

Application by DS Smith Paper Limited for The Kemsley Mill K4 Combined Heat and Power Generating Station

The Examining Authority's Written Questions and Requests for Information (ExQ1)

Issued on 24 July 2018

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information – ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2. Responses are required by **Deadline 2 in the Examination Timetable, Tuesday 21 August 2018**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of **18 June 2018**. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a statement of common ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on Environmental Impact Assessment is identified as ExQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact K4KemsleyCHP@pins.gsi.gov.uk and include K4 Kemsley ExQ1 in the subject line of your email.

Responses are due by **Tuesday 21 August 2018**.

Abbreviations Used

PA2008	<i>The Planning Act 2008 as amended</i>	MP	<i>Model Provision (in the MP Order)</i>
Art	<i>Article</i>	MP Order	<i>The Infrastructure Planning (Model Provisions)(England & Wales) Order 2009</i>
dDCO	<i>Draft DCO [APP-005]</i>	NPS	<i>National Policy Statement</i>
DAS	<i>Design and Access Statement [APP-058]</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
EM	<i>Explanatory Memorandum [APP-006]</i>	R	<i>Requirement</i>
ES	<i>Environmental Statement [APP-008 – APP-036]</i>	RR	<i>Relevant Representation</i>
ExA	<i>Examining authority</i>	SI	<i>Statutory Instrument</i>
LIR	<i>Local Impact Report</i>	SoS	<i>Secretary of State</i>
LPA	<i>Local planning authority</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010090-000344>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg **ExQ1.1.1** – refers to question 1 in this table.

Ref No.	Respondent:	Question:
1	Environmental Impact Assessment	
Q1.1.1	Swale Borough Council	Swale Borough Council (SBC) did not comment on the Applicant's Scoping Report [APP-012]. Is the Council content with the methodology adopted in the Environmental Statement (ES) [APP-008]?
Q1.1.2	Applicant	The ES notes (paragraph 2.5.3 [APP-009]) that two potential technical options are being considered for the heat recovery steam generator (HRSG); a horizontal or vertical tube boiler. Paragraph 4.3 of the Explanatory Memorandum (EM) [APP-006] also states that the undertaker expects the final choice of location for Work Nos 1(e) and 1(g) to be completed during the examination. The location of the 70m stack and the pipe bridge would change depending on the option chosen as would the scale of the HRSG building and other elements including the pipe bridge. Can the Applicant please confirm whether the ES has considered the worst case envelope for both of these options for all of the assessments and demonstrate how this has been done. When will the decision on a technical option be taken? If it is not taken during the examination what would be the implications?
Q1.1.3	Applicant	The Works Plans [AS-004 and AS-008] for the alternative boiler options show the limits of deviation. Please could the Applicant demonstrate that the ES considered the effect of each alternative within 5m variation in any direction as described in paragraph 10.4 of the Design and Access Statement (DAS) [APP-058] How was the 5m parameter determined?
Q1.1.4	Applicant Environment Agency	The description of construction facilities and equipment set out in paragraph 2.5.6 of the ES [APP-008] differs from item (e) of the further development described in Schedule 1 of the dDCO [APP-005]. Please could the Applicant demonstrate that the ES has taken account of all of the elements described in (e)?

Ref No.	Respondent:	Question:
Q1.1.5	Applicant	<p>Paragraphs 2.9.5-2.9.12 of the ES [APP-008] describe the maintenance regime for the proposed plant. For a consolidated major maintenance activity up to 50 additional technicians would be based on site. Maintenance requirements of auxiliary plant items are described as being of a simple nature and short duration, and as such it has not been considered necessary to provide any details of maintenance activities (paragraph 2.9.5).</p> <p>The Applicant is requested to provide a summary of these activities and their duration in order to ensure that the ExA has a comprehensive understanding of all phases of the Proposed Development.</p> <p>Could the Applicant also demonstrate where and how the effects of these activities have been assessed cumulatively and demonstrate how it was concluded that there would be no likely significant effects? (See also Q1.1.12.)</p>
Q1.1.6	Applicant Environment Agency	<p>Paragraph 2.9.25 of the ES [APP-008] states that the Applicant has entered into formal discussions with the Environment Agency (EA) regarding the Environmental Permit for the Proposed Development.</p> <p>Could the Applicant and the EA provide an update as to how such discussions are progressing and when matters are likely to be finalised.</p>
Q1.1.7	Applicant	<p>Paragraph 2.10.1 of the ES [APP-008] states that the operational lifetime from commencement of operation in 2021 is unknown. However, elsewhere in the ES, for example at paragraph 6.3.32 a 25 year lifespan is indicated.</p> <p>Can the Applicant please provide an indication of the likely operational timespan for the proposed development</p>
Q1.1.8	Applicant Environment Agency	<p>Table 2.1 of the ES [APP-008] (page 2-4) indicates a minimum stack height of 75m although it is described in the table as a 70m high stack, which is consistent with Requirement (R) R5(4) Table 1 (1e) of the dDCO, which indicates a maximum height of 70m. Table 2.1 also shows the package boiler stack as having a minimum height of 35m, in contrast to Table 1 1(j) of the dDCO which shows this as the maximum height.</p> <p>Please could the Applicant explain these apparent discrepancies?</p> <p>In addition, please explain the reference to a 75m stack height in the table following paragraph 2.11.13 of the</p>

Ref No.	Respondent:	Question:
		<p>ES (also identified as Table 2.1) and why the height of 70m is proposed.</p> <p>The Stack Height Determination [APP-025] concludes that a suitable stack height for the assessment is considered to be 70m. There appears to have been no assessment of stack width/diameter.</p> <p>Please can the Applicant explain how the maximum diameter of the stacks was determined.</p> <p>Is it necessary to provide flexibility and is there any possibility of the proposed heights changing in response to further design work?</p> <p>Could the Applicant and the EA please comment on how a variation would be dealt with through the DCO and environmental permitting procedures?</p>
Q1.1.9	Applicant	<p>The Stack Height Determination [APP-025] explains that two stack layouts have been modelled. The potential stack locations are shown in ES Figures 2.4a (vertical tube boiler) and 2.4b (horizontal tube boiler) [APP-008] revised as AS-004 and AS-008.</p> <p>Please could the Applicant confirm what assumptions have been made in the relevant ES assessments about the locations of the stack (noting that the location is not defined)?</p>
Q1.1.10	Applicant	<p>Figure 2.2 of the ES [APP-008] shows environmental designations. Whilst the information is shown elsewhere either within the ES or Appendices, for ease of reference and clarity the Applicant is asked to present the individual designations on a series of plans.</p>
Q1.1.11	Applicant	<p>Section 4.7 of the ES [APP-009] indicates that at the end of its operational life K4 would be decommissioned and demolished and that as part of this a Demolition Management Plan would be prepared.</p> <p>Can the Applicant please confirm how this would be secured through the DCO?</p>
Q1.1.12	Applicant	<p>Paragraph 10.6.77 of the ES [APP-009] states that it is estimated that no more than 10 staff will be present at any one time during the operational phase. Does this comment conflict with the estimate of four operational staff which is identified elsewhere in the ES including at paragraph 2.9.2 and with statements about the number</p>

Ref No.	Respondent:	Question:
		of staff required during major maintenance activities (paragraphs 2.9.5-2.9.12 of the ES [APP-008])?
Q1.1.13	Applicant	<p>Table 13.1 of the ES (page 13.2) [APP-009] indicates that a Construction Traffic Management Plan (CTMP) will be prepared. R8 would secure the provision of a CTMP.</p> <p>Should R8 be signposted to Table 13.1 in the same way as R11 signposts Table 9-17? Additionally, do the references in Table 13.1 cover all the CTMP measures outlined in Chapter 4?</p>
Q1.1.14	Applicant	<p>Measures to mitigate the generation of greenhouse gases during construction are set out on page 13.4 of the ES [APP-009].</p> <p>How would these measures be secured through the DCO?</p>
Q1.1.15	Applicant	Why does Table 13.1 of the ES (page 13-7) not reference a Flood Evacuation Plan when all of the other plans and strategies outlined in Table 9-17 are included?
Q1.1.16	Applicant Swale Borough Council Kent County Council Environment Agency Natural England	<p>Appendix 2.1 of the ES [APP-011] provides an outline Construction Environmental Management Plan (CEMP).</p> <p>Is the CEMP subject to a process of verification / sign off when construction is complete, such as the preparation of a Handover Environmental Management Plan as occurs in other DCOs? Alternatively, or additionally, is there a need for a Register of Environmental Actions and Commitments which would identify and confirm the environmental actions required to deliver mitigation and could be a certified document.</p> <p>IPs are asked to comment on the scope of the outline CEMP including whether it comprehensively address the main construction impacts and is sufficiently detailed to provide confidence that the matters it addresses can be satisfactorily discharged at a later stage?</p>
Q1.1.17	Applicant	<p>An outline CEMP is provided in APP-011. The Applicant is asked to consider whether such matters as legal requirements, standards and policies, complaints procedures, emergency preparedness and process should be included.</p> <p>Please could the Applicant provide an updated version of the Mitigation Measures summary table that cross-references each measure to the relevant paragraph in the draft CEMP, and identifies which are embedded and</p>

Ref No.	Respondent:	Question:
		which are further mitigation measures?
Q1.1.18	Applicant	Can the Applicant confirm that the cumulative sites identified in Chapter 3, section 3.9 and Figure 3.2 of the ES [APP-008] have all been assessed in each chapter. It is not apparent that this has been undertaken in every case. For example section 12.9 appears inconsistent or at least out of order with the sites identified in Chapter 3.
Q1.1.19	Applicant	For each technical chapter of the ES the Applicant is asked to: <ul style="list-style-type: none"> • Confirm the level of significance that is considered to be 'significant' in EIA terms; and • Provide a table which identifies the significance of effects prior to mitigation and confirms the overall significance of residual effects.
Q1.1.20	Natural England	In their consultation response to the Scoping Report [APP-013] Natural England (NE) considered that the ES should identify how the Proposed Development's effects on the natural environment would be influenced by climate change. Please could NE comment on whether their concerns have been adequately addressed within the ES?.
2	Air Quality	
Q1.2.1	Applicant	The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (July 2017) is referenced in paragraph 5.2.10 of the ES [APP-009]. It is noted that the plan has been found to be unlawful and the UK Government has been instructed to prepare a supplementary plan by October 2018. The Applicant is requested to monitor the progress of the UK Plan and to indicate to the ExA any changes that are relevant to the application. This obligation should be addressed at any time up until Deadline 7.
Q1.2.2	Applicant Environment Agency	Paragraph 5.2.14 of the ES indicates that the EA will ensure that Best Available Techniques (BAT) are used to deliver the maximum improvements to air quality where UK air quality objectives are in danger of being breached.

