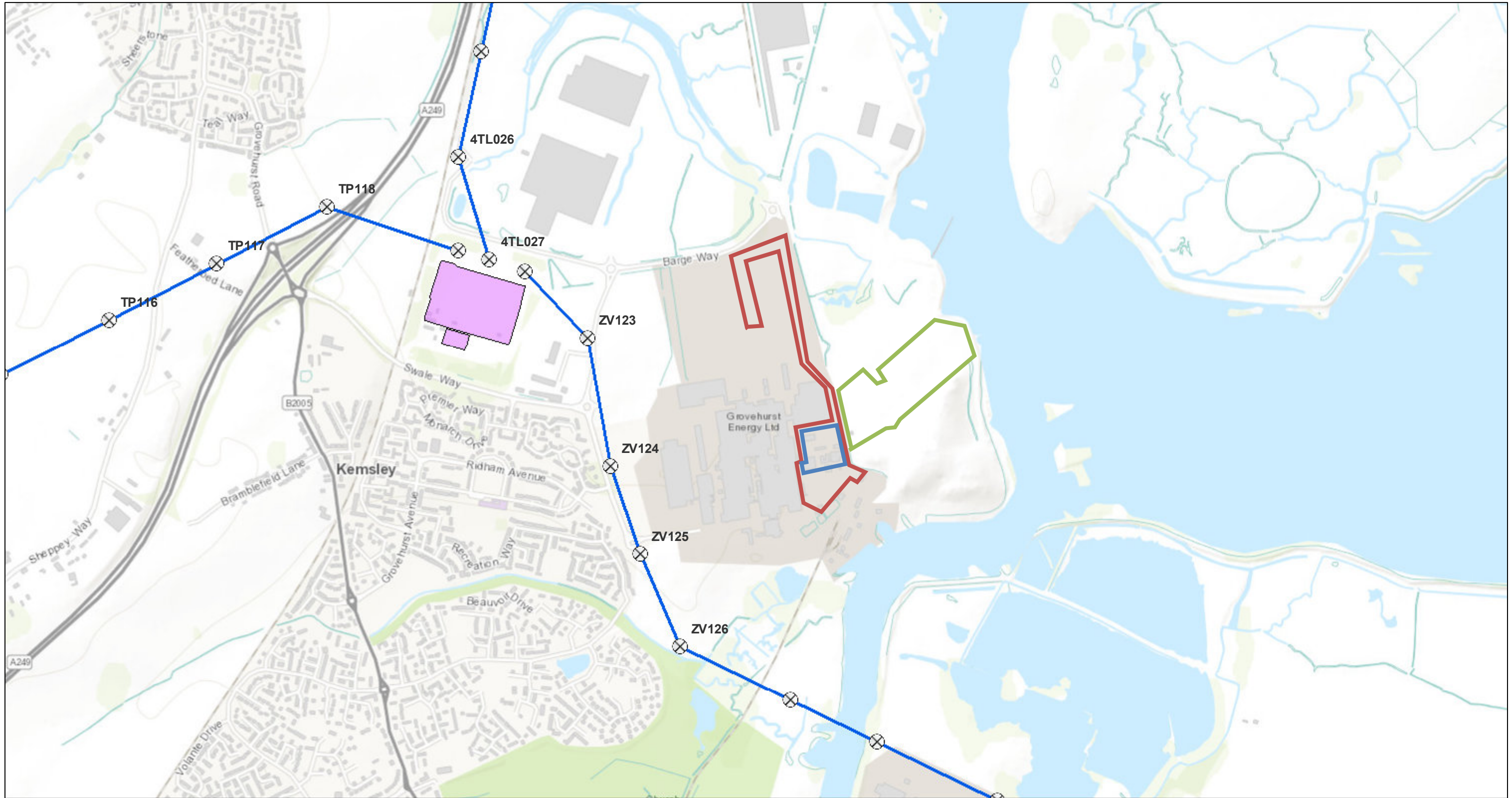
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours sincerely




Spencer Jefferies
Development Liaison Officer, Land and Acquisitions.

ArcGIS Web Map



September 13, 2017

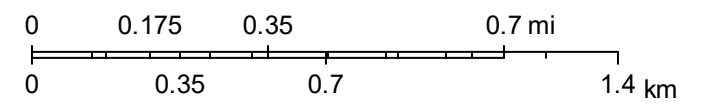
 Substation_Site

 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

David Harvey

From: Suzann Gravenell
Sent: 01 February 2018 13:55
To: David Harvey
Subject: FW: DS Smith Paper Ltd, Kemsley Paper Mill, Sittingbourne, Kent ME10 2TD
Attachments: KEMSLEY PAPER MILL.pdf

From: Phillips, Lesley [mailto:lesley.phillips@sgn.co.uk]
Sent: 01 February 2018 12:01
To: Info
Subject: DS Smith Paper Ltd, Kemsley Paper Mill, Sittingbourne, Kent ME10 2TD

Thank you for contacting our Safety Admin team.

Our gas pipe locations are now available online at www.linesearchbeforeudig.co.uk. Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time.

All requests for maps and plant location information must now be submitted through this online service, and your email has not been processed.

Please visit www.sgn.co.uk/Safety/Dig-safely/ for safety information and links to www.linesearchbeforeudig.co.uk, where you can register for our online service and view our gas pipe locations.

