



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

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SoCG
DS Smith Paper Ltd and
Kent County Council

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Statement of Common Ground between DS Smith Paper Ltd and Kent County Council

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

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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 submitted by DS Smith Paper Ltd.
- 1.1.3 The Examining Authority requested that a Statement of Common Ground be prepared between the applicant and Kent County Council at Annex G of their Rule 6 letter of the 18th 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 Kent County Council

1.4.1 Kent County Council are a Relevant Local Authority, the Local Highway Authority, Lead Local Flood Authority and Minerals and Waste Planning Authority for the purposes of the examination by virtue of the fact that the proposed K4 plant lies within the Kent County area.

1.4.2 Kent County Council has multiple roles as part of a two-tier council system. Specifically their remit regarding this application covers the following areas:

- (1) Highways and Transportation;
- (2) Minerals and Waste
- (3) Lead Local Flood Authority - Sustainable Drainage
- (4) Heritage Conservation and an archaeological advice service provided to Swale Borough Council; and
- (5) Biodiversity;

1.4.3 Kent County Council submitted a Relevant Representation to the Planning Inspectorate on 8th June 2018. This Statement of Common Ground has been prepared pursuant to that representation and the matters commented on within it, together with the list of issues set out by the Examining Authority in their Rule 6 letter of the 18th 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 It is agreed, subject to the specific points set out in this SoCG and the matters where discussions are ongoing, 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 will be the 'relevant planning authority' for the purpose of discharging requirements, where that is relevant to a particular Requirement. Requirements will be discharged in consultation with:
- (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) Kent County Council as the Lead Local Flood Authority in the case of Requirement 11 (Surface and Foul Water Drainage)
 - (4) The Environment Agency in the case of draft Requirement 12 (Contaminated Land and Groundwater)
 - (5) Kent county council in the case of Requirement 13 (Archaeology).

2.2 Traffic and Transport (incl. Public Rights of Way)

- 2.2.1 It is agreed that following the inclusion of additional junction assessments within the Transport Assessment (TA) (Appendix 4.1 of the Environmental Statement), covering a wider area of the highway network, the extent of the study area is now appropriate. Further to this, it is agreed that the additional survey work was undertaken within a traffic neutral month, as per the initial surveys, so the collection of data that has been presented is valid. It is agreed that 2019 is the appropriate future year for the assessment and that the committed sites used in the assessment are appropriate.
- 2.2.2 HGV traffic is to be directed to use the Northern (Barge Way) for construction access with staff access being via Ridham Avenue. It is agreed between the parties that the trip generation of 40 HGV deliveries per day at the peak of activity during the construction phase and the suggested maximum of eight HGV movements in peak hour are appropriate.

2.2.3 It is noted that the TA assumes workers will arrive between 06:00 and 07:00 and leave between 19:00 and 20:00 on a weekday and therefore that the associated traffic movements will occur outside of the identified highway network peaks of 08:00 to 09:00 and 17:00 to 18:00. It is agreed between the parties that draft DCO Requirement 8 (Construction Traffic Management Plan) requires the approval of the relevant planning authority (Swale Borough Council) in consultation with the highway authority (KCC) and is an appropriate mechanism for controlling worker arrival and departure subject to the following changes to the DCO:

- (1) Draft DCO Requirement 7 (Construction Environmental Management Plan) being amended to require approval by the relevant planning authority in consultation with the highways authority.
- (2) Draft DCO Requirement 8 (Construction Traffic Management Plan) being amended to require the provision of a Travel Plan within the CTMP;

2.2.4 Other matters relating to traffic and transport are under discussion and as such are addressed in Section 3 of this SoCG.

2.3 Archaeology and Cultural Heritage

2.3.1 KCC agree with the advice provided by Historic England dated 7th February 2017 and, on that basis, it is agreed between the parties that there is no physical impact upon designated heritage assets and that visual impacts on the setting of Scheduled Monuments would be negligible.

2.4 Ecology, Habitats and Nature Conservation Effects

2.4.1 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.

2.4.2 It is agreed between the parties that the recommendations detailed in the Habitats Regulations Assessment will be implemented through the Requirements within the DCO, in particular the Construction Environmental Management Plan (draft Requirement 7), the Construction Traffic Management Plan (draft Requirement 8), External Lighting (draft Requirement 9) and Contaminated Land and Groundwater (draft Requirement 12).

2.5 Water Environment (incl. surface water flooding and drainage)

2.5.1 KCC notes the DCO provides control on discharge to watercourses, which have a responsible party e.g. adopting authority and that the Lower Medway Internal Drainage Board (IDB) covers some of the area of the Kemsley K4 CHP Plant. As a result, there is a possibility that discharge could occur to ordinary watercourses that are outside the IDB area and would fall within the consenting responsibilities of KCC.

2.5.2 It is agreed that KCC have no outstanding issues in respect of the water environment subject to Part 3 – 9 (1) of the draft DCO being reworded as follows:

“The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs or the consent of the

authority which has consenting authority; and such consent may be given subject to such terms and conditions as that person may reasonably impose but must not be unreasonably withheld."

2.6 Environmental Impact Assessment Methodology

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

2.7 Minerals and Waste

- 2.7.1 It is agreed that the proposed development has no apparent minerals or waste implications in that it does not coincide with Minerals Safeguarding Areas as outlined in the Kent Minerals and Waste Local Plan (2016) nor does it impact upon any existing minerals management, transportation production and waste management facilities.

3 Matters where discussions are ongoing

3.1 Traffic and Transport (incl. Public Rights of Way)

3.1.1 'The final TA will however be required to demonstrate a justification for the predicted number of HGV movements. It will also need to provide a clear indication as to the length of time that the peak number of staff would be expected to be on site. In addition, the number of remaining staff expected for the construction period should be made clear, in order for the true impacts and parking needs to be assessed.'

3.2 Archaeology and Cultural Heritage

3.2.1 The parties agree that the ES has followed an appropriate methodology to assess the potential for archaeological remains to be present, but that the previous use of the site is likely to have had an impact on any archaeology present. It is agreed that draft DCO Requirement 13 (Archaeology) makes appropriate provision for the evaluation and possible investigation and reporting of any archaeology present, subject to the Requirement being amended to require the relevant planning authority to consult with the county council as to the scope of the written scheme of investigation.

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.....

On behalf of DS Smith Paper Ltd

Date.....

Signed.....

Name and position.....

On behalf of Kent County Council

Date.....