



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

PINS Ref: EN010090



## Application Guide

Document 1.2

Author: DHA Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation: 5(2)(q)



October 2018 - Post Deadline 4 Version

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# 1 Introduction

## 1.1 Purpose of this document

1.1.1 This Application Guide provides a summary of the application by **DS Smith Paper Ltd** for a **Development Consent Order** to allow for the construction of “K4” a **Combined Heat and Power (CHP) plant** at the Kemsley Paper mill, to the north of Sittingbourne in Kent.

1.1.2 This document provides an accessible guide to the scheme, applicant and application to assist those reviewing the application documents. It will be updated as the examination of the DCO application progresses, to record any revisions made to the original application documents and any new documents submitted during the course of the examination, together with providing explanatory notes as required.

## 1.2 Structure of this document

1.2.1 This document comprises the following sections:

- Chapter 1: Introduction;
- Chapter 2: The scheme – An overview of the proposed development;
- Chapter 3: The Applicant – information to DS Smith;
- Chapter 4: Overview of the application documents
- Chapter 5 to 9: Application documents explained – further detail is provided on the application documents submitted for each volume.
- Chapter 10: S51 Advice – Response and additional information submitted as requested by the Planning Inspectorate.
- Chapter 11: Statements of Common Ground – sets out the current status of each Statement of Common Ground
- Chapter 12: Deadline 1 Submissions – The documents required to be submitted as part of Deadline 1 of the Examination including any superseding plans/documents and supporting information.
- Chapter 13: Deadline 2 Submissions - The documents required to be submitted as part of Deadline 2 of the Examination including any superseding plans/documents and supporting information.
- Chapter 14: Deadline 3 Submissions - The documents required to be submitted as part of Deadline 3 of the Examination including any superseding plans/documents and supporting information.

## 2 The Scheme

### 2.1 Context to the DCO application

- 2.1.1 DS Smith Paper Ltd are seeking a Development Consent Order to allow for the construction and operation of a Combined Heat and Power (CHP) Plant, 'K4', at the Kemsley Paper Mill to the north of Sittingbourne in Kent, to replace an existing CHP plant 'K1'.
- 2.1.2 The project is a Nationally Significant Infrastructure Project under Section 14 and Section 15 of the Planning Act 2008 as it comprises an onshore generating station with a thermal capacity of more than 50 megawatts. An application for a Development Consent Order must therefore be made to the Planning Inspectorate, with a final decision on the application to be taken by the Secretary of State for Business, Energy and Industrial Strategy.
- 2.1.3 The draft Order is 'The Kemsley Mill K4 Combined Heat and Power Generating Station Development Consent Order'.

### 2.2 The Site and its surroundings

- 2.2.1 The Kemsley Paper mill lies to the east of Kemsley, a residential suburb in the north of Sittingbourne in Kent. The paper mill was first constructed in the 1920's and has since expanded to form a substantial complex of buildings, areas of hardstanding and ancillary systems and equipment.
- 2.2.2 The proposed location of the K4 CHP plant is an area of hardstanding in the south-eastern part of the wider mill complex which is used for various purposes including paper storage and which contains a vehicle weighbridge, a truck wash area, a vehicle refuelling point and a hazardous waste storage area.

### 2.3 The Draft Development Consent Order

- 2.3.1 The draft DCO makes provision for five specific works within the DCO boundary, which encompasses the K4 site, existing energy infrastructure within the mill site and other hardstanding areas within the wider Kemsley Paper mill:
- (1) A combined cycle generating station;
  - (2) The retention of, connection into and continued use of existing infrastructure and tie-ins;
  - (3) A construction compound and laydown area;
  - (4) Retention and continued use of internal access and haulage road;
  - (5) The decommissioning of K1.

## 3 The Applicant

### 3.1 The Applicant – DS Smith Paper Ltd

3.1.1 DS Smith is a leading European manufacturer of recycled corrugated case materials and speciality papers and operates nine paper mills across Europe, with the Kemsley mill its only mill within the UK.