Our online service is not currently available in Northern Ireland. If you have emailed us about plant location or maps for Northern Ireland, we will respond to your email within 15 working days.

If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact LineSearch on 0845 437 7365

Regards

Safety Admin team

Unless specifically stated otherwise, emails and attachments are neither an offer capable of acceptance nor acceptance of an offer, and do not form part of a binding contractual agreement.

Emails may not represent the views of SGN. Please be aware, we may monitor email traffic data and content for security and staff training.

Scotia Gas Networks Limited reg. 0495 8135
Southern Gas Networks plc reg. 0516 7021
SGN Commercial Services Limited reg. 0596 9465
SGN Connections Limited reg. 0561 8886
SGN Contracting Limited reg. 0537 2264
SGN Natural Gas Limited reg. 0882 2715

All of the above are registered in England and Wales. Registered office: St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ
Scotland Gas Networks plc is registered in Scotland no. SC26 4065. Registered office: Axis House, 5 Lonehead Drive, Newbridge, Edinburgh EH28 8TG

David Harvey

From: Tristan Wright <tristan.wright@legal.sse.com>
Sent: 12 March 2018 12:08
To: David Harvey
Cc: Whitlock, Steven; Easements and Wayleaves Southern/SGN
Subject: Kemsley Paper Mill, Sittingbourne, Kent
Attachments: Scheme Plan and SGN Infrastructure Plan.pdf

Hello David

Kemsley Paper Mill, Sittingbourne, Kent
Proposed Application for a Development Consent Order
DS Smith Paper Limited and Southern Gas Networks PLC

I attach a copy of a plan which shows:

- (1) the area of land, which shall form the subject of your client's Development Consent Order, edged in red ("the DCO Land"); and
- (2) the approximate location of an intermediate pressure gas main shown by a dashed green line ("the Gas Main").

You will note that the Gas Main encroaches into the DCO Land. As such please can you confirm the nature, and scope, of your client's development, which shall be carried out pursuant to the Development Consent Order, so that SGN can determine whether the same will adversely affect the Gas Main.

I have included my colleague – Steven Whitlock – into this email given that he is responsible for the management of intermediate pressure gas infrastructure.