Ref No.	Respondent:	Question:
		As the environmental permitting process is separate from the DCO process, could the design proposed in the DCO application require any other technologies or emission control measures (ie that are not assessed in the ES / Habitats Regulations Assessment Report (HRAR) in order to achieve BAT?
Q1.2.3	Applicant	<p>The Applicant's own methodology (ES paragraph 5.3.33 [APP-009]) highlights the relationship between stack height and adjacent building height in terms of downwash effects. Having had regard to this methodology it is not clear why effects from downwash have been excluded from the assessment.</p> <p>Can the Applicant please prove an explanation to support the approach adopted and/or address whether there is a potential likely significant effect associated with this impact?</p>
Q1.2.4	Applicant	<p>The ES air quality chapter (Chapter 5 [APP-009] and associated appendices [APP-023 - APP-026] provides limited information about the assessment of air quality impacts on ecological receptors. The study area that has been applied is unclear and the information provided does not identify and assess specific receptors other than four of the eight European sites that are identified in the ES ecology chapter (Chapter 10). It is not explained why only these four sites are considered or why no assessment has been made of potential impacts on other sites (both European and other designations) and on species (other than the interest features of the four European sites).</p> <p>The ExA requests that the Applicant:</p> <ul style="list-style-type: none"> • clearly defines the study area and explains how it was determined; • explains why only selected (European) sites have been considered, with reference to those sites and species considered in the ecological assessment reported in Chapter 10 of the ES; and • provides an assessment of impacts on any other ecological receptors (sites and species) for which the Proposed Development would have the potential to give rise to significant effects.
Q1.2.5	Applicant	The ExA notes that under 'Other Scenarios Considered' (paragraphs 5.6.30 – 5.6.36 of the ES [APP-009]) the effects of K1, K2, K3 and K4 all operating together are assessed, and it is concluded that the relevant Air Quality Assessment Levels (AQALs) are unlikely to be exceeded and that the effects would not be significant. Although it is explained that the Predicted Environmental Concentrations (PECs) have been calculated by adding the Process Contributions (PCs) obtained from modelling of K1, K2, K3 and K4 emissions to the background concentrations, the respective PCs have not been provided.

Ref No.	Respondent:	Question:
		Please could the Applicant provide this information?
Q1.2.6	Applicant	<p>The methodology that has been used for the air quality assessment is unclear. ES paragraph 5.3.35 [APP-009] notes that K1, K2 and K3 have been included in the modelling for the purposes of determining the cumulative impacts and that the resulting concentrations were added to the measured background concentration, but also that K1 and K2 were already included 'to an extent' (not explained) within the background concentration. Paragraph 5.3.37 sets out the (three) modelled scenarios, the first of which is described as including K2 and K3 in the (background) Ambient Concentration (AC). However, K3 is not yet the subject of a DCO application (and the generating station on the same site which gained consent under the Town and Country Planning Act (TCPA) is currently under construction so is not yet operating).</p> <p>Please could the Applicant explain the assumptions that were applied to the model in terms of projects which are not yet in an operational capacity.</p>
Q1.2.7	Applicant	<p>ES Table 5.4 [APP-009] identifies the characteristics of the stack and emissions that informed the modelling and identifies the internal diameter of the K4 boiler as 0.8m. However, it is identified as 0.6m in Table 2.1 (pages 2-4 - 2-5) [APP-008], which reflects the dimensions shown in R5 Table 1 of the dDCO.</p> <p>Please could the Applicant explain the discrepancy and why it represented the appropriate approach to inform the modelling, as appropriate?</p>
Q1.2.8	Applicant	<p>Local Urban Background Monitoring is described in paragraphs 5.4.6 – 5.4.9 of the ES [APP-009]. The nearest automatically monitored site is in Maidstone (rural background) approximately 13km from the site with the most recent data being from 2016. Additionally one of the three passively monitored locations is approximately 15.5km from the site with the most recent data being from 2015. .</p> <p>Given the distance of the monitoring locations from the site and the age of the data can the Applicant explain the validity of and reliance upon this data as a baseline?</p>
Q1.2.9	Applicant	<p>It is noted that Table 5.18 of the ES [APP-009] presents the operational short-term maximum predicted nitrogen dioxide (NO₂) and carbon monoxide (CO) PCs and PECs and their percentage values of the respective AQALs, and that it is explained in paragraph 5.6.13 that the PEC is the K4 PC added to the background AC and the modelled contributions from K2 and K3. It is unclear how K1 has been considered and whether K1 and K4</p>

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		<p>operating simultaneously for a period has been addressed. It is not clear if the PC from K1 has been included in the background AC, and if it was included it is not explained why a different approach has been applied to K2, as both K1 and K2 are currently operating, whereas K3 is not yet built. The ES is similarly unclear in respect of long-term operational predictions.</p> <p>Please could the Applicant address these points.</p>
Q1.2.10	Applicant	<p>It is noted that the maximum predicted hourly and annual mean NO₂ PC during operation of the existing K1 and the proposed K4 package boilers are presented in paragraphs 5.6.25 – 5.6.29 of the ES [APP-009]. The potential effects are concluded to be slight adverse, however the basis for this conclusion is unclear as the resulting PEC is not identified nor expressed as a percentage of the relevant EQS.</p> <p>Please could the Applicant provide the supporting evidence for this conclusion.</p>
Q1.2.11	Applicant	<p>Paragraph 5.6.33 of the ES [APP-009] states that '<i>the maximum predicted 99.79th percentile of hourly mean No₂ PEC for K1, K2, K3 and K4 79.3 and 79.2 µg.m⁻³, only 40% of the AQUAL</i>'.</p> <p>Please clarify this statement and in particular the figures 79.3 and 79.2.</p>
Q1.2.12	Applicant	<p>The Applicant is asked to explain why Table 5.25: Cumulative PECs only relates to the Kemsley AD, the Reserve Power Plant and the Garden of England Energy Facility?</p>
Q1.2.13	Applicant Natural England	<p>In their RR [RR-005] Natural England commented that further information was sought on the calculation of PC and PEC.</p> <p>Could the Applicant please respond to this request?</p>
Q1.2.14	Applicant	<p>Can the Applicant please explain, with reference to the potential effects on human health and ecological receptors, when, how are where emissions to air would be monitored and how this would be secured through the DCO, or justify why no monitoring is proposed.</p>
Q1.2.15	Applicant	<p>Can the Applicant please explain what, if any, mitigation is proposed to limit the effects of emissions on designated ecological sites which are sensitive to NO_x. Have any mitigation measures (either embedded or</p>

Ref No.	Respondent:	Question:
		<p>further mitigation) been relied upon to reach the conclusions of the ecological assessment in the ES or the HRA report [AS-002]?</p> <p>If no mitigation is proposed, why not?</p>
Q1.2.16	Applicant Environment Agency	<p>Paragraph 9.5.4 of the Planning Statement [APP-057] states that the K1 boilers will be upgraded, with emissions likely to be lower, although that does not form part of the current DCO application.</p> <p>Can the Applicant please confirm whether the ES has assumed that there would be an improvement in efficiency? What scale of efficiency improvement is envisaged? When is the upgrade planned to be undertaken?</p>
Q1.2.17	Applicant	<p>Tables C1-C3 of the Air Quality Assessment of Ecological Impacts [APP-026] do not make reference to the Outer Thames Estuary SPA/Ramsar as being within 10km of the site even though it is addressed in Chapter 10 of the ES [APP-009].</p> <p>Please explain this omission.</p>
Q1.2.18	Applicant	<p>It is unclear whether the construction of K4 would involve any demolition of existing infrastructure on the application site. The sensitivity and magnitude criteria set out in Appendix 5.2 [APP-024] include demolition, and references are made in Chapters 11 and 12 (paragraphs 11.6.3, 11.6.8 and 12.7.1) [APP-009] to potential effects of and mitigation for demolition activities. However, demolition is not considered in the assessment of effects contained in Section 5.6 of the ES.</p> <p>Please could the Applicant clarify whether any demolition is proposed, and if so, explain how the assessment in the ES has taken these activities into account in determining likely significant effects.</p>
Q1.2.19	Applicant	<p>In respect of Appendix 5.4 of the ES [APP-026], there are a number of areas where clarification and explanation is required as follows:</p> <ul style="list-style-type: none"> • the PECs are not presented for any of the pollutants considered; • neither the AC nor the PC for K2 and K3 are provided; • the figures in Table C1 include figures in brackets alongside them. It is likely that these reflect the two alternative stack locations, however they are not explained nor are they included in Tables C2 and C3; • it is not explained from where the Environmental Quality Standards (EQSs) are derived for each pollutant, or