### 3.2 The Project Team

3.2.1 The project team acting on behalf of the applicant comprises the following:

- DS Smith Paper Ltd – applicant and site owner;
- E.ON (trading as Kemsley CHP Ltd)– prospective CHP construction/operation;
- Costain – prospective CHP construction contractor;
- Burges Salmon – DCO drafting, legal representation;
- DHA Planning – planning consultant, public consultation;
- DHA Environment – EIA co-ordination;
- RPS Group – technical environmental consultant;

## 4 Overview of the Application Documents

4.1.1 The following notes will be updated as necessary during the lifetime of the application as further documents are submitted or original documents are revised. The Examining Authority (ExA) maintains an Examination Library in which is a record of all application documents that have been submitted. This Application Guide provides the relevant ExA references which The Planning Inspectorate refer to for each document submitted.

4.1.2 All documents are available to view on the Planning Inspectorate’s website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/kemsley-paper-mill-k4-chp-plant/?ipcsection=docs>

### 4.2 Content of the application

4.2.1 The table below is an overview of the Volumes of the Application, which are then documented in further detail in the following Chapters of this Guide.

Vol.	Name	Content
1	Application documents	The completed application form and introduction to the proposed scheme.
2	Draft Development Consent Order	The legal consent for which DS Smith is seeking to allow permission for the proposed development, including a document to explain the provisions of the Order.
3	Environmental Impact Assessment	An assessment of the likely significant effects of the proposed development on the environment and the proposed mitigation measures.
4	Plans/drawings/sections	Plans to illustrate the proposed development and geographical information.
5	Reports and Statements	Additional documents to support the DCO including the Consultation Report, Design and Access Statement and Planning Statement.
6	S51 Advice	The applicant’s response to the S51 advice issued by the Planning Inspectorate following the acceptance of the DCO application.
7	Statements of Common Ground	The Statements of Common Ground agreed between the Applicant and relevant parties.

8	Deadline 1 of the Examination	The Applicant's response to the requests made for Deadline 1 of the Examination.
9	Deadline 2 of the Examination	The Applicant's response to the requests made for Deadline 2 of the Examination.
10	Deadline 3 of the Examination	The Applicant's response to the requests made for Deadline 3 of the Examination.
11	Post Deadline 4 Submission	The Applicant's additional submission following the decision regarding the type of boiler (vertical or horizontal) that will be installed.

### 4.3 Timeline

#### (1) Submission of the DCO Application – 6<sup>th</sup> April 2018 (Volumes 1, 2, 3, 4, and 5)

At the point of submission two potential technical options are being considered; a horizontal or vertical tube boiler. The location of the proposed 70m stack would alter depending on the option chosen, as would the scale of the Heat Recovery Steam Boiler building and the location of some other elements of the proposed development, such as the pipebridge. At the point of submission, Works Plans with limits of deviation, together with illustrative layouts, elevations and 3D visuals have been provided for both options. When one is selected one set of plans will be removed from the DCO application.

#### (2) Response to S51 Advice – 14<sup>th</sup> June 2018 (Volume 6)

Following the acceptance of the application the Planning Inspectorate issued a S51 Advice letter to the applicant (dated 26<sup>th</sup> April 2018) which provided various points of advice regarding the application.

The applicant submitted the following documents in response to the S51 Advice:

- (a) A Covering Letter (Document 6.1)
- (b) A revised version of the Application Guide (Document 1.2);
- (c) An amended Habitat Regulations Report (Document 3.1 Appendix 10.2) (as documented in Volume 3 of this guide); and
- (d) Amended Plans (as documented in Volume 4 of this Guide).

The subsequent Chapters of this document list the documents and plans which formed the original submission.



### (3) Statements of Common Ground and Deadline 1 submissions – 31<sup>st</sup> July 2018 (Volumes 7 and 8)

Following the commencement of the Examination by the Examining Authority on 17<sup>th</sup> July 2018, a number of documents were required to be submitted by the Applicant by Deadline 1 of the Examination (31<sup>st</sup> July 2018).

The applicant submitted the following documents for Deadline 1:

- (a) A Covering Letter (Document 8.1)
- (b) A revised version of the Application Guide (Document 1.2);
- (c) Amended Plans (as documented in Volume 4 of this Guide);
- (d) Agreed Statements of Common Ground between the Applicant and Swale Borough Council, and the Applicant and the Environment Agency and draft Statements of Common Ground with Kent County Council and Natural England (Volume 7 of this Guide);
- (e) Comments on the Relevant Representation (Document 8.2);
- (f) Written Summary by the Applicant of the Case at the Issue Specific Hearing 1 (draft DCO) (Document 8.3); and
- (g) Habitat Regulations Assessment Screening Matrices (Document 8.4).