Regards

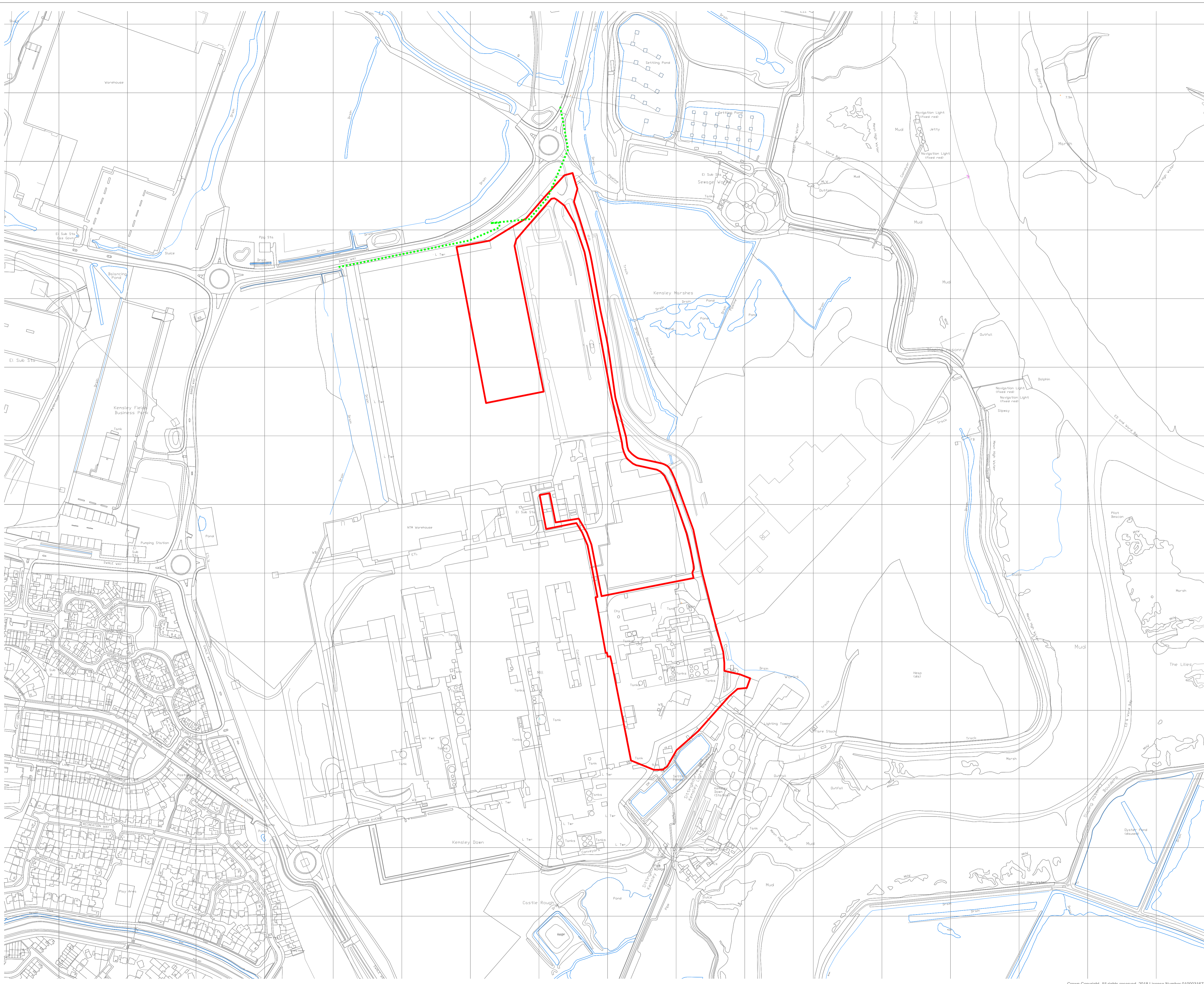
Tristan

Tristan Wright
Property Solicitor
Mobile: 0734 202 8599
Address: Southern Gas Networks PLC, Legal Services,
4th Floor, 1 Forbury Place, Forbury Road, Reading, RG1 3JH



Legend

 Application boundary



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Notes

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Kemsley K4

S42 Consultation

Title: Site Location Plan

Scale 1: 2,500 @ A1
0 50 100 150 200 Metres

Date: Jan 2018
Author: R.Massey

Doc reference
10392-0024-002

Figure number
2

Ref: SGN/TPES/11465



David Harvey
DHA Planning
Eclipse House Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

St Mary's Cray
2 Leasons Hill
Orpington
Kent
BR5 2TN

stuart.cotton@sgn.co.uk

14/03/2018

Re: DHA Planning - Development Projects(K4) - Kemsley Paper Mill, Sittingbourne

Works Classification: Development Projects

LSBUD Ref:

Dear David Harvey,

Thank you for your enquiry dated 14/02/2018 indicating your proposed works. Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our high pressure assets will not be affected by the proposal based on the information submitted.

I would like to draw your attention to the original letter you would have received from our Scotland based plant location team with particular reference to the paragraphs detailing the potential of low / medium / intermediate pressure mains as well as other gas transporter assets being in the vicinity of your works.

For your records I enclose a copy of a plan showing the route of the High Pressure pipeline and a copy of SGNs safe working in the vicinity of pipelines and associated installations (SGN/WI/SW2). Should your proposal change please contact us immediately and we will review accordingly.

Please let me know if SGN can supply you with technical or other information that may be of assistance to you in carrying out your works.

Yours Sincerely,

Stuart Cotton
Team Manager

**Smell Gas?
Call 0800 111 999**

SGN is a brand name of Southern Gas Networks plc
Registered in England & Wales No. 05167021
Registered Office: St Lawrence House | Station Approach | Horley | Surrey RH6 9HJ

Case Officer: Development Management
Telephone: Contact Centre 01227 862178
Email: planning@canterbury.gov.uk
Website: www.canterbury.gov.uk/planning
Date: 01 February 2018



DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Dear Mr Harvey

Application No: 18/00049
Proposal: Proposed Combined Heat and Power (CHP) plant at the Kemsley Paper Mill.
Location: Kemsley Paper Mill, Sittingbourne, Kent, ME10 2TD

Dear Mr Harvey,

Thank you for your consultation letter.

Canterbury City Council does not wish to comment at this stage but reserves the right to comment at a later stage of the process.

Kind regards

Planning Services

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59900 Sittingbourne 2
Phone: 01795 424341
Fax: 01795 417141
www.swale.gov.uk



Mr D. Harvey
DHA Planning
Eclipse House
Eclipse Park
Maidstone
Kent
ME14 3EN

Our Ref: 18/500551/ENVSCR
Date: 19 February 2018

Dear Mr Harvey,

**Re: S.42 consultation for construction of combined heat and power plant (K4);
Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD.**

Thank you for the details in respect of the above.

Having reviewed the submissions I can confirm that the Council has no comments to make at this stage.

Please let me know if you have any questions or would like to discuss the matter further.

Yours sincerely,



Ross McCardle
Senior Planning Officer
t 01795 417108
e rossmccardle@swale.gov.uk



Mr David Harvey
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

BY EMAIL ONLY

Environment, Planning & Enforcement

Strategic Planning and Policy
Invicta House
MAIDSTONE
Kent ME14 1XQ

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

2nd March 2018

Dear David,

Re: Kemsley Paper Mill (K4) CHP Plant, Sittingbourne Kent - Draft Environmental Statement

Thank you for your email dated 22 January 2018 providing Kent County Council (KCC) with the opportunity to comment on the draft Environmental Statement (ES) for the proposed Kemsley Paper Mill (K4) CHP Plant.

KCC has reviewed the draft ES and for ease of reference, comments are structured under the chapter headings used in the draft document.

4. Traffic and Transport

Baseline conditions

The junction analyses were completed on neutral dates in June 2016 and March 2017 and are considered valid.

KCC, as the Local Highway Authority, does not agree to the current extent of the road network and junctions that the ES identifies as requiring assessment. The full list should be agreed with the County Council prior to submission of the final TA.

It is noted that reference is made in the ES to an assessment on the M2 being included in the final submitted Transport Assessment (TA).