Ref No.	Respondent:	Question:
		<p>why it is indicated as 'not available' for nutrient N deposition for a number of the interest features of the European sites (Table C2);</p> <ul style="list-style-type: none"> • it is not explained why the AC is only presented in Table C2; • it is not explained why fewer interest features are listed for each European site in respect of acid deposition (Table C3) than for Nutrient N deposition (Table C2); • it is concluded that the maximum Nutrient N deposition and acid deposition PCs are below 1% of the critical load for all habitat sites and that therefore the effects are insignificant. However, this is not consistent with the results presented in Tables C2 and C3, which indicate that the PC is 1% of the CL for all of the identified features (excepting those for which the CL is shown as unavailable). The information on the significance criteria also notes that if the PC is greater than 1% but less than 70% of the resulting PEC the emission can be considered not significant, however in the absence of information on the respective PECs it is not clear that this conclusion is justified. <p>Please could the Applicant respond to these points, providing clarification and explanation as necessary.</p>
Q1.2.20	Applicant	Could the Applicant confirm whether the developments that were considered in the air quality cumulative effects assessment (CEA) were agreed with any relevant consultees?
3 Archaeology and Cultural Heritage		
Q1.3.1	Applicant	<p>Paragraphs 12.6.19 - 12.6.37 of the ES [APP-009] describe listed buildings within 1km and 2km of the site.</p> <p>Could the Applicant explain why it does not include Great Grovehurst Farm which is identified as the closest listed building in the summary of Appendix 12.1 [APP-009]?</p>
Q1.3.2	Historic England Kent County Council Swale Borough Council	<p>In their Section 42 consultation response [APP-015] Historic England raised concerns about the adequacy of the assessment of the impact of the proposed development on Castle Rough. The Applicant has addressed the matters of concern in paragraphs 12.6.11 – 12.6.13 of the ES [APP-009].</p> <p>Can Historic England confirm whether or not it is satisfied with the assessment and the conclusion that there would be a minor adverse impact on the Scheduled Monument which would not be significant?</p>

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		Kent County Council and Swale Borough Council are also asked to comment on this finding.
4	Ecology including Habitats Regulations Assessment	
Q1.4.1	Swale Borough Council Natural England	The National Planning Policy Framework indicates that the planning system should provide net gains in biodiversity where possible. Furthermore, paragraphs 5.3.3 and 5.3.4 of the Overarching National Policy Statement (NPS) for Energy (EN-1) require developments to demonstrate that they have taken advantage of opportunities to conserve and enhance biodiversity conservation interests. The Applicant has stated (paragraph 11.4.31 of the DAS [APP-058]) that no such opportunities exist at the application site. Do the Council and NE agree?
Q1.4.2	Applicant	It is noted that paragraph 2.6.2 of the ES [APP-009] describes a worst case scenario as K1 and K4 simultaneously operating at full capacity for a one year period and that this has been assumed in the technical assessments. The Applicant is asked to confirm that the discharges allowed by the environmental permit as varied would be sufficient to enable K1 and K4 to operate simultaneously.
Q1.4.3	Applicant	The Context Site Location Plan [APP-037] identifies Little Murston Nature Reserve on the southern bank of the Swale. Please explain how this relates to other designated sites identified in Chapter 10 of the ES [APP-009].
Q1.4.4	Applicant	It is noted that background concentrations of ammonia (NH ₃) have informed the assessment of ecological air quality impacts (paragraph 10.3.24 of the ES [APP-009]). However, no reference is made to ammonia in the air quality assessment reported in Chapter 5 and its accompanying appendices. Please could the Applicant explain the apparent discrepancy and describe how the inter-relationship between the ecological and air quality assessments has been addressed.
Q1.4.5	Applicant	ES paragraph 10.3.27 of the ES [APP-009] states that if the PC exceeds 1% but the resulting PEC is below 100% of the relevant critical level/load the emission is not considered significant. However, Appendix 5.4 of the ES

Ref No.	Respondent:	Question:
		<p>[APP-026] states that if the PC > 1% but the resulting PEC < 70% (European and SSSI sites) of the relevant EQS, that the emission is not considered significant.</p> <p>The Applicant is asked to explain the differences between the PEC values and the criteria used to determine whether or not an effect is considered significant?</p>
Q1.4.6	Applicant	<p>It is noted that in addition to the designated sites listed in paragraphs 10.4.2 – 10.4.3 of the ES [APP-009], Figure 10.1 identifies the Outer Thames Estuary Ramsar site and the Medway Estuary and Marshes Marine Conservation Zone (MCZ).</p> <p>Please could the Applicant confirm the distances from the application site to these sites, and confirm whether or not these sites have been included in the assessment, providing reference(s) to where information can be found, as appropriate.</p>
Q1.4.7	Applicant	<p>It is noted that the Medway Estuary and Marshes SSSI is listed in paragraph 10.4.3 of the ES [APP-009] under the nationally designated sites that have been identified as within 2km of the application site boundary, but it is identified as being 2.9km north of the Proposed Development.</p> <p>Please could the Applicant confirm the distance and that the potential effects on the site were considered according to the correct location.</p>
Q1.4.8	Applicant	<p>Paragraphs 10.4.23-10.4.26 of the ES [APP-009] describe the on-site survey. Buildings A, B and C are described and reference is made to Figure 10.3.</p> <p>The Applicant is requested to reproduce Figure 10.3 showing buildings A, B and C and also showing the area of vegetation referenced in paragraph 10.4.27.</p>
Q1.4.9	Applicant	<p>Paragraphs 10.4.31 and 10.6.55 of the ES [APP-009] and 11.4.30 of the DAS [APP-058] indicate that an area of scrub to the south of the site was cleared in advance of the proposed new access road. It is proposed that this loss of habitat will be mitigated through new planting elsewhere on the Mill site.</p> <p>Could the Applicant please indicate on a plan where the new habitat would be located and explain what</p>

Ref No.	Respondent:	Question:
		implications, if any, are there for the proposed development of K4?
Q1.4.10	Applicant	<p>Table 10.5, of the ES [APP-009], identifies sensitive receptors with the potential to be affected by the effects arising from the Proposed Development. The table identifies 'other international designated sites in the surrounding 10km'.</p> <p>Could the Applicant please provide information about to which 'other' sites this refers.</p>
Q1.4.11	Applicant	<p>The heading preceding paragraph 10.6.5 of the ES [APP-009] refers to the Swale Estuary SPA/Ramsar. Paragraph 10.4.2 and Figure 10.1 of the ES refer to The Swale SPA/Ramsar.</p> <p>The Applicant is asked to clarify this issue.</p>
Q1.4.12	Applicant	<p>Paragraph 10.6.21 of the ES [APP-009] indicates that the highest noise received by birds using the Swale SPA/Ramsar site would be between 65 and 70 dBL_{Amax} covering an area of some 20ha at the mouth of Milton Creek equating to 0.32% of the 6,514ha site. In paragraph 10.6.65 the maximum noise at the main intertidal area of Milton Creek is modelled to be no more than 70 dBL_{Amax} while the area covered by the 55h dBL_{Amax} threshold is approximately 22ha or 0.32% of the total area.</p> <p>The Applicant is asked whether there is a conflict between the figures, and particularly the areas specified in these two statements.</p> <p>In addition, NE in their RR (particularly paragraphs 2.8 and 2.9) [RR-005] state that the size/proportion of total area is less significant than precise location. NE are also concerned about the Applicant's conclusion in Section 6 of the HRER [AS-002] about construction noise disturbance, particularly from piling and suggest that that further information is needed before a conclusion over the impact of construction disturbance can be made in respect of the following: bird use of the mouth of Milton Creek, which they consider would be affected by higher noise levels during piling operations; the numbers of birds using the affected area; and what ecological functions are being provided by the affected habitat.</p> <p>Would the Applicant please comment on these views?</p>

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Q1.4.13	Applicant	<p>Paragraph 10.6.57 of the ES [APP-009] begins 'Given the level of pollution'.</p> <p>Could the Applicant please outline what form and level of pollution is predicted in this case.</p>
Q1.4.14	Applicant	<p>ES paragraphs 10.6.70 & 10.6.105 indicate that pollution prevention measures (class 1 interceptors, shut off valves and regular monitoring) would be required.</p> <p>The Applicant is asked to assess the effectiveness of the mitigation proposed and to provide further information regarding the monitoring arrangements and to explain who would be responsible for any monitoring arrangements and how this would be secured/delivered.</p>
Q1.4.15	Applicant	<p>Paragraph 10.6.71 describes an existing permit that regulates the process of water being neutralised and transferred to the existing anaerobic digestion (AD) plant, and sets the pH and water temperature limits for discharge into the Swale. It is concluded that the magnitude of impact of changes to drainage during operation on a feature of a very high value would be negligible.</p> <p>Please could the Applicant confirm that there are no remaining permitting concerns. In particular it is noted that both the EA and NE have raised concerns regarding the discharge of process water within their Relevant Representations (RR-002 and RR-005, respectively). NE have commented on uncertainty regarding whether or not the existing permit was issued before or after The Swale Estuary MCZ was designated, and have recommended that an MCZ assessment of the discharge is carried out, in accordance with the Marine and Coastal Access Act 2009. The EA is concerned that ditches in the area contain Eel, <i>Anguilla Anguilla</i>, and that while this will be looked at in more detail as part of the permit variation for the site, this issue should be considered in the context of the temperature of the discharges.</p> <p>The Applicant is asked to explain how these concerns have been addressed in the ES and if they have not, to provide a response to the points made, as well as confirming that the existing permit can be varied to incorporate the new K4 plant.</p>
Q1.4.16	Applicant	<p>Reference is made to the Outer Thames Estuary pSPA in paragraph 10.6.99 of the ES [APP-009].</p> <p>Please explain the relevance of the pSPA to the EIA.</p>

