



Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application:	Kemsley Mill K4 Combined Heat and Power Generating Station
Reference:	EN010090
Date and Time:	17 July 2018 at 10.00am
Venue:	Kemsley Community Village Hall, The Square, Ridham Avenue, Kemsley, Sittingbourne, ME10 2SF

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and Introduction

Kevin Gleeson (KG), Single Examining Inspector forming the Examining Authority (ExA) opened the Preliminary Meeting (PM) for the application made by DS Smith Paper Ltd. ('the Applicant') for an Order granting Development Consent for the proposed Kemsley Mill (K4) Combined Heat and Power Generating Station. KG provided a brief summary of the proposed development.

KG welcomed those present and explained his appointment made by delegation from the Secretary of State (SoS) by the Department for Business, Energy and Industrial Strategy (BEIS) on 8 May 2018 to examine an application for a Development Consent Order (DCO) for a Nationally Significant Infrastructure Project (NSIP).

KG formally introduced the case team, and explained that the purpose of the PM was to consider procedural issues only, relating to the way in which the application is to be examined and the timetable for that Examination. He noted that the Examination will commence after the PM closes and confirmed that a brief PM note would be published and that all submissions received and accepted by his discretion will be published to the project specific page of the National Infrastructure Planning website.

KG confirmed that he had 6 months to investigate matters which he considered important and relevant to the report; after which he would have 3 months to report to SoS with his conclusions and recommendation as to whether consent should be given and that it would be the SoS that will make the final decision.

KG noted that he had undertaken an unaccompanied site inspection of the area on 4 July 2018 in order to familiarise himself with elements of the application and that a note thereof had been published to the project website.

KG invited parties present to introduce themselves.

Julian Boswall (JB) introduced himself and team acting on behalf the Applicant, whilst **David Harvey (DH)** also introduced himself on behalf of the Applicant. **Ross McCardle (RMc)** introduced himself on behalf Swale Borough Council (SBC), **Francesca Potter (FP)** and **Francis Carpenter (FC)** introduced themselves on behalf Kent County Council (KCC) and **Tom Reid (TR)** introduced himself on behalf of the Environment Agency (EA).

KG invited participants to present any questions about the introductory or preliminary nature of the process in general; none were asked.

2. ExA's remarks about the Examination process

KG noted the purpose of the Examination and as ExA will need to make a recommendation to the SoS for BEIS as to whether the proposal should receive consent in the form of a DCO under the Planning Act 2008 (PA2008). **KG** as ExA outlined how he intended to examine the application and raised several key principals for discussion, namely independence and impartiality; rigour; focus on evidence and justification; openness; fairness and timeliness.

KG made outline remarks on the examination process under the PA2008 including Interested Parties (IPs) involvement; brief points on specific reports to be prepared by the Applicant and Local Authorities.

KG noted that the process is largely a written process and that he would seek to gather information from IPs as addressed in the draft Examination timetable via means of Written Representations (WRs), Statement of Common Grounds (SoCG), Local Impact Report (LIR) and responses to written questions etc. The ExA encouraged interested parties to engage fully throughout the written process, rather than wait for further rounds of questions or a particular hearing to influence the proceedings. Any document that any party wishes the ExA to consider must be formally lodged as part of the examination process and available to all parties for examination.

KG explained that there are three different types of hearings that might be held: Open Floor Hearings (OFH), Issue Specific Hearings (ISH) and Compulsory Acquisition Hearings (CAH) and highlighted the differences between them. **KG** also noted that as no Compulsory Acquisition has been applied for within the proposed application it is not intended to hold a CAH during the Examination.

KG explained that to enable the SoS to consider and decide on an application, he must consider positions from IPs that includes their submissions of Relevant Representation (RR) and WR, LIRs prepared by Local Authorities, prescribed matters relevant and important to the SoS, which includes the consideration of the relevant National Policy Statement (NPS) and in addition relevant policies.

KG made reference to the Rule 6 letter and the revised guidance on costs, which set out the general principles for the award of costs in relation to the Examination of application under the PA2008 that was issued by the Department of Communities and Local Government in July 2013.

KG invited participants to present any questions about the examination process generally; none were asked.

3. Initial Assessment of Principal Issues

KG made reference to the ExA's Initial Assessment of Principal Issues (IAPI), set out in Annex B of the Rule 6 letter dated 18 June 2018 and noted that the list was not intended to be exclusive and, if any other issues arise which appear to be important and relevant, they will also become part of the Examination.

KG invited participants to present any remarks about the ExA's IAPI; none were provided.

4. Draft timetable for the examination

5. Deadlines for submissions

KG explained that he is under a statutory obligation to end this examination within 6 months; however, he confirmed that he didn't have to take 6 months to examine the application unless that time turns out to be needed. As a result the ExA explained that his intention was not to programme any examination events or deadlines beyond Deadline 7 (D7) of 28 November 2018, but instead, towards the end of November 2018, provided all relevant information is available, the intention would be to close the examination shortly thereafter and move directly into reporting.