Development proposals

The principle of the construction access being directed to the northern access (Barge Way) and staff access via Ridham Avenue is considered appropriate. KCC agrees that only an assessment of the construction traffic (and not operational traffic generation) is appropriate. However, the final TA will be required to demonstrate a justification for the predicted number of HGV movements. It will also need to provide a clear indication as to the length of time that the peak number of staff would be expected on site. In addition, the number of remaining staff expected for the construction period should be made clear for the true impacts and parking needs to be assessed.

Future Year Traffic Flows

It is agreed that 2019 is the appropriate future year for assessment, taking into account the peak traffic impact. Whilst the list of committed sites is largely agreed, consideration should also be given to the application at Wienerberger Smeed Dean Works, Church Road, Sittingbourne, ME10 3TN for the erection of a tile factory including service yard, storage yard and car parking area (17/505073/FULL), as this may have been determined by the time of final submission of the Development Consent Order (DCO). KCC agrees that the sites at north west and south west Sittingbourne are sufficiently delayed to not impact the future scenario, but consideration should be given to include the permitted Iwade developments that may not be currently generating any traffic.

Trip Generation

It is noted that the assessment assumes workers will arrive between 06:00 and 07:00 and leave at 19:00 and 20:00 on a weekday, with the traffic count identifying peaks as between 08:00 and 09:00 and 17:00 and 18:00. Although the HGV movements in table 6.2 appear slightly incorrect, the principle of up to eight movements in a peak hour is unlikely to have a significant impact. As previously stated, additional counts and junction assessments are requested by KCC, with the potential need to include additional committed sites as appropriate.

Construction Traffic Management Plan (CTMP)

It is noted that a full CTMP is to be agreed with the Highway Authority prior to the commencement of the development. The details proposed in paragraph 4.8.2 are considered appropriate, however, KCC would also wish to ensure that control measures are put in place to ensure the arrivals and departures of construction staff are indeed outside of the identified peak traffic. With regards to the contractor car sharing or mini bus collection, due to the high numbers of staff involved, it would be appropriate for a small-scale Travel Plan to be produced. This should include details of minibus provision and operation, along with the signposting of staff to sustainable transport options.

9. Water Environment

The assessment of water resources in the draft ES is thorough. Consultation has been undertaken with the Medway Internal Drainage Boards and all matters appear to have been addressed to their satisfaction. Therefore, KCC has further no comments to make with respect to surface water management in the draft ES.

10. Ecology

The information provided in the draft ES and Habitats Regulation Assessment (HRA) provides a substantial overview of the potential ecological impacts including increases in noise, light spill, air quality and disturbance from people and plant movements upon the Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Ramsar Site and the Milton Creek Local Wildlife Site (LWS). KCC considers that the proposed mitigation measures are achievable and agrees that the development will not have a likely significant impact upon the aforementioned protected sites, subject to the outlined mitigation measures. KCC, therefore, agrees with the conclusion that the proposed development for the Kemsley CHP Plant can be screened out from having a likely significant effect on the designated sites.

11. Landscape and Visual Effects

KCC notes that the applicant has acknowledged the existence of the Public Rights of Way network and the Saxon Shore Way, and has considered the potential impacts on these routes. In addition to these paths, the applicant should be aware that KCC is currently working in partnership with Natural England to develop the England Coast Path in this region. This is a new National Trail walking route that will eventually circumnavigate the English coastline. The applicant has not highlighted the coast path in the draft ES and should be aware that the trail is scheduled for completion in 2020 and is likely to increase the number of people walking this section of the coast.

12. Archaeology and Cultural Heritage

The draft ES has considered the impacts of the proposed development on the setting of designated heritage assets (Listed Buildings, Scheduled Monuments, Parks and Gardens and Conservation Areas) and the historic landscape, as well as the direct physical impact on heritage assets.

Historic England and Swale Borough Council's Conservation Officer will lead on considering the impacts on designated heritage assets. KCC is aware of the Historic England advice provided to DHA Planning, dated 7 February 2018. KCC agrees with Historic England's position that there is no physical impact upon designated heritage assets and that visual impacts on the setting of Scheduled Monuments would be negligible given the massing of the present Kemsley Mill complex. KCC supports Historic England's request that a clearer assessment of the noise, lighting and traffic impacts on the Castle Rough moated site should be included to support the DCO application.

KCC has reviewed Appendix 12.1 with regards to the impacts of the development on buried archaeology, but this appears to be limited to a presentation of reports from adjacent sites, Kent Historic Environment Record data and historic maps. It is unclear if there has been a Desk-Based Assessment written to support Chapter 12 that includes consideration of direct geotechnical evidence within the site, which underpins the view that the area has been substantially affected by previous development, as stated in paragraph 12.6.3. However, KCC agrees that there is no suggestion that archaeology of such significance, that would warrant preservation in situ, is likely to be found within the site.

KCC requests that further assessment is likely to be required to understand the degree of previous disturbance on the site and how that may have affected the potential for significant archaeology to be impacted by the proposal. KCC considers that such assessment and appropriate mitigation can be addressed following determination of the DCO and secured by an appropriate requirement for a programme of archaeological works.