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Q1.4.17	Applicant	<p>The effects of the decommissioning of K4 on ecology are considered in section 10.7 of the ES.</p> <p>Can the Applicant please confirm how measures to limit or eliminate adverse effects would be secured through the DCO?</p>
Q1.4.18	Applicant	<p>Paragraph 10.12.6 describes a 2.4m closed-board wooden fence being erected on the northern boundary as a requirement of the construction of K3. It is stated that it would be there for the remaining construction of the development, and that the fence would screen the reed-bed from construction traffic.</p> <p>Please could the Applicant confirm whether the fence described would remain in place for the construction of K4, if so how this arrangement would be secured, and if not what alternative measure would be put in place for the construction of K4.</p>
Q1.4.19	Applicant	<p>Figure 10.1 of the ES [APP-009] is a Designated Sites Location Plan.</p> <p>For ease of reference and clarity the Applicant is asked to provide each designation on a separate plan, with each being on a similar OS base as Figure 4.1 [APP-037].</p> <p>Figure 10.1 identifies the Swale MCZ, and it is noted that this is not mentioned in the main body of the text within Chapter 10 of the ES.</p> <p>Could the Applicant confirm whether or not the Swale MCZ identified in Figure 10.1 is the site identified as the Swale Estuary MCZ in paragraph 10.4.10?</p>
Q1.4.20	Applicant	<p>Figure 10.1 of the ES [APP-009] refers to the South Thames Estuary and Marshes SSSI, SPA and Ramsar whereas paragraph 10.4.2 refers to the Thames Estuary and Marshes SPA and Ramsar.</p> <p>Please clarify.</p> <p>Within Chapter 10 of the ES reference is made to sites within 2km of the application boundary. The Applicant is asked to show a 2km radius in addition to the 10km radius on Figure 10.1.</p>
Q1.4.21	Applicant	<p>Paragraph 10.4.2 of the ES [APP-009] refers to the Outer Thames Estuary SPA whilst paragraphs 10.6.36-</p>

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		<p>10.6.38 refer to the SPA and pSPA. Figure 10.1 shows the Outer Thames Estuary as a SPA/Ramsar.</p> <p>Can the Applicant please confirm the Outer Thames Estuary designation?</p>
Q1.4.22	Applicant Environment Agency	<p>Whilst concluding that in both construction and operational phases there were no habitats on site of ecological value, the Applicant and EA are asked whether there is a need for mitigation to avoid harm to species or habitats off-site eg nesting birds, acknowledging that although the likelihood of impact is low, the impact without mitigation could be high? If so, please suggest an appropriate requirement.</p>
Q1.4.23	Applicant	<p>Paragraph 11.4.7 of the Planning Statement [APP-057] describes the site as containing a small area of close mown improved grassland and an area of dense scrub.</p> <p>Can the Applicant confirm whether or not this would be retained? Does it provide potential for ecological enhancement or landscape improvement?</p>
Q1.4.24	Natural England Kent County Council Swale Borough Council	<p>The Applicant has concluded that there are no likely significant effects, either positive or negative on ecology arising from the Proposed Development.</p> <p>Please could NE, KCC and SBC provide their view of the conclusions of the assessment?</p>
Q1.4.25	Applicant	<p>Chapter 7 of the ES [APP-009] addresses noise and vibration. Paragraph 7.4.8 notes that ecological receptors are identified in Chapter 10: Ecology whilst paragraph 7.3.5 describes a study area of 1km from the boundary being considered for the assessment. Chapter 7 does not specifically address ecological receptors within the chapter and it is noted the lists presented in paragraphs 10.4.2 – 10.4.3 contain sites that would be within 1km of the application site.</p> <p>Please can the Applicant confirm that the potential for vibration to have an effect on ecological receptors that are within 1km of the application site has been considered, and provide references to relevant supporting evidence as appropriate.</p>
Q1.4.26	Applicant	<p>Ground conditions have not been considered within Chapter 10 of the ES [APP-009] and there is no cross reference to specific information contained within Chapter 8: Ground Conditions.</p>

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		Please could the Applicant identify where the potential for interaction between ground conditions and ecology has been considered within the ES.
Q1.4.27	Applicant	<p>It is noted that in their relevant representations the EA (RR-002) have raised concerns regarding light scatter from the development, which although it may not reach the designated site, may affect the marshes near the proposal site, affecting the eel, Anguilla Anguilla.</p> <p>Please could the Applicant confirm whether or not this has been taken into consideration?</p>
Q1.4.28	Applicant	For ease of reference and clarity, please could the Applicant provide a table that sets out what is anticipated would be the potential effects of the Proposed Development on ecological receptors pre and post-mitigation and how any required mitigation would be secured?
Q1.4.29	IPs	<p>The Applicant has concluded in the HRAR [AS-002] that the application for the Kemsley K4 DCO will not compromise the conservation objectives of Natura 2000 sites and there will be no adverse effect on site integrity. It also found that potential cumulative impacts between the proposed development and other proposals could occur to the Swale Ramsar and SPA and the Medway Estuary and Marshes Ramsar and SPA and their associated features.</p> <p>Do IPs agree with those conclusions? If any IP disagrees they are requested to explain and evidence the basis for their position.</p>
Q1.4.30	Applicant	<p>A description of the Proposed Development has not been provided in the HRAR [AS-002].</p> <p>Please could the Applicant confirm whether the Proposed Development as assessed in the HRA is the same as that assessed in the ES [APP-009], and reflects the assumptions and limitations set out in Section 3.11 of the ES, including the maximum parameters and worst case scenarios set out therein.</p>
Q1.4.31	Applicant	Although decommissioning is identified as a key activity (paragraph 2.4 of the HRAR [AS-002]), the only subsequent reference to it is in paragraph 5.25, to the potential for dust release during the construction and decommissioning phases. The decommissioning of K1, described as part of the Proposed Development in the ES and draft Development Consent Order (dDCO) [APP-005], is not explicitly addressed in the HRAR.

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		Please could the Applicant explain how decommissioning of both K4 and K1 has been addressed in undertaking the HRA and identify any potential significant effects and mitigation measures, as required?
Q1.4.32	Applicant	<p>The HRAR does not include or cross-refer to a relevant plan that identifies the location of the European sites that are considered in the assessment. ES Figure 10.1 identifies the Outer Thames SPA but not the Outer Thames pSPA, and also identifies it as a Ramsar site, which appears to be incorrect. In addition, Figure 10.1 does not identify the Thames Estuary and Marshes SPA/Ramsar site, which are included in the list of sites contained in para 2.5 of the HRAR, but does identify a South Thames Estuary and Marshes SSSI, SPA and Ramsar site, which are not referenced in the ES. The distance of Queendown Warren SAC and the Outer Thames Estuary SPA/pSPA from the Proposed Development site are not specified in the HRAR.</p> <p>Please could the Applicant provide this information, clarify the discrepancies, and provide a revised plan that shows the location of the European sites relative to the Proposed Development site.</p>
Q1.4.33	Natural England	<p>It is stated that NE provided copies of the relevant citations and confirmed the conservation objectives for the European sites and that the assessment should focus on the qualifying features (paras 3.3 -3.4 of the HRER [AS-002]). However neither the citations nor any correspondence with NE have been provided with the HRAR.</p> <p>Please could Natural England (NE) indicate whether they are satisfied that the correct European sites and features have been identified in the HRAR.</p>
Q1.4.34	Applicant	<p>Tables 4.1 – 4.6 of the HRAR [AS-002] set out the qualifying plant, invertebrate and bird features of the respective sites. It is unclear whether the separate lists of individual bird species said to comprise the over-wintering and breeding assemblages in respect of the SPAs that are also Ramsar sites apply equally to the Ramsar sites. In relation to the listed assemblages for the Swale SPA and Swale Ramsar site, paragraphs 4.8 and 4.10 refer to the reliance on advice from NE provided in relation to K3. It is unclear whether NE were subsequently asked to confirm that the information remained current and applicable to K4.</p> <p>Please could the Applicant clarify the position?</p>
Q1.4.35	Applicant	Section 3 of the HRAR [AS-002] refers to data used to inform the assessment and surveys of the site surroundings, although this is not provided with the HRAR. Appendix 1 contains a table entitled 'Comparison of seasonal peak counts of waterbirds recorded at Kemsley in 2009/10 and 2016', although no reference is made

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		<p>to it in the HRAR, so it is unclear whether this summarises results of surveys undertaken specifically for K4 together with the survey results for the wider site.</p> <p>Please could the Applicant provide the survey information that supports the conclusions in the HRA and clarify the relevance of Appendix 1.</p>
Q1.4.36	Applicant	<p>No information has been provided within the HRAR [AS-002] on the selection process or the methodology that was applied, other than that the assessment has considered proposals near the Proposed Development site that are currently in the planning process or have been approved but are not yet constructed. Twenty-two developments of various types have been identified. The proximity to the Proposed Development site is not identified in each case and they are not shown on a plan.</p> <p>Please could the Applicant explain the methodology that was applied to the in-combination assessment, including whether it addressed the potential effects of K1 and K4 operating simultaneously for a period, as indicated in the ES.</p>
Q1.4.37	Natural England	<p>It is not indicated within the HRAR [AS-002] that the scope or findings of the assessment were agreed with NE or any other relevant bodies.</p> <p>In the absence of the information on methodology, please could NE state whether they are satisfied with the findings of the in-combination assessment?</p>
Q1.4.38	Applicant	<p>Paragraphs 5.8 and 5.9 of the HRAR [AS-002] state that there is no evidence that the Proposed Development site regularly supports significant numbers of roosting birds either of qualifying individual species or assemblages, or that it is regularly used as a significant feeding or roosting site during passage or winter by any qualifying species of either the Swale SPA/Ramsar site or the Medway Estuary and Marshes SPA/Ramsar site. On that basis, it is concluded that the effects of direct habitat loss on qualifying features of any nearby Ramsar sites as well as breeding, passage and wintering birds of any nearby SPAs can be screened out. It is not clear whether it is meant that no evidence exists to support this assertion or whether it is borne out in evidence that has not been referenced or provided.</p> <p>Please could the Applicant provide clarification of this point?</p>

