

The Planning Inspectorate  
Temple Quay House (2 The Square) Temple  
Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** KT/2018/124279  
**Your ref:** EN010090  
**ID:** 2001035  
**Date:** 28 September 2018

Dear Sir/Madam

**Application for Development Consent Order - Construction and operation of a combined heat and power (CHP) plant ('K4') to supply electricity and steam to the Kemsley Paper Mill in Sittingbourne, Kent.**

**The Kemsley Paper Mill, Swale Way, Kemsley, Sittingbourne, Kent, ME10 2TD**

- **Comments on the draft Development Consent Order (DCO) submitted 21 September 2018**

Following the submission of additional information in response to Deadline 3 (20 September 2018) we have the following comments and suggested amendments to make on the draft DCO.

In summary, we found the changes to Requirement 12 (R12) confusing in the attempt to combine subject matters, specifically Land contamination and groundwater and Archaeology. We have looked at what was trying to be clarified in this version of R12, having listened to the audio recording of Hearing ISH3 and reviewed Appendix A (ISH3:4, pages 1&2) of 10.3 Written Case ISH Case ISH3 – Draft Development Consent Order submitted for Deadline 3 by the applicant. Consequently we suggest the following changes below for clarity.

We also note the inclusion of Piling covered now by Requirements 15 and 16, following DHA discussions with Natural England. We have also made some proposed amendments to these to ensure the protection of the underlying groundwater is also covered.

DHA consulting were provided with a copy of our proposed amendments on 26 September 2018 in the hope that we might be able to agree the proposed amendments before today's deadline. Unfortunately this has not been achieved. However, we have received confirmation from Kent County Council and Natural England who have interest in these requirements and they have confirmed they are happy with the amendments (copy of emails attached).

We hope you agree with our proposed amendments but if you have any queries, please do not hesitate to contact me.

Yours faithfully

**Ms Jennifer Wilson**  
**Planning Specialist**

Direct dial 0208 474 6711  
Direct e-mail [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

- **Comments on the draft DCO submitted 21 September 2018 (ID Reference 2001035)**

### **Land Contamination and groundwater**

**12.—(1)** No part of the authorised development may be commenced, until investigations for the purpose of assessing ground conditions, have been undertaken and reported to the relevant planning authority.

The scope of investigations should be agreed with archaeology teams and approved by the relevant planning authority in consultation with Kent County Council (as in 13 (1) below)

(2) Any required remedial work in respect of contamination or other adverse ground conditions must be carried out in accordance with an approved remediation scheme

(3) No part of the authorised development may be commenced until details of any required ground gas protection measures for that part have been submitted to and approved by the relevant planning authority in consultation with the local Environmental Health Officer and/or Environment Agency.

**(4)** If contamination not previously identified is found during the construction of the authorised development, no further works for the authorised development may be carried out in the affected area until an investigation and remediation scheme has been submitted to and approved by the relevant planning authority; and the scheme must include details of—

- (a) how the contamination is to be identified and assessed;
- (b) where remediation is required by the scheme, the remediation measures;
- (c) timescales for carrying out the remediation measures; and
- (d) any ongoing monitoring or mitigation requirements.

(5) Construction works for the authorised development must be carried out in accordance with the approved ground gas protection measures.

(6) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification strategy to demonstrate that the site remediation criteria have been met.

### **Piling**

**15.—(1)** No part of the authorised development may be commenced until a piling risk assessment for that part has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency. (See relevant Environment Agency guidance)

(2) Construction works for the authorised development must be carried out in accordance with the approved piling method and agreed risk management for that method.

**16.—**(1) No impact piling, if agreed and approved, associated with the authorised development shall take place in the months of January and February.

(2) No more than ten days of impact piling associated with the authorised development, whether consecutive or otherwise, shall take place in the months of November and December.

(3) This requirement does not restrict impact piling associated with the authorised development between the months of March and October inclusive.

**From:** Giacomelli, Alison (NE) [mailto:Alison.Giacomelli@naturalengland.org.uk]  
**Sent:** 28 September 2018 11:33  
**To:** Wilson, Jennifer  
**Subject:** RE: Kemsley Mill CHP K4 - Deadline 4

Hi Jen,

Thanks for checking your DCO amendment suggestions. We'd have no issue with them. From my discussions with DHA planning, the restrictions on impact piling that are in condition 16 were to avoid disturbance to birds using the Swale SPA. As your changes don't affect that, then we don't have any problem with them.

Many thanks,  
Alison

Alison Giacomelli  
Sussex and Kent Area Team

Tel: 0208 225 7693

**From:** Wilson, Jennifer [mailto:jennifer.wilson@environment-agency.gov.uk]  
**Sent:** 28 September 2018 11:23  
**To:** Giacomelli, Alison (NE) <Alison.Giacomelli@naturalengland.org.uk>;  
Francis.carpenter@kent.gov.uk  
**Subject:** Kemsley Mill CHP K4 - Deadline 4  
**Importance:** High

Dear Alison and Francis

I understand from the recent submissions on the project page that your organisations have interest in certain requirements of the draft DCO for the above site.

KCC – requirement 12 and 13 Land contamination and groundwater; Archaeology  
NE – piling requirements 15 and 16

We are suggesting some changes to requirements 12, 15 and 16 as from reading the new version proposed we are confused as to what exactly they are trying to say. We believe our proposed changes make it clearer for any reader.

The deadline for submitting comments is today, but I wanted you to see our suggestions, as I'm sure the examiners will want to check with you and the applicant if the change are seen as appropriate by you also.

I'm happy to discuss.

Feel free to call me on 02084746711.

**Kind Regards,**

**Jennifer Wilson**  
Planning Specialist  
Sustainable Places – Kent and South London

[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)  
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**From:** Francesca.Potter@kent.gov.uk [mailto:Francesca.Potter@kent.gov.uk]  
**Sent:** 28 September 2018 11:46  
**To:** Wilson, Jennifer  
**Subject:** RE: Kemsley Mill CHP K4 - Deadline 4

Jennifer,

As per our conversation, I can confirm that I am happy with the proposed amendments

Kind regards

**From:** Wilson, Jennifer <[jennifer.wilson@environment-agency.gov.uk](mailto:jennifer.wilson@environment-agency.gov.uk)>  
**Sent:** 28 September 2018 11:29  
**To:** Potter, Francesca - GT EPE <[Francesca.Potter@kent.gov.uk](mailto:Francesca.Potter@kent.gov.uk)>  
**Subject:** FW: Kemsley Mill CHP K4 - Deadline 4  
**Importance:** High

Morning Francesca

I am the project manager for this NSIP application for the Environment Agency. I tried emailing my original email to Francis Carpenter but it bounced back. I hope you receive this. Happy to discuss.

**Kind Regards,**

**Jennifer Wilson**  
Planning Specialist  
Sustainable Places – Kent and South London

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**Sent:** 28 September 2018 11:23  
**To:** 'Giacomelli, Alison (NE)' <[Alison.Giacomelli@naturalengland.org.uk](mailto:Alison.Giacomelli@naturalengland.org.uk)>; 'Francis.carpenter@kent.gov.uk' <[Francis.carpenter@kent.gov.uk](mailto:Francis.carpenter@kent.gov.uk)>  
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