

Mr E Williams
Major Applications and Plans
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
Temple Quay
Bristol
BS1 6PN

PINS Ref: EN010090
DHA Ref: DHA/12321 Doc 6.1

14th June 2018

Dear Mr Williams

EN010090 – THE KEMSLEY MILL K4 COMBINED HEAT AND POWER GENERATING STATION DEVELOPMENT CONSENT ORDER

DOCUMENT 6.1 – APPLICANT’S RESPONSE TO SECTION 51 ADVICE

I write further to your letter of the 26th April 2018 under Section 51 of the Planning Act 2008, following the acceptance of the application by DS Smith Paper Ltd for the proposed Kemsley Mill K4 Combined Heat and Power Generating Station DCO. Thank you for taking the opportunity to provide the advice under Section 51 of the Act, to which I have responded below.

S42(1)(a) persons prescribed

I confirm that the six parties identified in the Section 51 letter were added to the list of parties who were notified of the acceptance of the applicant.

Draft Development Consent Order

We note the comments made regarding the references to Works Plans Drawings in Article 12 of the DCO. Given the applicant intends early in the examination process to select a boiler option (with selected plan references removed from the DCO as a result) and given the DCO hearing is expected to be held early in the examination process, it is proposed that any plan reference amendments will be incorporated within the next version of the draft DCO which is submitted following the DCO hearing.

Plan Changes

The comments made in respect of individual plans are noted and the following revised plans are provided to replace those originally submitted. All new plans are titled May 2018 for ease of reference.

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

DHA Planning Ltd. Registered in England. Registration No, 2683 290



URS is a member of Registrar of Standards (Holdings) Ltd.



Doc Ref	Title	Change in response to S51
4.4	10392-0026-007 Works Plans – Key Plan	The area shown as 'Works No. 1: Combined Gas Generating Station' has been extended slightly to ensure it fully encompasses the extent of Work No.1 g) CHP pipe bridge.
4.5	10392-0029-011 Work No.1 –Works Plan with limits of deviation for horizontal tube boiler	For clarity the pipebridge structure illustrated on the original drawing has been removed, so that Document 4.5 only indicates the limits of deviation of the specified works.
4.7	10392-0042-004 Illustrative Elevation cross sections – Horizontal Tube Boiler	Amended to show Work No.1 (v) – Boiler Water Feed Pumps.
4.8a	10392-0043-004a Site Context – 3d Visual - Horizontal Tube Boiler (view a)	Title changed to 'Site Context – 3d Visual – Horizontal Tube Boiler (view a) for clarity. Drawing number amended.
4.8b	10392-0043-004b Site Context – 3d Visual - Horizontal Tube Boiler (view b)	Title change to 'Site Context – 3d Visual – Horizontal Tube Boiler (view b) for clarity. Drawing number amended.
4.9	10392-0039-008 Work No.1 –Works Plan with limits of deviation for Vertical Tube Boiler	The illustrative pipebridge shown on the original version has been removed. The Limits of Deviation shown for Work No.1 g) CHP Pipe Bridge correctly reflect the Illustrative Layout with Vertical Tube Boiler shown in Document 4.10 (which as a result does not need to be amended).
4.11	10392-0028-005 Illustrative Elevation cross sections – Vertical Tube Boiler	Amended to show Work No.1 (v) – Boiler Water Feed Pumps.
4.12a	10392-0022-008a Site Context – 3d Visual – Vertical Tube Boiler (view a)	Title changed to 'Site Context – 3d Visual – Vertical Tube Boiler (view a) for clarity. Drawing number amended.
4.12b	10392-0022-008b Site Context – 3d Visual – Vertical Tube Boiler (view b)	Title changed to 'Site Context – 3d Visual – Vertical Tube Boiler (view b) for clarity. Drawing number amended.
4.13	10392-0027-006 Work No.2 Plan – Tie-ins to existing site facilities (illustrative)	Plan base changed to an aerial view and location of tie-in points reviewed and amended in some cases.



Habitats Regulations Assessment

Representatives from DHA Environment and RPS met with Natural England on the 29th May 2018 to discuss the original Habitats Regulations Assessment, following the judgement on case C-323/17 (People over Wind, Peter Sweetman v Coillte Teoranta) which was highlighted in the Section 51 letter.

As a result of those discussions an amended Habitats Regulations Assessment Report (dated June 2018) is provided with this letter and replaces Appendix 10.2 of Document 3.1 (the Environmental Statement) which formed part of the original DCO application.

The revised HRA Report first screens for likely significant negative effects on the qualifying features of the relevant Natura 2000 and Ramsar sites as a result of the construction, operation and decommissioning of the proposed project, without any mitigation measures being taken into account. It concludes that likely significant effects cannot be excluded in the areas of air quality (construction dust), water quality, hydrological changes and disturbance. The report then undertakes an Appropriate Assessment of those impact pathways, taking into account the mitigation measures proposed within the scheme which are to be secured by the proposed DCO. The HRA report concludes that the proposed development would not compromise the conservation objectives of Natura 2000 sites, and there would be no adverse effect on site integrity.

Application Guide

In our correspondence following the acceptance of the application comments have been raised regarding the content of the original Application Guide (Document 1.2). Please therefore find enclosed with this letter a revised version of that Document which provides additional detail on the content and scope of the various documents and plans which form the DCO application. The document list included within the Application Guide has been updated to reflect the amended documents and plans submitted as a result of the Section 51 advice.

I trust the above is a useful summary of the amended application documents provided but would be pleased to discuss any part of this submission as necessary.

Yours sincerely,

A black rectangular box redacting the signature of David Harvey.

David Harvey
Director

Direct email: david.harvey@dhaplanning.co.uk

Enc.