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Q1.4.39	Applicant	<p>It is concluded in the HRAR [AS-002] that impacts from operational emissions can be screened out for all the European sites on the basis that for all pollutants either the PEC did not exceed the Environmental Quality Standard (EQS) or the PC was less than 1% of the EQS for all the interest features, according to the information presented in Appendix 5.3 of the ES [APP-025]. However, only four of the nine European sites identified in the HRAR are considered in Appendix 5.3: Swale SPA; Medway Estuary and Marshes SPA; Thames Estuary and Marshes SPA; and Queendown Warren Special Area of Conservation (SAC). In addition, the above conclusion is not supported by the evidence presented, as Tables C2 and C3 in Appendix 5.3 indicate that the predicted PC of nutrient nitrogen and acid deposition on the Swale SPA would be 1% of the EQS for all of the interest features (the PEC is not provided).</p> <p>Please can the Applicant explain why only selected European sites were considered in the air quality assessment, and the apparent discrepancy between the predicted figures and the conclusions?</p>
Q1.4.40	Applicant	<p>NE note, in their RR [RR-005], that tables C2 and C3 in Appendix 5.4 of the ES [APP-025] do not consider the supporting habitat types for which the Ramsar sites are designated, which may have lower critical levels or loads than the bird species identified, and recommend that the tables are updated to include the supporting habitats of the relevant SPAs and Ramsar sites.</p> <p>The ExA considers that this information is required and requests that the Applicant provide it.</p>
Q1.4.41	Applicant	<p>In relation to hydrological changes, it is anticipated that there would be no changes on the basis that the Proposed Development site is currently drained via a series of existing drainage channels used for K1 and that K4 would use the same system (paragraph 5.40 of the HRER [AS-002]). However, this does not appear to take into account the information presented in the ES that K1 and K4 would operate simultaneously for a period, therefore increasing the drainage requirement.</p> <p>Please could the Applicant comment on this point?</p>
Q1.4.42	Applicant	<p>In relation to mitigation of the construction dust impacts considered in Section 6 of the HRAR [AS-002] proposed measures are not explicitly identified, and only examples are provided of measures that may be implemented. It is indicated that more detailed assessment will follow. No explanation is provided of how the mitigation would be secured. As a result, the effectiveness of any mitigation cannot be certain.</p>

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		<p>In respect of water quality, it is proposed that a site-wide surface water pollution prevention system would be developed to prevent the discharge of any contaminated surface water from the Proposed Development site and examples of measures that may be employed are provided. Although it is stated that further information is contained in Chapter 9 of the ES [APP-009] (Water Environment) explicit references are not provided. Similarly to the information provided in relation to the screening stage, no account is taken of K1 and K4 operating simultaneously for a period. It is not explained how the mitigation would be secured.</p> <p>Please could the Applicant specify (or provide clear cross-references to the information if contained in other application documents) the mitigation measures that are proposed, the effects they are intended to address, and where they are secured in the dDCO [APP-005].</p>
Q1.4.43	Applicant	<p>In relation to the discharging of waste water from K4, the conclusion set out in Section 6 of the HRAR [AS-002] does not appear to address the scenario of the two plants operating simultaneously for any period, during which the volume of waste water could be expected to be higher than it is currently.</p> <p>Please could the Applicant explain how this has been taken into account in the assessment?</p>
Q1.4.44	Applicant	<p>The Applicant is requested to provide screening and integrity matrices under the Habitat Regulations in both PDF and Word formats and according to the advice contained in 'Planning Inspectorate Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects'.</p>
Q1.4.45	Natural England	<p>Please could NE state whether they agree with the conclusions set out in the HRAR on the predicted effects on European sites, and if they do not, explain their reasons.</p>
5	Ground Conditions	
Q1.5.1	Applicant Environment Agency	<p>Paragraph 8.3.5 of the ES [APP-009] confirms that no intrusive investigations have been undertaken on the site. It goes on to state that historic ground investigations have been undertaken across the Mill site principally to the east, and in paragraph 8.3.7 it is acknowledged that there is limited ground investigation data available for the area of the proposed development. Figure 8.1 clearly identifies the locations of the historic investigations as being the K3 site.</p> <p>As the K3 site has a different history of use from the proposed K4 site, the Applicant is asked to confirm whether</p>

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		the former provide an appropriate basis for concluding that the ground conditions on the K4 site are similar or the same?
Q1.5.2	Applicant	<p>Paragraph 8.4.59 of the ES [APP-009] states that several potential sources of ground gas have been identified which could impact the site. Paragraph 8.6.2 states that the risks to human health are negligible and the significance of the effect would be minor adverse.</p> <p>Could the Applicant please explain the way in which these could impact the site and the implications.</p>
Q1.5.3	Applicant	<p>Paragraph 8.6.14 of the ES [APP-009] states that construction activities in the northern part of the site have the potential to impact shallow groundwater if not suitably managed and therefore appropriate measures to manage potential construction impacts must be suitably implemented.</p> <p>Could the Applicant confirm what measures are required and how would these be secured through the DCO?</p>
Q1.5.4	Applicant	<p>Paragraph 8.7.3 of the ES [APP-009] outlines measures to mitigate construction effects on ground conditions.</p> <p>Could the Applicant please confirm whether all of these measures have been included in the CEMP and demonstrate where they occur. Specifically, how would ground gas measures be secured and how would the potential pathway for downward contamination within groundwater to migrate to the Swale estuary be prevented?</p>
Q1.5.5	Applicant	<p>Paragraph 8.10.4 of the ES [APP-009] states that upon completion of the development, which it is assumed to mean when operational, it is anticipated that there would be potential moderate significant adverse effects to human health from the presence of ground gas.</p> <p>The Applicant is asked to explain how these effects would be managed during the operational phase?</p>
6	Landscape and Visual Impact	
Q1.6.1	Swale Borough Council	Photographic viewpoint locations were subject to consultation as set out in paragraph 11.3.2 of the ES [APP-009]. However, Appendix 11.1 [APP-034] does not contain any evidence of any agreement from SBC in respect

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		<p>of the viewpoint locations.</p> <p>Is SBC content with the locations which were chosen? If not, why not?</p>
Q1.6.2	Applicant	<p>In paragraph 11.3.18 of the ES [APP-009] the level of effects is described. Only those being 'very substantial' or 'substantial' are considered to be significant although an accumulation of individual 'moderate' effects may also be regarded as a significant sequential effect. In paragraph 3.7.2 of the ES [APP-008] it is stated that if the effect is moderate or above then the effect is considered to be significant.</p> <p>Why in the case of the landscape and visual assessment is a 'moderate' effect only considered significant when it is part of an accumulation of effects?</p>
Q1.6.3	Applicant	<p>Paragraph 11.4.43 of the ES [APP-009] makes reference to the Kent Landscape Character Assessment. No mention is made of the North Kent Marshes Special Landscape Area (SLA) or the Area of High Landscape Value (AHLV) although these are mentioned in paragraphs 11.4.5 and 11.4.6.</p> <p>What is the effect of the proposed development on the SLA and AHLV?</p>
Q1.6.4	Applicant Natural England	<p>The estuarine habitat of the Swale is described in paragraph 11.4.57 of the ES [APP-009] as rMCZ and an Environmentally Sensitive Area whilst paragraph 8.4.45 states that the North Kent Marshes situated 85m to the north of the site has been identified as an Environmentally Sensitive Area.</p> <p>Please could the Applicant and NE comment on the relevance of these designations to the proposed development.</p>
Q1.6.5	Applicant	<p>Please could the Applicant confirm that the schemes considered in the future baseline (Section 11.5 of the ES [APP-009]) have been considered in the cumulative effects assessment.</p>
Q1.6.6	Applicant	<p>The ES does not provide an indication of the likely timescales for the demolition of K1.</p> <p>Could the Applicant explain what assumptions have been made in the assessment regarding the presence of both K1 and K4 on the application site, and how this has been assessed in the Landscape and Visual Impact</p>

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		Assessment (LVIA).
Q1.6.7	Applicant	<p>It is noted that Figures 11.1 & 11.4 describe a building height of 32m, although the ZTV is described as based on a generating station building height of 35.2m.</p> <p>Please could the Applicant confirm the figures that have been used in defining the ZTV and the basis on which they were applied?</p>
Q1.6.8	Applicant	<p>Information regarding plumes, and construction activities is limited within Chapter 11 of the ES [APP-009] and it is not clear how potential effects have been determined. Effects during maintenance do not appear to have been considered in the assessment.</p> <p>Please could the Applicant provide the supporting evidence for the conclusions reached regarding these matters?</p>
Q1.6.9	Applicant	<p>Table 11.7 in Section 11.8 of the ES [APP-009] summarises residual effects. The table describes a moderate adverse operational effect as day and night time sequential views from the Saxon Shore Way/public right of way ZU1/2. There is no reference to specific viewpoints from the Saxon Shore Way/public right of way ZU1/, however Viewpoints 3 and 4 are identified as having a moderate effect and so it is assumed that it is these viewpoints these have been determined as having a combined significant sequential effect.</p> <p>Please could the Applicant clarify the position.</p>
Q1.6.10	Applicant	<p>While lighting has been considered within Chapter 11 of the ES [APP-009], it is not clear how the significance of effects has been assessed, particularly when the type, timescales and placement of lighting has yet to be determined.</p> <p>Please could the Applicant provide a description of the likely lighting scenarios, for example, the lighting requirements throughout the different phases of the development, identify where there would be a need for permanent/temporary lighting and the relevant timescales, and provide an assessment of where significant lighting effects could arise.</p>
Q1.6.11	Historic England	The LVIA considers the effects on cultural heritage features and cross references to Chapter 12 of the ES [APP-