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 of Environment, Planning and Enforcement

Decision Notice

MC/18/0305



Mr David Harvey
DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment &
Transformation
Civic Headquarters
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR
Telephone: 01634 331700
Facsimile: 01634 331195
Email:

Applicant's Name DS Smith Paper Ltd

planning.representations@medway.gov.uk

TOWN & COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Location: KEMSLEY PAPER MILL, SITTINGBOURNE, KENT, ME10 2TD

Proposal: Consultation under Section 42 of the Planning Act 2008 (as amended) for the construction of a Combined Heat and Power Plant

I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

Your attention is drawn to the following informative(s):-

This representation relates to the covering letter, Statutory Notice and CD containing draft Environmental Statement and NTS and draft application plans received on 25 January 2018.

Signed

A black rectangular box redacting the signature of David Harris.

David Harris
Head of Planning
Date of Notice 1 March, 2018

Development Management
Civic Offices, 2 Watling Street,
Bexleyheath, Kent, DA6 7AT
Tel: 020 8303 7777 Fax: 020 3045 5817
DX31807 Bexleyheath www.bexley.gov.uk



m/r 18/00196/ALA
y/r DHA/DCH/12321/S42

tel 0203 045 5840
date 12 FEB 2018

The person dealing with this matter is Helen Acton
Helen.acton@bexley.gov.uk

DS Smith Paper Limited
C/O DHA Planning,
Eclipse House,
Eclipse Park,
Sittingbourne Road,
Maidstone,
Kent. ME14 3EN

Dear David Harvey,

Application by DS Smith Paper Ltd. Sittingbourne, Kent. ME10 2TD
Proposed application for an Order Granting Development Consent for
the Kemsley Paper Mill (K4) CHP Plant.
Consultation under Section 42 of the Planning Act 2008 (as amended)

I write in response to your letter dated 22nd January 2018 which provided a copy of the draft Environmental Statement for the project, supported by a Non-Technical Summary and a location plan.

Having considered the information available, the London Borough of Bexley has no comments.

Yours sincerely

 Robert Lancaster
Head of Development Management



16 FEB 2018



LONDON BOROUGH OF BROMLEY

**TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT**

DELEGATED DECISION on 15th September 2017

17/03890/ADJ **Kemsley Mill Ridham Avenue**
Hannah Owens **Sittingbourne Kent ME10 2DT**
 Swale Borough Council

Description of Development

A Combined Heat and Power Plant comprising a gas turbine (52MW), Waste Heat Recovery Boilers (105MWth steam) and Steam Turbine (16MW) CONSULATATION BY THE PLANNING INSPECTORATE NSIP APPLICATION

Proposal

This is a consultation by the Planning Inspectorate on behalf of the Secretary of State concerning its opinion on the information to be provided in an Environmental Statement relating to a Combined Heat and Power Plant comprising a gas turbine (52MW), Waste Heat Recovery Boilers (105MWth steam) and Steam Turbine (16MW). The Planning Inspectorate has identified the London Borough of Bromley as a consultation body who must be consulted before adopting is Scoping Opinion.

The Council is required to inform the Planning Inspectorate of the information they consider should be provided in the Environmental Statement; or confirm that they do not have any comments.

The site is located within Sittingbourne, Kent and falls within the administrative boundaries of Swale Borough Council.

Consultations

The Council's Highway Development Engineers:

The Scoping Report identifies the potential issues with construction traffic during the decommissioning / construction phases. The site is some distance from Bromley and the effect on any highway within the Borough is likely to be negligible. I would have no comments on the Scoping Report.

Environmental Health Pollution -

Due to the distance and the prevailing wind carrying any airborne discharge in the opposite direction, I have no objections

Planning Considerations

The application falls to be determined in accordance with the National Planning Policy Framework.

Conclusions

The main issues relating to the application are the potential impact to the surrounding area and local residents, including highways impacts within the London Borough of Bromley.

The proposed development constitutes a project falling within the definition of a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 by virtue of building, commission and operating an onshore generating station with an energy generating capacity of greater than 50MW and therefore requires a Development Consent Order (DCO) granting permission. It is anticipated that subject to obtaining the Order granting Development Consent the new gas-fired Combined Heat and Power (CHP) plant will become fully operational in 2020.

Whilst no highways impacts are considered, it is acknowledged that the resultant air quality may have some undue impacts upon LBB residents. It is noted within the submission that the operation of the gas fired turbine will result in emissions to air of combustion related gases including nitrogen dioxide. Whilst at this stage it is anticipated that due to subsequent advances in technology since the previous facility was installed in 1995 that emission levels will fall, the subsequent design and operation of the plant is not yet determined and cannot be confirmed. Officers request that the Inspectorate request further details of this within the Environmental Statement, however it is acknowledged that given the distances to the Bromley Boundaries, and the likelihood of the drop in emissions, no adverse impacts are anticipated.

The application site is located a significant distance from the Borough boundary (over 38 miles) and is unlikely to impact directly upon residents within Bromley or generate significant levels of traffic movement to and from the London Borough of Bromley to give rise to any significant transport/highways effects in the Borough.

Having had regard to the above it is not considered that the raising of objections in this case would be warranted.