KG explained that shortly after the close of the PM, a Rule 8 letter will be issued which will set out the timetable for the Examination and the ExA's list of IAPI, this will be issued as soon as practicable but with the intention to be issued no later than Tuesday 24 July 2018.

KG requested that submission of WRs be received by D2 (14 August 2018) and comments thereto be submitted by D3 (20 September 2018). The ExA noted that eight RR had been received and that comments thereto would be expected by D1 (31 July 2018).

KG made reference to the submission received by SBC [AS-017] in advance of the PM, which made reference to SBC's wish to withdraw their original RR on the basis that the comments therein related to the K3 site rather than the proposed K4 development.

KG sought clarity from SBC as to whether they were seeking to only have their comments in relation to K4 be removed and therefore amend their original representation or whether SBC wished to withdraw the entirety of their RR.

RMc confirmed that they would seek to amend the RR and provide clarity on the original mistake. SBC would be seeking to substitute their RR and therefore it was not SBC's intention to completely withdraw their RR.

KG requested that submissions of LIRs be received by D2 (14 August 2018) and comments thereto be submitted by D3 (20 September 2018). **KG** confirmed that the intention was to issue the Rule 8 letter as soon as practicable following the PM and this will include the ExA's Written Questions (ExQ1) and therefore responses thereto be requested to submitted by D2.

KG noted that should further written questions be needed this would be issued by 22 October 2018, with a view for responses to be received by D5 (13 November) and comments thereto, to be submitted by D6 (20 November).

KG made reference to the submission received by the EA [AS-014] in advance of the PM, which asked the ExA to review the date set for D2. **KG** requested from the EA whether they could explain their position and whether they had any alternative dates for D2 submissions.

TR confirmed that the EA wished for D2 to be amended due to internal resourcing and suggested that this deadline be moved to 30 August 2018.

KG asked the Applicant whether they had any objections thereto.

JB confirmed that the Applicant's preference was to keep the Examination timetable as set, on the basis that the deadlines have a relationship to each other and that the hearings have been scheduled and venues sorted.

KG enquired from the EA whether D2 was the only deadline they wished to amend.

TR confirmed this was the case.

KG confirmed that he would consider this request and the responses made by both parties and provide a Procedural Decision if required on this matter via the Rule 8 letter.

KG sought clarity from SBC relating to their wish to amend their RR, and whether their intention was to submit a Written Representation to clarify this position.

RMc confirmed they would submit a WR to clarify their position and that their intention was not to remove comments made within the RR in terms of “no objection” to the proposal in principal. However, they will clarify this position within their WR.

KG invited participants to present any further remarks about the draft timetable for the Examination and deadline for submissions; none were provided.

6. Hearings and Accompanied Site Inspection

KG confirmed that the intention during the Examination would be to publish agendas for Hearings on the project website approximately 7 days in advance of the Hearing.

KG noted that he had reserved a date to hold the OFH on 12 September 2018 and requested whether any participants present believed that an OFH was necessary. No participants suggested that an OFH was necessary.

KG noted the provision within the draft exam timetable for hearings during the Examination, including the ISH into the DCO to be held immediately after the PM on 17 July 2018.

KG confirmed that he had already undertaken an Unaccompanied Site Inspection. The draft Examination timetable makes provision for an Accompanied Site Inspection (ASI) to be held on 12 September 2018 and for submission of nominations to be received by D1 for this reserved ASI. The ExA was inclined to hold such an ASI; however, this would predominantly consist of visiting the proposed application site. The ExA queried whether any parties had any remarks regarding the dates of hearings scheduled or the reserved date of the ASI.

DH confirmed they had no objections to the dates proposed for the ASI or the ISHs scheduled within the timetable for the Examination. The Applicant confirmed that they would provide nominations within the proposed application site boundary for the ASI by D1 and also noted that the Holiday Inn, Sittingbourne had been reserved for the dates within the draft Examination timetable scheduled for the OFH and ISHs.

KG queried whether any parties had any further remarks regarding the dates of hearings scheduled or the reserved date of the ASI; no parties made any remarks on the matter.

7. Procedural Matters

KG briefly outlined the procedural matters for participants as detailed within Annex E of the Rule 6 letter. The ExA noted that the Rule 6 letter under item 8 (Habitats Regulations 2017) made reference to templates for matrices to be completed/ submitted during the Examination and queried when the Applicant anticipated on submitting such matrices.

DH confirmed that they intended to submit completed matrices by D2.

KG queried whether these could be submitted by D1.

DH noted that the Applicant would take this under review.

KG confirmed that the revised application documents submitted by the Applicant on 14 June 2018 in response to s51 advice issued on 26 April 2018 was Accepted by the ExA into the Examination. **KG** queried whether any participants had any objections/ comments; no parties made any remarks on the matter.

8. Any other business

9. Close of Preliminary Meeting

KG queried whether any parties were unclear on the process or wished to add any remarks regarding hearings, site inspections etc; no remarks were made.

KG thanked everyone for contributing to the meeting and reminded parties of the ISH into the DCO to be held shortly after the close of the PM. The ExA then closed the Preliminary Meeting.