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		009] Archaeology and Cultural Heritage. Please could Historic England comment on whether they are satisfied with the methodology and findings of this assessment?
Q1.6.12	Applicant	Paragraph 11.3.21 of the ES [APP-009] indicates that maximum design parameters have been adopted for buildings and infrastructure to ensure that a worst case scenario has been assessed, but while paragraph 11.3.3 of the ES describes a ZTV based on a stack height of 70m, Table 2.1. refers to a minimum stack height of 75m. Please could the Applicant confirm whether the assessment has been undertaken using a worst case scenario and explain the discrepancy.
Q1.6.13	Applicant	Could the Applicant confirm that all of the schemes identified in Section 3.9 of the ES [APP-008] have been considered in the assessment of landscape and visual cumulative effects, or explain why any have not been considered in this assessment?
Q1.6.14	Applicant	Paragraph 11.3.10 of the ES [APP-009] describes Table 11.3 as summarising the criteria used to assess the sensitivity of the landscape to change. It is assumed that this is an error and that the table this paragraph should be referring to is Table 11.1 Landscape or Townscape Sensitivity to Change on page 11-5. Could the Applicant clarify and correct if necessary?
Q1.6.15	Applicant	Paragraph 13.5 of ES [APP-009] indicates that the stack heights of 70m and 35m are lower than the existing stacks already present at the site. Could the Applicant confirm the height of the existing stacks on site and what height are /will be the stacks for the K3 development?
7	Noise and Vibration	
Q1.7.1	Swale Borough Council	Paragraph 3.5.2 of the Applicant's Scoping Report [APP-012] stated that surveys to gather additional baseline noise data would be undertaken where appropriate. The Scoping Opinion [APP-013] stated that the need for further baseline noise data should be agreed with the LPA. The Applicant's Response to the PINS Scoping

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		Opinion [APP-014] states that no further baseline noise data was deemed necessary. Can the Council please provide confirmation that no further data was necessary?
Q1.7.2	Swale Borough Council	In the absence of written confirmation from SBC during the Scoping consultation that the assessment methodology for noise was acceptable (paragraph 7.3.3 of the ES [APP-009]), can SBC confirm that the approach adopted within the ES is acceptable?
Q1.7.3	Applicant	At paragraph 11.4.18 of the DAS [APP-058] it is stated that the maximum noise levels modelled at the closest location of intertidal birds, some 275m from the proposed location of K4 would be 60dB LA _{eqx} or less , and therefore below the 80dB L _{amax} level at or above which there is considered to be greatest potential for disturbance. In paragraph 11.4.25 of the DAS the comparison with the 80dB L _{amax} level from construction is predicted to be 70dB L _{amax} Could the Applicant please explain whether the comparison of LA _{eqx} with L _{amax} is appropriate? If so, please explain why?
Q1.7.4	Applicant	In paragraph 7.2.33 of the ES [APP-009] reference is made to paragraph 8.5 of BS4142:2014. This deals with the introduction of a new noise sensitive receptor where there is an extant industrial sound. As the proposed development would not introduce a new receptor, could the Applicant please explain the relevance of the Standard in this case?
Q1.7.5	Applicant	The heading 'Threshold Value ¹ ' in Table 7.2 of the ES [APP-009] does not have an accompanying reference. Can the Applicant please clarify this reference?
Q1.7.6	Swale Borough Council	Paragraph 7.3.16 of the ES states that nine residential noise sensitive receptors within a 1km buffer of the proposed development were identified as being representative of the wider area. Would SBC please comment on the locations which were identified? Were the locations agreed with SBCI? If not, would the Council comment on the suitability of the locations? (Note that reference is made to Figure 7.2

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		whereas the locations are shown on Figure 7.1.)
Q1.7.7	Applicant	<p>Paragraph 7.4.1 of the ES [APP-009] states that the nearest residential receptors to the site are approximately 600m away. Elsewhere in the ES reference is made to the nearest residential properties being approximately 500m from the site and the Planning Statement indicates at paragraph 18.4.4 [APP-057] that the closest residential properties to the construction zone are 500m away.</p> <p>Could the Applicant please clarify the distance?</p>
Q1.7.8	Applicant	<p>Paragraph 7.4.6 of the ES [APP-009] states that Public Rights of Way and parkland are considered to be of low sensitivity.</p> <p>Could the Applicant please explain why this is the case.</p> <p>In addition, please confirm whether Church Marshes Country Park is now known as Milton Creek Country Park or vice versa?</p>
Q1.7.9	Applicant	<p>Table 7.9 of the ES [APP-009] sets out typical construction plant noise levels.</p> <p>The Applicant is asked to explain the reference to dB SPL @ 10m and why this standard is used here?</p>
Q1.7.10	Applicant	<p>According to paragraph 7.6.27 of the ES [APP-009] it is expected that the steam valve safety system for K4 will be used less than that for K1, although it would have a noise source level of 130 dB L_{WA}.</p> <p>The Applicant is asked to explain whether this is an existing system or a new one associated with K4. What consideration, if any, has been given to mitigating the noise emanating from the system?</p>
Q1.7.11	Applicant	<p>In Table 7.13 of the ES [APP-009] item (f) indicates that the dB L_{pA} at 1m is 85*.</p> <p>The Applicant is asked to explain what [*] represents?</p>
Q1.7.12	Applicant	In the final two columns of Tables 7.14, 7.15 and 7.16 of the ES [APP-009] the representative residual sound

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		<p>level and the noise change arising from the operational assessment for different scenarios are presented.</p> <p>Could the Applicant please explain on what basis these have been calculated?</p>
Q1.7.13	Applicant	<p>Paragraph 7.6.30 of the ES [APP-009] states that a zero rating dB correction is applied for the dump condenser operation which is identified as a significant additional source of noise in 7.6.26.</p> <p>Could the Applicant please explain why in paragraph 7.6.36 it is stated that during normal operation with the dump condenser operation, a maximum rating difference between the specific rating level and representative background level of +4dB is predicted.</p>
Q1.7.14	Applicant	<p>Paragraph 7.6.38 of the ES [APP-009] describes the situation where the dump condenser and steam release valve would be operating resulting in a maximum rating difference between the specific rating level and representative background level of +28dB.</p> <p>Could the Applicant clarify on what basis would the addition of noise from K4 result in a noise increase of no more than 15dB?</p>
Q1.7.15	Applicant	<p>At paragraph 7.6.39 the ES [APP-009] assesses the noise levels arising from the steam valve safety system as being a major adverse impact which could result in sleep disturbance and general annoyance.</p> <p>Could the Applicant please expand on the reasoning provided in paragraph 7.6.40 as to why this has been assessed as having no more than a slight adverse effect.</p>
Q1.7.16	Applicant	<p>Paragraph 11.4.28 of the Planning Statement [APP-057] indicates that the noise levels from the emergency release valve would reach between 69 and 79 dB L_{amax} within the local wildlife site. It is acknowledged that such a noise level is close to the threshold of 80 dB L_{amax} where an impact would be expected.</p> <p>The Applicant is asked whether a margin of error within the noise model could indicate that the threshold had been exceeded. If so, what would be the effect of such an impact? Would mitigation be required and if so, what form would it take and how would it be secured?</p>

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Q1.7.17	Applicant	How are the figures in paragraphs 7.6.34-7.6.39 of the ES [APP-009] derived from Tables 7.14-7.16? Could the Applicant please clarify?
Q1.7.18	Applicant	Paragraph 7.6.44 of the ES [APP-009] indicates that no non-residential noise sensitive receptors have been identified as being sensitive to vibration including the Public Right of Way. Could the Applicant please explain why this is the case?
Q1.7.19	Applicant	Figure 7.1 of the ES [APP-009] shows the location of avian receivers. Could the Applicant please explain where in the ES is the effect of noise on these avian receivers considered?
Q1.7.20	Applicant	Figures 7.4-7.6 of the ES [APP-009] include within ' <i>signs and symbols</i> ', the terms ' <i>façade as source</i> ', ' <i>roof as source</i> ' and ' <i>embedded façade source</i> '. The Applicant is asked to identify where these terms are addressed in Chapter 7 of the ES?
Q1.7.21	Applicant	Could the Applicant explain whether or not the operational noise assessment has taken account of the annual consolidated major maintenance programme as outlined in paragraphs 2.9.9 – 2.9.11 of the ES [APP-008]? If it has, what would be the impact of such works and how would any short term impacts be mitigated, if necessary. If not, why not?
Q1.7.22		Could the Applicant please explain what L_{pa} and L_{wa} mean in Table 7.13?
8	Traffic and Transport	
Q1.8.1	Applicant	Work No. 4 provides for the retention and continued use of an internal access and haulage road. Could the Applicant explain why it is necessary to seek powers for this use through the DCO?
Q1.8.2	Applicant	Table 3.2 of the ES [APP-009] lists 21 cumulative sites considered in the EIA.

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		Can the Applicant confirm whether all were taken account of in the transport cumulative assessment and if they were not, why not?
Q1.8.3	Applicant	Paragraph 3.13.1 of the Applicant's Scoping Report (Appendix 3.1) [APP-012] indicated that the ES would include details of alternatives considered including access arrangements. Could the Applicant please demonstrate that alternative access arrangements were considered in the ES.
Q1.8.4	Applicant	Section 3.4 (page 22) of the Scoping Response [APP-013] indicated that trips resulting from waste generated at the site during construction and decommissioning should be included in the assessment. Could the Applicant please demonstrate where this has been assessed.
Q1.8.5	Applicant	Paragraph 2.6 of Appendix 3.4 [APP-015] states that ' <i>the construction of K4 will utilise the existing accesses to the Mill: one from the north of the site and another from the west</i> '. The same statement occurs in paragraph 2.6 of the Transport Assessment [APP-017]. The Applicant is asked to explain how this proposed split is intended to work? Why has only the northern access been included in the Order limits?
Q1.8.6	Applicant	Paragraph 20.3.6 of the DAS [APP-058] and paragraph 4.6.9 of the ES [APP-009] indicate that it is assumed that construction would generate an average of 85 construction staff arriving and departing by car each day from the K4 site and 170 staff travelling at the construction peak. Paragraph 4.8.2 of the ES outlines measures to manage construction vehicles through the CEMP and refers to 'car sharing / minibus / collection / drop-off arrangements'. Can the Applicant confirm what assumptions have been made about car share and how this be promoted? Where on the DS Smith site will contractors park and is there sufficient existing parking to accommodate this increase?
Q1.8.7	Applicant	The response of Kent County Council as S42 Statutory Consultee in Appendix 3.4 of the ES [APP-015] makes reference to the appropriateness of a small-scale Travel Plan being produced. In their response the Applicant