Decision

Decision - No Objection

For conditions or grounds of refusal please refer to the Decision Notice

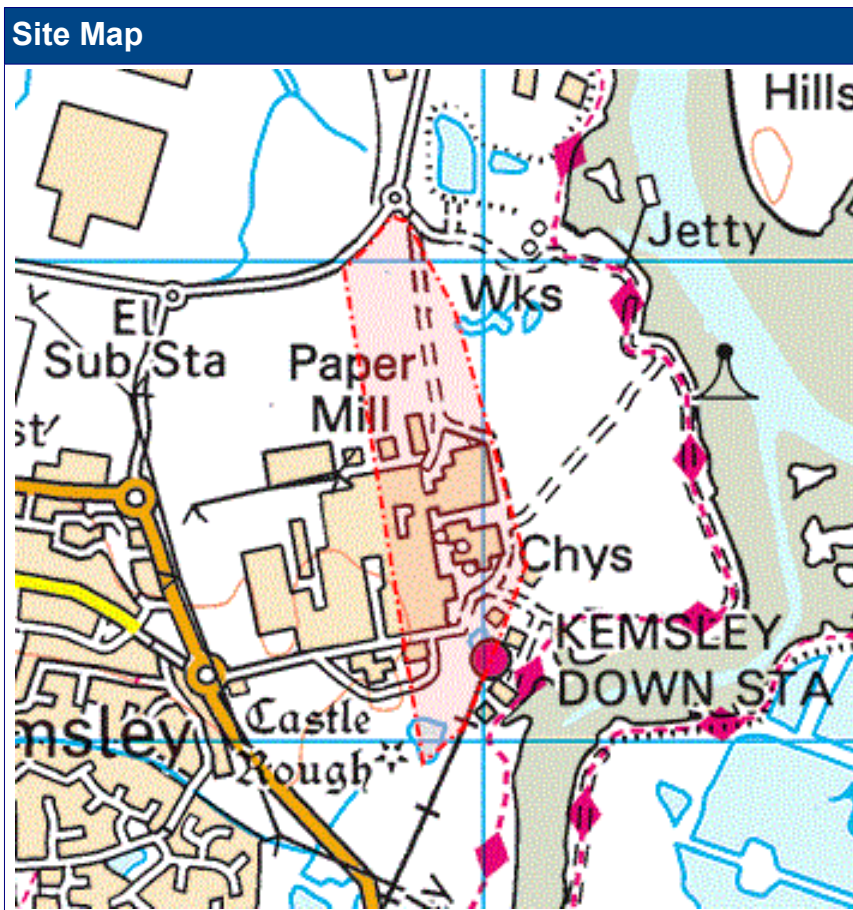
Enquirer

Name	Mr David Harvey	Phone	01622776226
Company	DHA Planning	Mobile	Not Supplied
		Fax	Not Supplied
Address	Eclipse House Eclipse Park, Sittingbourne Road Maidstone Kent ME14 3EN		
Email	david.harvey@dhaplanning.co.uk		
Notes	Please ensure your contact details are correct and up to date on the system in case the LSBUD Members need to contact you.		

Enquiry Details

Scheme/Reference	K4		
Enquiry type	Initial Enquiry	Work category	Development Projects
Start date	01/01/2020	Work type	Commercial/industrial
End date	01/08/2021	Site size	229565 metres square
Searched location	sittingbourne	Work type buffer*	25 metres
Confirmed location	591893 166628		

* The WORK TYPE BUFFER is a distance added to your search area based on the Work type you have chosen.



Asset Owners

Terms and Conditions. Please note that this enquiry is subject always to our standard terms and conditions available at www.linesearchbeforeudig.co.uk ("Terms of Use") and the disclaimer at the end of this document. Please note that in the event of any conflict or ambiguity between the terms of this Enquiry Confirmation and the Terms of Use, the Terms of Use shall take precedence.

Validity and search criteria. The results of this enquiry are based on the confirmed information you entered and are valid only as at the date of the enquiry. It is your responsibility to ensure that the Enquiry Details are correct, and LineSearchbeforeUdig accepts no responsibility for any errors or omissions in the Enquiry Details or any consequences thereof. LSBUD Members update their asset information on a regular basis so you are advised to consider this when undertaking any works. It is your responsibility to choose the period of time after which you need to resubmit any enquiry but the maximum time (after which your enquiry will no longer be dealt with by the LSBUD Helpdesk and LSBUD Members) is 28 days. If any details of the enquiry change, particularly including, but not limited to, the location of the work, then a further enquiry must be made.

Asset Owners & Responses. Please note the enquiry results include the following:

1. "LSBUD Members" who are asset owners who have registered their assets on the LSBUD service.
2. "Non LSBUD Members" are asset owners who have not registered their assets on the LSBUD service but LSBUD is aware of their existence. Please note that there could be other asset owners within your search area.

Below are three lists of asset owners:

1. **LSBUD Members who have assets registered within your search area. ("Affected")**
 - a. These LSBUD Members will either:
 - i. Ask for further information ("Email Additional Info" noted in status). The additional information includes: Site contact name and number, Location plan, Detailed plan (minimum scale 1:2500), Cross sectional drawings (if available), Work Specification.
 - ii. Respond directly to you ("Await Response"). In this response they may either send plans directly to you or ask for further information before being able to do so, particularly if any payments or authorisations are required.
2. **LSBUD Members who do not have assets registered within your search area. ("Not Affected")**
3. **Non LSBUD Members who may have assets within your search area.** Please note that this list is not exhaustive and all details are provided as a guide only. It is your responsibility to identify and consult with all asset owners before proceeding.

