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**BY EMAIL ONLY**

21 August 2018

Dear Mr. Gleeson,

**Re: Application by DS Smith Paper Ltd for an Order Granting Development Consent for The Kemsley Mill K4 Combined Heat and Power Generating Station — Response to Examining Authorities First Written Questions.**

Following the Planning Inspectorate's Rule 8 letter, dated 24 July 2018, Kent County Council (KCC) submits its response to the First Written Questions.

**1. Environmental Impact Assessment**

**Q1.1.16**

Appendix 2.1 of the ES [APP-011] provides an outline Construction Environmental Management Plan (CEMP).

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.

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?

### KCC response

There is limited detail provided within the application in respect of highway protection, although the Environmental Statement commits to submitting a Construction Traffic Management Plan (CTMP) which will be required to be approved prior to construction. KCC advises that the CTMP should be specifically referred to in the CEMP and that the CEMP should not be discharged until the CTMP is agreed with the Local Highway Authority.

KCC is otherwise largely satisfied with the scope of the CEMP subject to the inclusion of the reference to the CTMP, which is to be agreed with KCC as Local Highway Authority.

### **3. Archaeology and Cultural Heritage**

#### EQ1.3.2

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].

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?

Kent County Council and Swale Borough Council are also asked to comment on this finding.

### KCC response

Whilst KCC is not leading on advice in relation to the impact in relation to Castle Rough, KCC is of the view that there is no physical impact on the Castle Rough Scheduled Monument, and visual impacts on its setting would be negligible due to massing of the mill.

KCC notes that paragraphs 12.6.11 to 12.6.13 of the Environmental Statement describe the impacts of noise, traffic and lighting in response to Historic England's initial concerns on assessment. This is an area that KCC considers should remain for Historic England to advise.

#### 4. Ecology including Habitats Regulations Assessment

##### EQ1.4.24

The Applicant has concluded that there are no likely significant effects, either positive or negative on ecology arising from the Proposed Development.

Please could NE, KCC and SBC provide their view of the conclusions of the assessment?

##### KCC response

KCC has reviewed the Habitat Regulations Assessment (HRA) and is satisfied that it provides a thorough detailed consideration of the impacts associated with the development on the designates and if they will result in a likely significant effect. The HRA screening concluded that likely significant effect could not be excluded as a result of air quality, water, hydrological and disturbance, and a full Appropriate Assessment was carried out. The additional information and proposed mitigation has satisfied KCC that the development is unlikely to result in a likely significant effect on the designated sites.

##### EQ4.2.29

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.

Do IPs agree with those conclusions? If any IP disagrees they are requested to explain and evidence the basis for their position.

##### KCC response

KCC has reviewed the information submitted to consider if the development will have a likely significant effect on designated sites due to a 'in combination effect' (e.g. if collectively all the developments will have likely significant effect on the designated sites). KCC is satisfied with the conclusions of the HRA that details that the proposed development will not result in a likely significant effect when considered in combination with other developments within the surrounding area.

## 8. Traffic and Transport

### EQ1.8.13

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.

Would the highway authority please comment on this spread of HGV movements?

### KCC response

KCC considers that it would be preferable for conditions to be set to limit movement of delivery traffic to outside of the usual peak hours, due to congestion issues at the A249/Grovehurst and Sheppey Way/BargeWay junctions. KCC also recommends that contractors should establish delivery times and be able to provide evidence from past projects to justify the estimated delivery times. KCC recommends that this is provided as part of the Transport Assessment in order to fully evaluate the suitability of the proposed spread of HGV movements.

## 9. Water Environment

### EQ1.9.16

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.

### KCC response

The Flood Risk Assessment (FRA) prepared by RPS (March 2018) covers matters required for an assessment of flood risk and how surface water will be managed with development. The proposed development will retain the existing surface water regime, with unattenuated flow utilising existing outfalls, with subsequent outfall to the Swale.

Whilst water quality is not directly a matter which would be addressed within the FRA, it is nevertheless important to ensure that any drainage systems ensure that the water quality of the receiving watercourses (in this case Kemsley Marsh) are not adversely impacted by construction or operation of the proposed development. KCC recommends that this is considered as part of the FRA.

## 10. Draft Development Consent Order

### EQ1.10.1

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.

Please cross-reference responses to this question to your RR, WR and to other questions in ExQ1 as necessary.

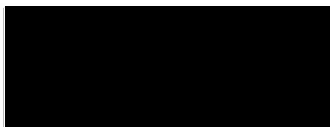
### KCC response

As raised within the RR and WR, and the Issue Specific Hearing 1, the drafted wording for Requirement 13 (Archaeology) limited the investigation to a watching brief only as opposed to a programme of archaeological works. KCC was not satisfied that this is sufficient. KCC is currently working with the applicant to agree appropriate wording for this Requirement.

KCC looks forward to working with the applicant and Planning Inspectorate as the project progresses through the Examination process. We will welcome the opportunity to comment on matters of detail further as required throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of Katie Stewart.

**Katie Stewart**

Director - Environment, Planning and Enforcement