Ref No.	Respondent:	Question:
		<p>stated that the scope of the CTMP had been amended to reflect the Council's request [APP-016].</p> <p>Could the Applicant please demonstrate where this commitment is made in the ES, the scope of the small-scale Travel Plan, and how this would be secured?</p>
Q1.8.8	Applicant	<p>Paragraph 20.3.10 of the DAS [APP-058] and paragraphs 4.6.38-4.6.39 of the ES indicate that when operational K4 would only generate the need for occasional ad-hoc maintenance vehicles. As such it was stated that there was no need for a formal assessment as there would be no impact on the road network. Similarly, paragraph 3.17 of the Transport Assessment [APP-017] states that there is no requirement for any on-site staff when K4 is operational.</p> <p>Could the Applicant confirm whether or not this statement is contradicted by the annual maintenance requirement as set out in paragraph 2.9.11 of the ES [APP-009] which states that up to 50 contractors would be on site?</p>
Q1.7.9	Applicant	<p>Reference is made throughout the application documents (including at paragraph 4.10.8 of the ES [APP-009]) to a proposed road link within the Kemsley Paper Mill site.</p> <p>Could the Applicant please confirm the current position with regard to the road link and provide a plan showing its location. What is the purpose of the proposed road and how would it affect traffic movements within and in the vicinity of the site?</p>
Q1.8.10	Applicant	<p>A total of approximately 15 abnormal indivisible loads (AIL) are predicted during construction (ES paragraph 4.6.4 [APP-009]).</p> <p>Has consideration been given to transportation by water for AILs? Have discussions taken place with the AIL team at Highways England? If not, why not.</p> <p>Has consideration been given to the use of rail infrastructure during construction as identified by SBC in their RR [RR-008]?</p>
Q1.8.11	Applicant	<p>Paragraph 4.7.2 of the ES [APP-009] states that <i>'a Demolition Management Plan will be prepared and the</i></p>

Ref No.	Respondent:	Question:
		<p><i>transport related contents agreed with Highways Officers prior to decommissioning’.</i></p> <p>The Applicant is asked to confirm how this will this be secured through the DCO?</p>
Q1.8.12	Applicant	<p>Figure 4.1 of the ES [APP-009] is a Site Location Plan. Whilst it identifies a number of the roads named in section 4 of the ES some are omitted. For example some of the roads named in Links 1-9 (paragraph 4.4.30) are not identified on Figure 4.1. Other roads which are not named on the plan include Grovehurst Road, Ridham Avenue, Reams Way, Lloyd Drive and Castle Road.</p> <p>The Applicant should review section 4 and revise Figure 4.1 to ensure that all named roads are included.</p>
Q1.8.13	Kent County Council	<p>Paragraph 6.10 of the Transport Assessment [APP-017] states that construction HGV movements will be generated throughout the day and will be typically spread fairly evenly in terms of hourly movements.</p> <p>Would the highway authority please comment on this spread of HGV movements?</p>
9 Water Environment		
Q1.9.1	Applicant Environment Agency	<p>The ES, at paragraphs 2.7.4-2.7.6 [APP-009], indicates that any excess process water from the CHP will be conveyed to the Mill’s existing Waste Water Treatment Facilities which is controlled by an EA permit. In addition the process water for K4 is intended to use ground water abstracted in accordance with an EA permit.</p> <p>The Applicant has indicated that there will be less excess water by way of volume comparing K4 with K1 and that less water will be abstracted. What evidence is there to support this position? In responding please quantify the volumes involved for the existing situation and for the proposed development.</p> <p>The Applicant and the EA are asked to confirm what discussions have taken place about the effect of the proposed development on the existing permit? This should be addressed in a response to this Question and in a Statement of Common Ground.</p> <p>Existing water abstraction and discharges are allowed under EA permits 9/40/02/0021/GR and EPR BJ74681C-V009, respectively, and it is anticipated that K4 could operate according to the terms of those permits.</p>

Ref No.	Respondent:	Question:
		<p>Please can the Applicant clarify whether the limits in the permits would allow for both K1 and K4 to operate together, and whether the period of time where both plants would operate simultaneously has been assessed, and if not provide such an assessment.</p>
Q1.9.2	Applicant Environment Agency	<p>A piling risk assessment is proposed to be undertaken to identify an appropriate method of piling which would minimise any downward migration of contamination. This would be secured through R12(1) of the dDCO [APP-005].</p> <p>Could the Applicant and the EA comment on whether or not the reference in R12(1) provides sufficient guidance as to the scope of the piling risk assessment as a means of preventing downward migration of contamination?</p>
Q1.9.3	Applicant Environment Agency	<p>Paragraph 22.4.2 of the DAS [APP-058] refers to R11 and the reference to Table 9-17 of the ES which addresses mitigation measures during the operational phase. Although mentioned in paragraph 22.4.2, there is no mention of a Surface Water Management Plan in Table 9-17. This is referred to in Table 9-16 which addresses mitigation during the construction phase.</p> <p>The Applicant is asked whether Table 9.16 which also identifies the need for a Flood Management Plan should also be referenced in R11? If not, why not? Alternatively, is there a need for a separate requirement to address drainage during construction?</p> <p>Could the EA comment on the scope of Tables 9-16 and 9-17 as proposed mitigation measures?</p>
Q1.9.4	Applicant	<p>Paragraph 4.1.5 of the Statement of Statutory Nuisances [APP-059] indicates that the ES [APP-009] sets out that various documents which should be produced and implemented to safeguard the water environment. The list does not correspond directly with Table 9-17 as the latter does not include an operational management plan.</p> <p>The Applicant is asked should Table 9-17 include reference to an operational management plan and if so what should the plan cover?</p> <p>Table 9-17 also references Flood Evacuation Plan. Why was this not referred to in paragraph 4.1.5 of the Statement of Statutory Nuisances?</p>

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Q1.9.5	Applicant	<p>Paragraphs 2.7.4 and 9.7.51 of the ES [APP-009] describe how K4 would use abstracted groundwater stored in the lagoons immediately south of the site.</p> <p>The Applicant is asked to explain why the lagoons were not included within the Order limits?</p>
Q1.9.6	Applicant Environment Agency	<p>As set out in paragraphs 9.3.3 and 9.3.28 of the ES [APP-009] the methodology for the assessment of development impacts is based on guidance provided in the Design Manual for Roads and Bridges.</p> <p>The Applicant and the EA are asked to comment on the appropriateness of this methodology for the assessment of hydrology and flood risk?</p>
Q1.9.7	Environment Agency	<p>Paragraph 9.4.18 of the ES [APP-009] indicates that the EA has confirmed that they have no record of groundwater flooding within the proposed development.</p> <p>Can the EA please confirm this?</p>
Q1.9.8	Applicant	<p>It is stated in paragraph 9.4.20 of the ES [APP-009] that an increase in impermeable area associated with the proposed development would increase the potential risk of uncontrolled surface water flood risk. Paragraph 9.7.6 indicates that a temporary increase in less permeable area may occur due to the construction compounds.</p> <p>Could the Applicant explain whether there would be any permanent increase in impermeable or less permeable surfacing as a result of the proposed development? Is the current surface of the construction compound area permeable?</p>
Q1.9.9	Applicant	<p>Table 9-14 of the ES [APP-009] sets out standard mitigation measures to be adopted during the construction of the proposed development.</p> <p>The Applicant is asked to confirm whether or not these measures have been incorporated into the CEMP? If they have, please cross reference to where they can be found. If not, why not? Alternatively, should they be subject to a separate requirement in the DCO?</p>
Q1.9.10	Applicant	<p>In Table 9-14 of the ES [APP-009] reference is made to a Decommissioning Plan including a Decommissioning Environmental Management Plan to be produced and agreed with the EA as part of the environmental permitting</p>

Ref No.	Respondent:	Question:
	Environment Agency	and site surrender process. The Applicant and the EA are asked for their views on how the Decommissioning Plan should be secured? Should it be the subject of a separate requirement? For clarity, does this relate to decommissioning of K1 or the proposed K4?
Q1.9.11	Environment Agency	Can the EA confirm that, as set out in paragraph 9.7.37 of the ES [APP-009] that there is no need for the proposed development to reduce existing run-off rates? If not, why not?
Q1.9.12	Applicant	Chapter 9 of the ES [APP-009] does not provide an overall summary or conclusions regarding the water environment. The Applicant is asked to review whether or not there is a need for further comment.
Q1.9.13	Applicant	Table 9-16 of the ES [APP-009] refers to a Surface Water Management Plan in Appendix 9.2. However Appendix 9.2 contains flood risk data from the EA. Please could the Applicant please confirm whether they have produced a surface water management plan and provide the missing document if so.
Q1.9.14	Applicant	In respect of surface and foul water drainage, Requirement 11 of the dDCO requires written details of the surface and foul water drainage system and this includes the plans and strategies referenced in Table 9-17 of the ES (page 9-29). The Applicant is requested to provide copies of the draft plans described and if not available to explain why such draft plans cannot be provided during the Examination.
Q1.9.15	Applicant	In its RR, [RR-002] the Environment Agency (EA) stated that there is no evidence that a Water Framework Directive (WFD) assessment has been carried out. Would the Applicant accept that no such assessment has been undertaken? Would the Applicant comment on the EA's reasoning why an assessment is required and if accepted, provide an assessment by Deadline 2, or if not