National Grid. Please note that the LSBUD service only contains information on National Grid's Gas above 7 bar asset, all National Grid Electricity Transmission assets and National Grid's Gas Distribution Limited above 2 bar asset.

For National Grid Gas Distribution Ltd below 2 bar asset information please go to www.beforeyoudig.nationalgrid.com

LSBUD Members who have assets registered on the LSBUD service within the vicinity of your search area.

List of affected LSBUD members

Asset Owner	Phone/Email	Emergency Only	Status
SGN	08009121722	0800111999	Await response
UK Power Networks	08000565866	08000565866	Await response

LSBUD Members who do not have assets registered on the LSBUD service within the vicinity of your search area. Please be aware that LSBUD Members make regular changes to their assets and this list may vary for new enquiries in the same area.

List of not affected LSBUD members

AWE Pipeline	Gamma	Phillips 66
BOC Limited (A Member of the Linde Group)	Gateshead Energy Company	Premier Transmission Ltd (SNIP)
BP Exploration Operating Company Limited	Gigaclear PLC	Prysmian Cables & Systems Ltd (c/o Western Link)
BPA	Gtt	Redundant Pipelines - LPDA
Carrington Gas Pipeline	Humbly Grove Energy	RWEnpower (Little Barford and South Haven)
CATS Pipeline c/o Wood Group PSN	IGas Energy	SABIC UK Petrochemicals
Cemex	INEOS FPS Pipelines	Scottish Power Generation
Centrica Storage Ltd	INEOS Manufacturing (Scotland and TSEP)	Seabank Power Ltd
CLH Pipeline System Ltd	INOVYN Enterprises Limited	Shell (St Fergus to Mossmorran)
Concept Solutions People Ltd	Intergen (Coryton Energy or Spalding Energy)	Shell Pipelines
ConocoPhillips (UK) Ltd	Mainline Pipelines Limited	SSE (Peterhead Power Station)
DIO (MOD Abandoned Pipelines)	Manchester Jetline Limited	Tata Communications (c/o JSM Construction Ltd)
E.ON UK CHP Limited	Manx Cable Company	Total (Colnbrook & Colwick Pipelines)
EirGrid	Marchwood Power Ltd (Gas Pipeline)	Total Finaline Pipelines
Electricity North West Limited	Melbourn Solar Limited	Transmission Capital
ENI & Himor c/o Penspen Ltd	National Grid Gas (Above 7 bar), National Grid Gas Distribution Limited (Above 2 bar) and National Grid Electricity Transmission	Uniper UK Ltd
EnQuest NNS Limited	Northumbrian Water Group	Vattenfall
EP Langage Limited	NPower CHP Pipelines	Veolia ES SELCHP Limited
ESP Utilities Group	Oikos Storage Limited	Western Power Distribution
ESSAR	Ørsted	Westminster City Council
Esso Petroleum Company Limited	Perenco UK Limited (Purbeck Southampton Pipeline)	Wingas Storage UK Ltd
Fulcrum Pipelines Limited	Petroineos	Zayo Group UK Ltd c/o JSM Group Ltd

The following Non-LSBUD Members may have assets in your search area. It is **YOUR RESPONSIBILITY** to contact them before proceeding. Please be aware this list is not exhaustive and it is your responsibility to identify and contact all asset owners within your search area.

Non-LSBUD members (Asset owners not registered on LSBUD)			
Asset Owner	Preferred contact method	Phone	Status
BT	https://www.swns.bt.com/pls/mbe/welcome.home	08009173993	Not Notified
CityFibre	asset.team@cityfibre.com	033 3150 7282	Not Notified
Colt	plantenquiries@catelecomuk.com	01227768427	Not Notified
Energetics Electricity	plantenquiries@energetics-uk.com	01698404646	Not Notified
ENGIE	nrswa@cofely-gdfsuez.com	01293 549944	Not Notified
GTC	https://pe.gtc-uk.co.uk/PlantEnqMembership	01359240363	Not Notified
Interoute	interoute.enquiries@plancast.co.uk	02070259000	Not Notified
KPN (c/-Instalcom)	kpn.plantenquiries@instalcom.co.uk	n/a	Not Notified
Level 3 Communications UK Ltd (C/-Instalcom)	plantenquiries@instalcom.co.uk	02087314613	Not Notified
Mobile Broadband Network Limited	mbnl.plant.enquiries@turntown.com	01212 621 100	Not Notified
Sky UK Limited	nrswa@sky.uk	02070323234	Not Notified
Sota	solutions@sota.co.uk		Not Notified
Southern Water	searches@southernwater.co.uk	08452700212	Not Notified
Utility assets Ltd	assetrecords@utilityassets.co.uk		Not Notified
Verizon Business	osp-team@uk.verizonbusiness.com	01293611736	Not Notified
Virgin Media	http://www.digdat.co.uk	08708883116	Not Notified
Vodafone	osm.enquiries@atkinsglobal.com	01454662881	Not Notified
Vtesse Networks	https://plant.interoute.com/plant-enquiries/	01992532100	Not Notified