### (4) Deadline 2 submissions – 21<sup>st</sup> August 2018 (Volume 9)

Following the closure of Deadline 1, the Examining Authority issued a set of questions and a number of documents were requested to be submitted by the Applicant for Deadline 2 of the Examination (21<sup>st</sup> August 2018).

The applicant submitted the following documents for Deadline 2:

- (a) A Covering Letter (Document 9.1)
- (b) A revised version of the Application Guide (Document 1.2);
- (c) Amended cover, contents page, chapters, figures and appendices of the Environmental Statement (as documented in Volume 3 of this Guide);
- (d) Amended Statutory Nuisance Statement (Document 5.4);
- (e) Comments on the Written Representation (Document 9.2); and
- (f) Responses to the Examining Authorities Questions 1 (ExQ1) (Document 9.3).

### (5) Deadline 3 submissions – 20<sup>th</sup> September 2018 (Volume 10)

The Examining Authority issued a set of questions and a number of documents were requested to be submitted by the Applicant for Deadline 3 of the Examination (20<sup>th</sup> September 2018).

- (a) A Covering Letter (Document 10.1)
- (b) A revised version of the Application Guide (Document 1.2);
- (c) A revised version of the draft DCO (Document 2.1)
- (d) Amended chapters, figures and appendices of the Environmental Statement (as documented in Volume 3 of this Guide);
- (e) Written Summary by the Applicant of the Case at the Issue Specific Hearing 2 (draft DCO) (Document 10.2); and
- (f) Written Summary by the Applicant of the Case at the Issue Specific Hearing 3 (draft DCO) (Document 10.3);

The subsequent Chapters of this document list the documents and plans which formed the original submission as well as where they have been superseded.

#### (6) Post Deadline 4 submissions – 12<sup>th</sup> October 2018 (Volume 11)

Following the completion of the tender process, it was confirmed by the applicant that a vertical boiler will be installed. As a result all the plans and references to a horizontal boiler are no longer part of the application for the DCO. The applicant decided to advise the ExA ahead of Deadline 5 and provided additional submissions to amend the application which has been called the Post Deadline 4 Submission (12<sup>th</sup> October 2018).

- (a) A Covering Letter (Document 11.1)
- (b) A revised version of the Application Guide (Document 1.2);
- (c) A revised version of the draft DCO (Document 2.1/2.2);
- (d) A revised version of the HRA Report (Document 3.1- Appendix 10.2)
- (e) An Agreed Statement of Common Ground between the Applicant and Natural England (Document 7.1).

The subsequent Chapters of this document list the documents and plans which formed the original submission as well as where they have been superseded or are no longer part of the application.

## 4.4 Other Matters

- 4.4.1 No compulsory purchase powers or rights over the apparatus of statutory undertakers are being sought within the draft Development Consent Order. For that reason, the DCO application does not include a Book of Reference, a Statement of Reasons, or a Funding Statement.

- 4.4.2 All the necessary technical tie-ins between the proposed plant and existing infrastructure on the Kemsley paper mill site take place within the DCO boundary and no associated development is proposed.
- 4.4.3 There are no altered accesses proposed, and therefore no Access Plan has been provided. There is no Crown Land within the proposal site or the immediate vicinity, so no Crown Plan has been submitted.

## 5 Volume 1: Application Documents

Vol	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
1	1.1	APP-001	Covering Letter	DHA Planning	1	Submission Version	06/04/18
	1.2	tbc	Application Guide	DHA Planning	6	Post Deadline 4 Version	October 2018
	1.3	APP-003	Application Forms	DHA Planning	1	Submission Version	06/04/18
	1.4	APP-004	Copies of Newspaper Notices	DHA Planning	1	Submission Version	06/04/18

- 5.1.1 The **Covering Letter (1.1)** provides a brief introduction to the proposed application and background information. The **Application Guide (1.2)** is this document which provides guidance on the submitted application documents. The **Application Form (1.3)** is the standard form that is required to be completed and provides a high-level summary of the proposed scheme and the documents that have been submitted.
- 5.1.2 The **Copies of Newspaper Notices (1.4)** contains details of the notices published in the local and national newspapers prior to the submission of the application in accordance with s47 and s48 of the Planning Act 2008. These notices publicised the proposed application, the consultation materials, deposit locations and the process for providing comments. Also contained in this document are the s42 letters which were sent to various statutory and prescribed bodies at the pre-application stage to seek their views on the proposed development.

