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 Major Applications and Plans  
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PINS Ref: EN010090  
 DHA Ref: DHA/12321 Doc 10.1

20<sup>th</sup> September 2018

Dear Ms Sherman

**EN010090 – THE KEMSLEY MILL K4 COMBINED HEAT AND POWER GENERATING STATION DEVELOPMENT CONSENT ORDER**

**DOCUMENT 10.1 – APPLICANT’S SUBMISSIONS AT DEADLINE 3**

I write further to the Examining Authority’s Rule 8 letter of the 24<sup>th</sup> July 2018 to summarise the submissions made by the applicant at Deadline 3 of the Examination programme.

**Documents Submitted**

The following documents have been submitted by the applicant:

Applicant’s Ref	Document	Date
1.2	Application Guide	September 2018
2.1	Draft DCO – Deadline 3 Version (Clean)	September 2018
2.1	Draft DCO – Deadline 3 Version (Tracked)	September 2018
2.3	Draft DCO – Deadline 3 Version (Validation Report)	September 2018
3.1	ES Chapter 2 – D3 Version	September 2018
3.1	ES Chapter 2 – D3 Version (Tracked)	September 2018
3.1	ES Appendix 2.1 – Outline CEMP	September 2018
3.1	ES Appendix 2.1 – Outline CEMP (Tracked)	September 2018
3.1	ES Figure 2.2a – Listed Buildings	September 2018
3.1	ES Figure 2.2b – Scheduled Ancient Monuments	September 2018
3.1	ES Figure 2.2c – AQMA’s	September 2018
3.1	ES Appendix 5.4 – Assessment of Ecological Impacts (D2 version Tracked)	August 2018
3.1	ES Chapter 13 – D2 Version (Tracked)	August 2018
10.1	Deadline 1 Covering Letter	20 <sup>th</sup> September 2018
10.2	Applicants Written Case for ISH2	September 2018
10.3	Applicants Written Case ISH3	September 2018





The applicant has noted Swale Borough Council's Local Impact Report (14 August 2018) and has provided a response to ISH2:21. The applicant does not consider it necessary to provide any further response to the Swale LIR.

The applicant has no specific comments on the responses made by the Environment Agency, Natural England and Kent County Council to the Examining Authority's First Written Questions (ExQ1), as any matters raised in those are covered in the comments made elsewhere, particularly in the Written Submissions following ISH2 and ISH3.

Specifically, the points made by KCC in respect of construction traffic and archaeology are being addressed by the continued discussions between the applicant and KCC regarding the Statement of Common Ground between the two parties.

### **Application Guide (Document 1.2)**

The Application Guide has been updated throughout to reflect the submissions made at Deadline 3. Volume 10 deals specifically with the Deadline 3 submissions.

### **The Applicant's Revised dDCO**

The Applicant has submitted a revised version of the DCO which reflects the discussions which have taken place in ISH1 and ISH3, together with any issues emerging from the ExA 1<sup>st</sup> Written Questions. The following documents are provided:

- 2.1 – revised Deadline 3 DCO (clean version)
- 2.1 – revised Deadline 3 DCO (Tracked version)
- 2.3 – revised Deadline 3 DCO (Validation Report)

### **Environmental Statement (3.1)**

The following elements of the ES have been amended and therefore resubmitted at Deadline 3 to replace the original versions:

- **ES Appendix 2.1 CEMP** – a revised CEMP (Appendix 2.1) (and tracked version) is submitted in response to ExQ1 (Q1.1.16 -17). In response to ExQ1 a Register of Environmental Actions and Commitments has been added to the CEMP. With regard to the Q1.1.17 the Applicant is content that page 5 of the CEMP states all legal and regulatory requirements will be complied with. Provision for dealing with complaints is covered extensively throughout the CEMP and a complaints log is provided as an Appendix to the CEMP. In terms of emergency preparedness an Environmental Emergency Response Plan is stipulated as a requirement of the CEMP.

- **ES Chapter 2** – the maximum diameter of the boiler stack has been corrected to 0.8m in response to ExQ1 Q1.2.7 and as highlighted as a discrepancy by the Inspector at the ISH2 hearing (including tracked changed version).
- **ES figures 2.2a (listed buildings), 2.2b (Scheduled Monuments and 2.2c (AQMA's)** – these have been revised in accordance with ISH2 question ISH2.6 in Table 1 of the ExA's agenda.

In addition to the above tracked changed versions of ES documents submitted at Deadline 2 (ES Chapter 2 & 13, ES Appendix 5.4) as well as the CEMP are submitted in response to ISH2 questions ISH2.3 and ISH2.19 in Table 1 of the ExA's agenda for ISH2.

### **Statements of Common Ground**

Signed Statements of Common Ground (SoCG's) with Swale Borough Council and the Environment Agency were submitted at Deadline 1, together with draft SoCG's with Kent County Council and Natural England.

However, there remain elements of the KCC and Natural England SoCG's which remain under discussion at this stage, although it remains the case that there are no fundamental differences between the parties in those cases. The KCC SoCG will be finalised once internal Officers at KCC agree the position in respect of construction traffic and requirements, together with archaeology. The Natural England SoCG will be finalised following the completion by the applicant of air quality modelling which will be done at the end of September following the selection of the boiler specification.

### **Actions arising from Issue Specific Hearing 2 (Document 10.2)**

Document 10.2 provides the Applicant's Written Statement of the Oral Case made at ISH2, regarding Environmental Matters. The specific tabulated points provided by the ExA in the ISH2 Agenda have been responded to individually.

At ISH2 the ExA identified some actions for the applicant arising from the Accompanied Site Inspection on the 12<sup>th</sup> September 2018. These matters are addressed within Document 10.2:

- A plan showing the location of the proposed access road within the Kemsley paper mill (which has now been granted planning permission by Swale Borough Council)
- Details on the extent of land owned by the Sittingbourne and Kemsley Light Railway;
- Aerial Photographs of the Castle Rough Scheduled Ancient Monument.



**The Applicant's submission following Issue Specific Hearing 3 (Document 10.3)**

Document 10.3 provides the Applicant's Written Statement of the Oral Case made at ISH3, regarding the draft DCO. The specific tabulated points provided by the ExA in the ISH3 Agenda have been responded to individually and correspondence with Southern Gas Networks and with Network Rail is provided to support the comments made.

I trust this summary of the applicant's Deadline 3 submission is useful but would be pleased to discuss further should there be any queries at this stage.

Yours sincerely,

A black rectangular redaction box covering the signature of David Harvey.

David Harvey  
Director

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