



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

PINS Ref: EN010090



**SoCG**  
**DS Smith Paper Ltd and**  
**Swale Borough Council**

**Document 7.1**  
**Author: DHA Planning**



July 2018 - Deadline 1 Signed Version

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## Statement of Common Ground between DS Smith Paper Ltd and Swale Borough Council

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**Client:** DS Smith Paper Ltd  
**Project:** The Kemsley Mill K4 CHP Generating Station DCO  
**Date:** July 2018

**Reference:** Planning Inspectorate - EN010090  
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(For and on behalf of DS Smith Paper Ltd)

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## 1 Introduction

- 1.1.1 DS Smith Paper Limited ("the Applicant") is seeking permission to decommission an existing gas fired Combined Heat and Power ("CHP") Plant ("K1") and build a new gas-fired CHP plant ("K4") with a nominal power output of 68-73 megawatts (the "Proposed Development") on DS Smith owned land ("the Site") to be operated by DS Smith and/or other companies to supply electricity and steam to their existing Kemsley Paper Mill, in Sittingbourne, Kent ("The Mill") with any excess power being exported to the National Grid.
- 1.1.2 The Planning Act 2008 states that the construction or extension of an onshore generating station of more than 50MW electrical output in England or Wales is considered by Section 14(1)(a) and Section 15 of the Act to be a 'nationally significant infrastructure project' (NSIP) and as such requires an application for a Development Consent Order (DCO) to be made to the Planning Inspectorate (PINS) and approved by the Secretary of State (SoS) for Business, Energy and Industrial Strategy. Such an application has therefore been prepared by DS Smith Paper Ltd.
- 1.1.3 The Examining Authority requested that a SoCG be prepared between the applicant and Swale Borough Council at Annex G of their Rule 6 letter of the 18<sup>th</sup> June 2018.

### 1.2 The Application Site

- 1.2.1 The Site lies in the south east corner of the existing Kemsley Paper Mill approximately 600m west of the Swale Estuary and north of Milton Creek in the Borough of Swale, Kent. The entire Site is within the security fence for the Paper Mill. The main part of the Site is roughly triangular in shape and consists almost entirely of existing concrete hardstanding. The Site lies within the wider Paper Mill industrial complex which comprises a number of existing large industrial buildings, flue emission stacks, concrete hardstanding and other associated development.
- 1.2.2 The nearest statutory designation with regard to ecological interest is the Swale Special Protection Area and Site of Special Scientific Interest which lies approximately 280m east of the Site at its closest point. The Site is also less than 200m from the Milton Creek Local Wildlife Site.

### 1.3 The Proposed Development

- 1.3.1 DS Smith is seeking permission to decommission the existing gas-fired CHP Plant (K1) and build a new gas-fired CHP plant (K4) with a nominal power output of 68-73 Megawatts to be operated by DS Smith and/or other companies to supply steam and power to their existing Kemsley Paper Mill, with excess electricity being exported to the grid.
- 1.3.2 The Proposed Development will comprise a combined cycle plant fuelled by a gas turbine of 52-57 MW nominal power output, waste heat recovery boilers providing 105 MWth steam and steam turbine technology of around 16 MW nominal power output.

1.3.3 The proposed K4 plant would replace the existing K1 CHP generating station at the paper mill which is nearing the end of its operational life. The decommissioning of the K1 CHP plant comprises works to make K1 inoperable but no physical demolition of the existing K1 structure is proposed as part of this DCO.

**1.4 The role of Swale Borough Council (SBC)**

1.4.1 Swale Borough Council are the relevant Local Authority for the purposes of this DCO application as the proposed K4 plant lies within the Swale district. SBC have been consulted on the application throughout the process of preparing the DCO application regarding a number of issues.

1.4.2 Swale Borough Council submitted a Relevant Representation on 8<sup>th</sup> June 2018. This Statement of Common Ground has been prepared pursuant to this representation and the matters raised by the Examining Authority in their Rule 6 letter of the 18<sup>th</sup> June 2018.