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		agreeing with the EA's reasoning please explain why?
Q1.9.16	Kent County Council	Can Kent County Council as Lead Local Flood Authority confirm whether they are content with the scope, assessment, methodology and conclusions of the Flood Risk Assessment [APP-030]? If not, please provide details of the specific areas of concern and confirm how these should be addressed by the Applicant.
Q1.9.17	Applicant Environment Agency	<p>The response of Southern Water in Appendix 3.2 of the ES [APP-013] makes a number of observations in respect of the proposed development. These relate to the location of foul sewers, their ownership, the potential need for an application for a connection to be made to the public foul and surface water drainage, the potential for an application for a connection to the public water main, and an assessment of the impact of proposed site activities during construction and when operational on public groundwater resources and surface water quality.</p> <p>Can the Applicant indicate where these matters have been addressed in the applications documents? If they have not been considered please provide a response to Southern Water's comments.</p> <p>The EA is also asked to comment.</p>
Q1.9.18	Applicant Environment Agency	<p>In its RR [RR-005], NE raised the issue of process water being discharged into the Swale noting that it was not clear whether the Environmental Permit was issued before or after the Swale Estuary Marine Conservation Zone (MCZ) was designated. Consequently, NE recommended that an MCZ assessment of the discharge is carried out in accordance with the Marine and Coastal Access Act 2009.</p> <p>Could the Applicant and the EA comment on NE's recommendation. If an assessment is necessary can the Applicant indicate when this will be provided.</p>
10	Draft Development Consent Order	
		Annex F to the Rule 6 Letter dated 18 June 2018 provided notice of an Issue Specific Hearing (ISH) on the dDCO which was held on 17 July 2018 (ISH1). Table 1 to Annex G of that letter set out a schedule of issues and questions for examination at ISH1. The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by Deadline 1: Tuesday 31 July 2018 . Comments on any matters set out in those submissions are to be provided by Deadline 2: Tuesday 21 August 2018 , which is the same as the deadline for responses to these questions. IPs who participated in ISH1 and consider that their issues

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		have already been drawn to the ExA's attention do not need to reiterate their issues in response to the question below. IPs are requested to review the Deadline 1 written submissions arising from ISH1 before responding to the question below. Matters set out in Deadline 1 written submissions arising from ISH1 are best responded to in Deadline 2 comments rather than on responses to the following question, which aims to capture matters that were not raised at ISH1.
Q1.10.1	IPs other than the Applicant	<p>With respect to matters raised in RRs or WRs but which were not discussed in ISH1 and in your view require changes to the dDCO please identify the changes that you require, referring to Articles, Requirements and any other provisions as necessary, providing your preferred drafting where possible and explain why it is proposed and what it aims to achieve.</p> <p>Please cross-reference responses to this question to your RR, WR and to other questions in ExQ1 as necessary.</p>
11	Other Matters	
Q1.11.1	Applicant	<p>In section 6 of the application form [APP-003] the construction site is described as being 1.4ka of hardstanding in the south east part of the Paper Mill site. Elsewhere, in the ground condition desk study (Table 2.1 [APP-029] the site area is described as being 7.33ha whilst in paragraph 11.4.1 of the ES [APP-009] it is described as being 5.55ha.</p> <p>Could the Applicant please provide measurements of the area of land within the Order Limits / application boundary as shown on the Land Plan [APP-039] and the individual areas identified as Work Nos 1-5 as shown on the Works Plans [AS-003].</p>
Q1.11.2	Applicant	<p>The Applicant's covering letter [APP-001] states that the K4 plant would have a nominal power output of 68-83 Megawatts. Section 5 of the Application Form [APP-003] identifies that the plant would comprise a gas turbine of 52-57 Megawatts nominal power output, waste heat recovery boilers providing 105MWth steam and a steam turbine of 16MW nominal power output.</p> <p>Could the Applicant please confirm whether or not these two documents are consistent and explain the difference between the figures.</p>

Ref No.	Respondent:	Question:
Q1.11.3	Applicant	<p>R6 of the dDCO [APP-005] makes provision for the decommissioning of the existing gas-fired K1 CHP plant and as the Applicant's covering letter [APP-001] confirms, this would make K1 inoperable. However, no physical demolition of the structure is proposed as part of the DCO.</p> <p>Could the Applicant please demonstrate that the decommissioning of K1 has been fully addressed, as has the dual operation of K1 and K4, through the ES and HRA and explain why it is not proposed to demolish K1.</p>
Q1.11.4	Applicant	<p>The EM at paragraph 4.3 [APP-006] describes Work No 2 as comprising '<i>the retention, connection into and continued operation of a number of existing elements, the majority of which are in association with the K1 generating station</i>'. Paragraph 2.9.1 of the ES [APP-009] describes K4 as being operational in the summer/Autumn of 2021 with the commissioning/decommissioning of K4/K1 anticipated as commencing 6 months earlier. Section 3.11 indicates that post-full commission of K4, K1 would be fully decommissioned, and that this would involve actions which would effectively render the redundant K1 equipment inoperable, as it would be fully isolated from its associated fuel source and exhaust gas path.</p> <p>The Applicant is asked to explain how K1 and K4 could operate together if both plants would be unable to access the fuel source and exhaust gas path simultaneously. What would happen to the connections when K1 is decommissioned? Could K1 be fully decommissioned if connections between K1 and K4 are still required?</p>
Q1.11.5	Applicant	<p>Paragraph 15.3 of the DAS [APP-058] states that the proposed K4 CHP plant is expected to have a very high level of efficiency of circa 94%. Paragraph 2.5.19 of the ES [APP-009] describes the anticipated uptime for K4 alone as being circa 96%.</p> <p>Is there a discrepancy between these figures or do they represent different features? How have these figures been arrived at?</p>
Q1.11.6	Applicant	<p>Can the Applicant please explain the comment in 2.7.3 of the ES [APP-009] that the export of electricity will be via the LP and MP manifolds?</p>
Q1.11.7	Applicant	<p>The Scoping Opinion (page 46) [APP-013] states that the potential for significant effects to the environment from electromagnetism / radiation should be scoped into the ES. The Applicant indicated in their response at Appendix 3.3 (page 24) [APP-014] indicated that as the design specification for all electrical equipment would be compliant with Council Recommendation 1999/519/EC or harmonised electromagnetic field (EMF) standards,</p>

Ref No.	Respondent:	Question:
		<p>EMF could be scoped out of the EIA.</p> <p>The Applicant is asked to demonstrate that Public Health England is content with this approach and that their scoping consultation response has been addressed.</p>
Q1.11.8	Applicant	<p>The response of Southern Gas Networks as S42 Statutory Consultee in Appendix 3.4 of the ES [APP-015] makes reference to a gas main encroaching onto the DCO land a plan showing the route of the high pressure pipeline being enclosed.</p> <p>Can the Applicant please provide a copy of that plan?</p>
Q1.11.9	Applicant	<p>The response of UK Power Networks as S42 Statutory Consultee in Appendix 3.4 of the ES [APP-015] makes reference to the enclosure of records which show the electrical lines and / or electrical plant. These do not appear to have been provided.</p> <p>Can the Applicant please provide a copy of these records.</p>
Q1.11.10	Swale Borough Council	<p>Paragraph 5.4.1 of the DAS [APP-058] indicates that no development consent obligations are proposed between the Applicant and the Council as none are considered necessary to make the proposed development acceptable in planning terms.</p> <p>Does the Council share this view? If not, what obligations would be required?</p>
Q1.11.11	Applicant	<p>Paragraph 6.6.4 of the ES [APP-009] states that it is expected that K4 would provide a 16% reduction in total net greenhouse gas emissions in its first operating year with a 22% reduction in intensity per MWh and a 12% reduction over an operating lifetime of around 25 years with an 18% reduction in intensity.</p> <p>Can the Applicant please explain how these figures have been derived?</p>
Q1.11.12	Applicant Environment Agency	<p>Paragraph 17.3.13 of the DAS [APP-058] states that it is <i>'anticipated that a suitable condition would be imposed in respect of contamination on any planning permission issued for the proposed internal road, which alongside [R12] ensures that the issue of potential contamination will be appropriately dealt with should the existing K4</i></p>

Ref No.	Respondent:	Question:
		<p><i>site surface be broken up as part of works undertaken under a DCO or planning permission’.</i></p> <p>Can the Applicant please provide an update on this statement reflecting the evolving plans for the proposed road.</p>
Q1.11.13	Applicant	<p>Paragraph 2.8.2 of the ES [APP-009] states that spoil generated from the proposed development will be used on site.</p> <p>Can the Applicant please explain where will this spoil be used and for what purpose?</p>
Q1.11.14	Applicant	<p>Paragraph 6.3.38 of the ES [APP-009] indicates that the operational overlap between the existing K1 and the proposed development has not been assessed with reasons given. However, these reasons conflict with the approach adopted with respect to air quality in paragraph 5.6.30 of the ES.</p> <p>Can the Applicant please explain why.</p>
Q1.11.15	Applicant	<p>Paragraph 6.3.39 of the ES indicates that greenhouse gas emissions arising from the potential deconstruction of K1 following decommissioning are not within the scope of the assessment.</p> <p>Can the Applicant please explain why this is the case.</p>
Q1.11.16	Applicant	<p>Paragraph 6.7.1 of the ES [APP-009] indicates that construction stage effects are not considered to be material to the total life-cycle effect of the proposed development in the absence of construction or design information for the proposed development.</p> <p>The Applicant is asked to explain whether this is sufficient reason to conclude that the construction stage effects are not material particularly given the IEMA guidelines that all greenhouse gas emissions are potentially significant?</p>
Q1.11.17	Applicant	<p>Could the Applicant confirm what provision is currently made / required in the future for surplus energy to be provided to the National Grid? Have discussions taken place with the grid operator? If so, please explain what stage they have reached; if not, why not?</p>



Ref No.	Respondent:	Question:
Q1.11.18	Applicant	<p>ES paragraph 2.8.16 describes a 20 month construction period. It is noted that the Traffic and Transport Chapter considers a construction period of 24 months with a peak construction period of an estimated 6 months, during which there would be an estimated 80 HGV and 250 car movements.</p> <p>Please could the Applicant explain the discrepancy and whether it has any implications for the assessments.</p>
Q1.11.19	Applicant	<p>Information in the ES regarding demolition activities in respect of K4 is unclear and should be clarified. Please could the Applicant confirm whether or not any demolition work is required in order to build K4. Where demolition work has been described in the ES chapters the Applicant should provide a description of the demolition activities and clarify whether it relates to K1 or K4. It is noted that the dDCO only makes reference to K1.</p>