Disclaimer

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The results of this Enquiry are personal to the Enquirer and shall not be shared with or relied upon by any other party. The asset information on which the Enquiry results are based has been provided by LSBUD Members, therefore LineSearchbeforeUdig will provide no guarantee that such information is accurate or reliable nor does it monitor such asset information for accuracy and reliability going forward. There may also be asset owners which do not participate in the enquiry service operated by LineSearchbeforeUdig, including but not exclusively those set out above. Therefore, LineSearchbeforeUdig cannot make any representation or give any guarantee or warranty as to the completeness of the information contained in the enquiry results or accept any responsibility for the accuracy of the mapping images used. LineSearchbeforeUdig and its employees, agents and consultants accept no liability (save that nothing in this Enquiry Confirmation excludes or limits our liability for death or personal injury arising from our negligence, or our fraud or fraudulent misrepresentation, or any other liability that cannot be excluded or limited by English law) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence.

Our Ref: 12225688 Your Ref: K4

Monday, 05 March 2018

David Harvey
Eclipse House Eclipse Park, Sittingbourne Road
Maidstone
Kent
ME14 3EN

Dear David Harvey

Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

If you have any further queries do not hesitate to contact us.

Plan Provision
0800 056 5866



This information is made available to you on the terms set out below. If you do not accept the terms of use set out in this fact sheet please do not use the plans and return them to UK Power Networks.

1. UK Power Networks does not warrant that the information provided to you is correct. You rely upon it at your own risk.
2. UK Power Networks does not exclude or limit its liability if it causes the death of any person or causes personal injury to a person where such death or personal injury is caused by its negligence.
3. Subject to paragraph 2 UK Power Networks has no liability to you in contract, in tort (including negligence), for breach of statutory duty or otherwise how for any loss, damage, costs, claims, demands, or expenses that you or any third party may suffer or incur as a result of using the information provided whether for physical damage to property or for any economic loss (including without limitation loss of profit, loss of opportunity, loss of savings, loss of goodwill, loss of business, loss of use) or any special or consequential loss or damage whatsoever.
4. The information about UK Power Networks electrical plant and/or electric lines provided to you belongs to and remains the property of UK Power Networks. You must not alter it in any respect.
5. The information provided to you about the electrical plant and/or electric lines depicted on the plans may NOT be a complete record of such apparatus belonging to UK Power Networks. The information provided relates to electric lines and/or electrical plant belonging to UK Power Networks that it believes to be present but the plans are not definitive: other electric lines and/or electrical plant may be present and that may or may not belong to UK Power Networks.
6. Other apparatus not belonging to UK Power Networks is not shown on the plan. It is your responsibility to make your own enquiries elsewhere to discover whether apparatus belonging to others is present. It would be prudent to assume that other apparatus is present.
7. You are responsible for ensuring that the information made available to you is passed to those acting on your behalf and that all such persons are made aware of the contents of this letter.
8. Because the information provided to you may not be accurate, you are recommended to ascertain the presence of UK Power Networks electric lines and/or electrical plant by the digging of trial holes. Trial holes should be dug by hand only.

Excavations must be carried out in line with the Health and Safety Executive guidance document HSG 47. We will not undertake this work. A copy of HSG 47 can be obtained from the Health and Safety Executives website.

All electric lines discovered must be considered LIVE and DANGEROUS at all times and must not be cut, resited, suspended, bent or interfered with unless specially authorised by UK Power Networks.

The electric line and electrical plant belonging to UK Power Networks remains so even when made dead and abandoned and any such electric line and/or electrical plant exposed shall be reported to UK Power Networks.

Where your works are likely to affect our electric lines and/or electrical plant an estimate of the price of any protective /diversionary works can be prepared by UK Power Networks Branch at Metropolitan House, Darkes Lane, Potters Bar, Herts. , EN6 1AG, telephone no. 0845 2340040



- 9 Any work near to any overhead electricity lines must be carried out by you in accordance with the Health and Safety Executive guidance document GS6 and the Electricity at Work Regulations.

The GS6 Recommendations may be purchased from HSE Books or downloaded from the Energy Networks Association's website.

If given a reasonable period of prior notice UK Power Networks will attend on site without charge to advise how and where "goal posts" should be erected. If you wish to use this service, in the first instance please telephone: 0845 6014516 between 08:30 and 17:00 Monday to Friday.

10. You are responsible for the security of the information provided to you. It must not be given, sold or made available upon payment of a fee to a third party.
11. If in carrying out work on land in, on, under or over which is installed an electric line and/or electrical plant that belongs to UK Power Networks you and/or anyone working on your behalf damages (however slightly) that apparatus you must inform immediately UK Power Networks by our emergency 24 hour three digit telephone number **105** providing;
- your name, address and telephone number;
 - the date, time and place at which such damage was caused;
 - a description of the electric line and/or electrical plant to which damage was caused;
 - the name of the person whom it appears to you is responsible for that damage;
 - the nature of the damage.
12. The expression "UK Power Networks" includes UK Power Networks (EPN) plc, UK Power Networks (LPN) plc, UK Power Networks (SEPN) plc, UK Power Networks and any of their successors and predecessors in title.