## 2 Matters agreed between the parties

### 2.1 Development Consent Order

- 2.1.1 It is agreed that the scope of the principal powers, supplemental powers and miscellaneous and general provisions being sought through the draft DCO are appropriate.
- 2.1.2 It is agreed that the scope of the Authorised Development in Schedule 1 of the draft DCO is appropriate.
- 2.1.3 Subject to the position taken by statutory bodies it is agreed that the Requirements proposed are sufficient to bring forward the necessary environmental mitigation measures identified within the Environmental Impact Assessment, together with the approval of other necessary matters. Swale Borough Council are the 'relevant planning authority' for the purpose of discharging requirements, where that is relevant to a particular Requirement, in consultation with other bodies as appropriate:
- (1) Kent County Council as the relevant highway authority in the case of draft Requirement 7 (Construction Environmental Management Plan)
  - (2) Kent County Council as the relevant highway authority in the case of Requirement 8 (Construction Traffic Management Plan);
  - (3) The Environment Agency in the case of draft Requirement 12 (Contaminated Land and Groundwater)
  - (4) The county council in the case of Requirement 13 (Archaeology).
- 2.1.4 Requirement 10 sets construction hours for the project and the parties agree that hours of 0700 to 1900 Monday to Friday and 0700 to 1600 on Saturdays, Sundays and Public Holidays are acceptable. It is then agreed by the parties that emergency works can take place outside those hours, where Swale Borough Council have been notified of those works within 72 hours of their commencement.

### 2.2 Environmental Impact Assessment

- 2.2.1 It is agreed that the EIA has been undertaken on a worst case scenario using maximum parameters given the detailed design and construction methods of K4 have not yet been finalised.
- 2.2.2 The parties agree that the projects as listed in Paragraph 3.9.1 of the Environmental Statement are appropriate for consideration as part of any cumulative assessment.

### 2.3 Noise and Disturbance (incl. construction, operational and decommissioning)

- 2.3.1 Requirement 7 requires the Council to approve a Construction Environmental Management Plan and Requirement 8 a Construction Traffic Management Plan, both in consultation with the highway authority. Requirement 10 sets construction hours. On the

basis of the Environmental Statement and those Requirements it is agreed that Swale Borough Council has no objections to or issues with noise and disturbance from the construction and operation of the authorised development.

## **2.4 Landscape and Visual Impact**

2.4.1 Requirement 5 of the draft DCO requires the Council to approve design details of the proposed development. On the basis of the Environmental Statement and that Requirement it is agreed that Swale Borough Council has no objections to or issues with the proposed development in landscape and visual impacts.

## **2.5 Air Quality**

2.5.1 Swale Borough Council will defer to the position of relevant statutory bodies on air quality, but currently on the basis of the Environmental Statement, and by virtue of the proposed K4 plant replacing the existing K1 facility, it is agreed by the parties that there will be no significant adverse effects on sensitive receptors through emissions to air arising from the construction and operation of the authorised development.

## **2.6 Ecology, Habitats and Nature Conservation Effects**

2.6.1 It is agreed that there is no need for detailed surveys to be undertaken within the footprint of the proposed development due to it being a hard-standing area.

2.6.2 It is agreed between the parties that the recommendations detailed in the Habitats Regulations Assessment will be implemented as part of the construction and operation of the authorised development through the CEMP which is to be approved through Requirement 7.

## **2.7 Highways and Transport**

2.7.1 It is agreed between the parties that Kent County Council, as the highways authority, will take the lead on highways and transport, but that Swale Borough Council do not have any concerns with the vehicle movements which will be associated with the construction and operation of the proposed development as set out within the Environmental Statement.

## **2.8 Construction Environmental Management Plan**

2.8.1 Draft DCO Requirement 7 makes provision for a Construction Environmental Management Plan to be approved by the planning authority. It is agreed by the parties that appropriate provision has therefore been made within the DCO for a CEMP to control construction works.

### **3 Matters where discussions are ongoing**

- 3.1.1 The parties to this SoCG confirm that there are currently no matters where discussions are ongoing.



## 4 Matters Not Agreed

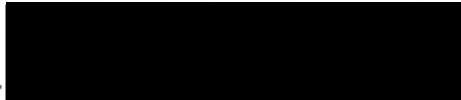
4.1.1 The parties to this SoCG confirm that there are currently no matters which have not been agreed.

Signed.....  .....

Name and position..... DAVID HARVEY, DIRECTOR, DHA PLANNING LTD .....

**On behalf of DS Smith Paper Ltd**

Date..... 27th July 2018 .....

Signed.....  .....

Name and position..... ROSS MCCARDLE, SENIOR PLANNER, SBC .....

**On behalf of Swale Borough Council**

Date..... 27.07.2018 .....