

Ms E. Sherman  
National Infrastructure planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Our Ref: 18/501923/ADJ  
PINS ref: EN010090  
Date: 21 September 2018

Dear Ms Sherman,

**Deadline 3 responses in respect of the application by DS Smith for an Order Granting Development Consent for the Kemsley Paper Mill (K4) CHP Plant.**

I submit the following as the Council's responses to questions raised by the Inspector. The Council's comments are presented in red.

<b>Q1.1.1</b>	Swale Borough Council	<p>Swale Borough Council (SBC) did not comment on the Applicant's Scoping Report [APP-012]. Is the Council content with the methodology adopted in the Environmental Statement (ES) [APP-008]?</p> <p><b>SBC: yes, the Council is content.</b></p>
<b>Q1.1.16</b>	<p>Applicant Swale Borough Council Kent County Council Environment Agency Natural England</p>	<p>Appendix 2.1 of the ES [APP-011] provides an outline Construction Environmental Management Plan (CEMP).</p> <p>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. SBC: The Council would defer to it's colleagues at KCC in respect of verification, sign-off, and /or registering any activities.</p> <p>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?</p> <p><b>SBC: The Council would defer to KCC colleagues on this matter.</b></p>

Q1.4.1	Swale Borough Council Natural England	<p>The National Planning Policy Framework indicates that the planning system should provide net gains in biodiversity where possible. Furthermore, paragraphs 5.3.3 and 5.3.4 of the Overarching National Policy Statement (NPS) for Energy (EN-1) require developments to demonstrate that they have taken advantage of opportunities to conserve and enhance biodiversity conservation interests. The Applicant has stated (paragraph 11.4.31 of the DAS [APP-058]) that no such opportunities exist at the application site.</p> <p>Do the Council and NE agree?</p> <p><b>SBC: Given the nature of the site the Council is not inclined to disagree with the applicant, but would ultimately defer to Natural England for a final view on this matter.</b></p>
Q1.6.1	Swale Borough Council	<p>Photographic viewpoint locations were subject to consultation as set out in paragraph 11.3.2 of the ES [APP- 009]. However, Appendix 11.1 [APP-034] does not contain any evidence of any agreement from SBC in respect of the viewpoint locations. Is SBC content with the locations which were chosen? If not, why not?</p> <p><b>SBC: The applicant approached the Council several months prior to formal submission of the application. During discussions the extent of possible impacts was discussed, and potential viewpoints / assessment locations were agreed. The Council is happy that the submissions reflect those discussions, and is content with the chosen locations.</b></p>
Q1.7.1	Swale Borough Council	<p>Paragraph 3.5.2 of the Applicant's Scoping Report [APP-012] stated that surveys to gather additional baseline noise data would be undertaken where appropriate. The Scoping Opinion [APP-013] stated that the need for further baseline noise data should be agreed with the LPA. The Applicant's Response to the PINS Scoping Opinion [APP-014] states that no further baseline noise data was deemed necessary.</p> <p>Can the Council please provide confirmation that no further data was necessary?</p> <p><b>SBC: No further data is necessary.</b></p>
Q1.7.2	Swale Borough Council	<p>In the absence of written confirmation from SBC during the Scoping consultation that the assessment methodology for noise was acceptable (paragraph 7.3.3 of the ES [APP-009]), can SBC confirm that the approach adopted within the ES is acceptable?</p>

		<b>SBC: The noise assessment methodology used was accessible.</b>
<b>Q1.7.6</b>	Swale Borough Council	<p>Paragraph 7.3.16 of the ES states that nine residential noise sensitive receptors within a 1km buffer of the proposed development were identified as being representative of the wider area.</p> <p>Would SBC please comment on the locations which were identified? Were the locations agreed with SBC? If not, would the Council comment on the suitability of the locations? (Note that reference is made to Figure 7.2 whereas the locations are shown on Figure 7.1.)</p> <p><b>SBC: The Councils considers these locations to be entirely suitable, them being the most proximate residential locations to the site. The Inspector will be aware that there are no residential properties to the south, east, or north of the Mill for some considerable distance.</b></p>
<b>Q1.11.10</b>	Swale Borough Council	<p>Paragraph 5.4.1 of the DAS [APP-058] indicates that no development consent obligations are proposed between the Applicant and the Council as none are considered necessary to make the proposed development acceptable in planning terms.</p> <p>Does the Council share this view? If not, what obligations would be required?</p> <p><b>SBC: The Council shares this view, and does not seek to secure any obligations.</b></p>

The applicant has kindly advised the Council of questions raised during the recent Issue Specific Hearings:

1. SH2:1 – Swale Borough Council (SBC) has not responded to any of the Written Questions at ExQ1. Could the Council confirm that it will do so by Deadline 3 (D3)?  
**See above.**
2. ISH2:21 – In their LIR (RP2-036) SBC made reference to a number of Kent County Council documents. SBC is asked to confirm which policies in these documents are relevant and why?
  - [Kent Minerals and Waste Local Plan 2013-30](#); CSM 5 – this policy identifies the safeguarded sites within Swale.
  - [Kent Environment Strategy](#) (March 2016). This strategy has three themes: Building the foundations for delivery, Making best use of existing resources, avoiding or minimising negative impacts and Toward a sustainable future; Page 23 – this page considers energy use and emissions and how the county can make better use of resources to reduce unnecessary usage and waste less. This provides the focus for

priority 6 within the strategy: “Improve our resource efficiency such as energy and water”.

- [Kent and Medway Growth and Infrastructure Framework](#) provides a picture of emerging development and infrastructure requirements, to support growth across Kent and Medway, up to 2031; Section 5.5 considers utilities and how the future requirements for energy generation are evolving with a focus towards more sustainable forms of energy production.
- [Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031](#); Section 17 – Pages 38/39 - this considers local priorities in Swale and the necessary enhancements to the highway network.
- [Kent Waste Disposal Strategy](#). Priority 2 seeks to work with and learn from other organisations to enhance services provided.

Please let me know if you have any questions or require any further information.

Yours sincerely,



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