

From: Wilson, Jennifer [<mailto:jennifer.wilson@environment-agency.gov.uk>]
Sent: 05 July 2018 13:29
To: Kemsley Paper Mill (K4) CHP Plant
Cc: Reid, Tom
Subject: Preliminary Meeting an draft Development Consent Order - Kemsley Paper Mill (K4) CHP Plant

Dear Emre

I am writing following the receipt of the Rule 6 letter with annexes from Mr Kevin Gleeson regarding the above application.

Firstly I would like to confirm that I am happy to receive communication via email – I would ask that you use the email address jennifer.wilson@environment-agency.gov.uk and kslplanning@environment-agency.gov.uk in case I am away.

In the letter was a deadline (10 July) to confirm whether we would be attending the preliminary meeting and the following meeting relating the draft Development Consent Order, both on the 17th July.

Unfortunately I am unable to attend either of these meetings on this date due to other work commitments, however my colleague Tom Reid (Fisheries, Biodiversity and Geomorphology Technical specialist) has kindly offered represent our organisation.

Preliminary Meeting

I understand the following matters are to be discussed in the preliminary meeting including:

- Item 3 (Annex A)– Initial Assessment of the Principle Issues (Identified in Annex B);and
- Item 4 (Annex A) possible changes that might need to be made to the draft Examination Timetable (Annex C).

Item 3

We note that matters of interest to us have been listed within Annex B. We provided quite a detailed Relevant Representation (RR) response to the original application consultation (copy attached), and following our submission we have been contacted by DHA (4th July) who have provided additional information to hopefully allay our concerns raised in our RR and also provided us with a draft SoCG, which we will review in due course.

Item 4

I have reviewed the draft Examination Timetable. At this time I can only foresee one issue for us, 14 August Deadline 2. I am away for this particular deadline during the school summer holiday as I suspect many people may also be. There is also only 2 weeks between Deadline 1 and Deadline 2 (10 days) during this peak holiday time. I know this will make meeting the Deadline 2 more difficult for us, as I rely on colleagues inputs to raise or address issues and suspect we may not be the only ones that may be affected. I would ask on behalf of my organisation if Deadline 2 could be reviewed, possibly extended.

If you have any questions regarding the above, please do not hesitate to contact me. If you need more information from please let me know.

Kind Regards,

Jennifer Wilson
Planning Specialist
Sustainable Places – Kent and South London

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The Planning Inspectorate
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: KT/2018/124279/01-L01
Your ref: EN010090
Date: 06 June 2018

Dear Sir/Madam

Application for Development Consent Order - Construction and operation of a combined heat and power (CHP) plant ('K4') to supply electricity and steam to the Kemsley Paper Mill in Sittingbourne, Kent.

The Kemsley Paper Mill, Swale Way, Kemsley, Sittingbourne, Kent, ME10 2TD

Having reviewed the application details for the above proposal we have the following relevant representation to make:

The Role of the Environment Agency

The Environment Agency has a responsibility for protecting and improving the environment, as well as contributing to sustainable development.

We have three main roles:

We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.

We are an **environmental operator** – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an **environmental advisor** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Outstanding information and issues of concern

Our relevant representation outlines where further work, clarification or mitigation is required to ensure that the proposal has no detrimental impact on the environment. Our comments -in relation to Water Framework Directive assessment and eels and elver - raise concerns which we believe need to be addressed prior to a development consent order being granted.

Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve the matters outlined above, and to ensure the best environmental outcome for this project.

Yours faithfully

Ms Jennifer Wilson
Planning Specialist

Direct dial 0208 474 6711

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

Relevant Representations On behalf of the Environment Agency

Environmental Statement

Chapter 9, Water Environment

There is no evidence of a Water Framework Directive (WFD) Assessment having been carried out, despite the intention to discharge cooling water into the Swale transitional WFD water body.

We are concerned by the statement pertaining to the monitoring conditions placed on the permit stating “*No limits are defined for; Flow (m3), pH, Mercury (kgs) or Cadmium (kgs)*”. The WFD sets strict chemical limits (as Environmental Quality Standards:EQS’s) for many chemicals, including mercury and cadmium. If mercury or cadmium are in the effluent then their concentration need to be determined when that discharge reaches WFD waters.

Any discharges to WFD water bodies should be assessed in relation to their potential for impacts on the compliance of those receiving WFD water bodies (and any adjoined water bodies).

Whilst we appreciate that Environmental Statements have their own relative scales for magnitude and severity of potential impacts, these are subjective and cannot be considered a substitute for a WFD Assessment, where the question is necessarily a detailed one; primarily will the activities being licensed/permitted cause a failure of any of the multiple EQS concentration limits laid down in the WFD and its daughter directives, or prevent the waterbody from meeting its WFD objectives as laid down in the River Basin Management Plan. Specific consideration of the concentrations of all discharged chemicals on the WFD & EQSD lists are required before it might be concluded whether or not they meet water quality criteria for WFD.

We suggest the applicant visits the government website where guidance on conducting a WFD assessment is provided: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

Any elements of the application which require a marine licence should be WFD assessed, and the discharge permits intended to be (re-)used should be WFD compliant.

Chapter 10, Ecology

There remains concern that the effect of the temperature of the discharges from the works will adversely affect the water temperature of the Swale. This will be looked at in more detail as part of the Permit Variation for the site, however it should be noted that in Section 10.4.14 on Protected species, the authors have only relied on records of protected species. Many of the ditches in the area contain Eel, *Anguilla anguilla*. This should be addressed particularly in the context of the temperature of discharges, above, and light scatter from the development, which might not reach the designated sites but could affect the marshes near the proposal site.

Appendix 9.1, Flood Risk Assessment

The developed area of the site is located within flood zone 1 and therefore at low risk of flooding. The proposed development buildings are set above the predicted flood levels for the area.

The proposed construction site access is within the 200 year flood outline when accounting for climate change to 2115. This is considered to be low risk, and we therefore have no concerns with this.

Draft Development Consent Order, Schedule 2 - Requirements

9 External lighting

This requirement specifies that *“no part of the authorised development may be commenced until a scheme for the management and mitigation of artificial light emissions during the construction, operation and decommissioning of the authorised development has been submitted to and approved by the relevant planning authority”*.

When the planning authority assesses the lighting scheme, they should also consider the impact of lighting on eels and elvers that might be in the ditch network near to the development site. As stated above eels and elvers have not currently been considered in the Environmental Statement which focuses on light impacts on birds that are only reported to be found at a distance from the site.

Section 12 Contaminated land and groundwater

We are satisfied that this requirement addresses those matters of interest to us.

The site has been reasonably well characterised by desk study information and referenced previous investigations on the wider site complex. As the environmental permit will require a suitable site condition report and baseline reporting is already being gathered we would not anticipate any significant effects from ground contamination that cannot be addressed by good practice outlined in the CEMP and using standard construction controls.

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