## 6 Volume 2: Draft Development Consent Order

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
2	2.1	tbc	Revised Draft Development Consent Order (DCO)	Burges Salmon	3	Post Deadline 4 Version	October 2018
	2.2	APP-006	Explanatory Memorandum Explaining DCO	Burges Salmon	1	Submission Version	06/04/18
	2.3	REP3-005	Draft Development Consent Order – Validation Report	Burges Salmon	3	Post Deadline 4 Version	October 2018

- 6.1.1 The **Draft Development Consent Order (2.1)** would provide consent to DS Smith Ltd to construct and operate the proposed CHP Plant. It defines the parameters of the development and is accompanied by two schedules:
- (1) **Schedule 1 – Authorised Development**: Describes the proposed development for which consent is being sought; and
  - (2) **Schedule 2 – Requirements**: Lists the requirements which relate to the carrying out and operation of the authorised development. Requirements are similar to planning conditions.
- 6.1.2 The **Explanatory Memorandum (2.2)** describes the purpose and effect of each article of and each Schedule to the draft Kemsley Mill K4 Combined Heat and Power Generating Station Development Consent Order as required by Regulation 5(2)(c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. As such it should be read alongside the DCO.
- 6.1.3 If granted the DCO would become a statutory instrument. It must therefore be written in accordance with drafting conventions for that type of document; the **Draft Development Consent Order – Validation Report (2.3)** illustrates the result of having the draft DCO reviewed using the Statutory Instrument template tool.

## 7 Volume 3: Environmental Impact Assessment

Vol	Document Reference	ExA Reference	Document Title		Author	Version	Status	Date	
3	3.1	APP-008	Environmental Statement		DHA Env/RPS	1	Submission Version	06/04/18	
	3.1	APP-008	Chapter 1	Introduction	DHA Env	1	Submission Version	06/04/18	
	3.1	APP-010	<i>Appendix 1.1</i>	<i>ES Author CVs</i>	DHA Env	1	Submission Version	06/04/18	
	3.1	REP3-007	Chapter 2	Site Description and Proposed Development	DHA Env	3	Deadline 3 Version	September 2018	
	3.1	REP3-009	<i>Appendix 2.1</i>	<i>Outline CEMP</i>	Costain/EON	2	Deadline 3 version	September 2018	
	3.1	APP-008	Chapter 3	Methodology	DHA Env	1	Submission Version	06/04/18	
	3.1	APP-012	<i>Appendix 3.1</i>	<i>Scoping Report</i>	DHA Env/RPS		Original	17/08/17	
	3.1	APP-013	<i>Appendix 3.2</i>	<i>PINS Scoping Opinion</i>	PINS		Original	28/09/17	
	3.1	APP-014	<i>Appendix 3.3</i>	<i>Response to the PINS Scoping Opinion</i>	DHA Env	1	Submission Version	06/04/18	
	3.1	APP-015	<i>Appendix 3.4</i>	<i>S42 Consultation Letter and S42 Responses</i>	DHA Planning		Submission Version	March 2018	
	3.1	APP-016	<i>Appendix 3.5</i>	<i>Applicant Response to S42 Consultation</i>	DHA Env	1	Submission Version	06/04/18	
	3.1	APP-009	Chapter 4	Traffic and Transport		RPS	1	Submission Version	06/04/18
	3.1	APP-017	<i>Appendix 4.1</i>	<i>Transport Assessment</i>		RPS	1	Submission Version	06/04/18
	3.1	APP-018	<i>Appendix 4.2</i>	<i>5-year personal injury accident plan</i>		RPS	1	Submission Version	06/04/18
	3.1	APP-019	<i>Appendix 4.3</i>	<i>2019 Baseline link flows (2019 base + committed)</i>		RPS	1	Submission Version	06/04/18
	3.1	APP-020	<i>Appendix 4.4</i>	<i>Average and Peak Construction Traffic Link Flows</i>		RPS	1	Submission Version	06/04/18
	3.1	APP-021	<i>Appendix 4.5</i>	<i>2019 Baseline + Average and Peak Construction Traffic Link Flows</i>		RPS	1	Submission Version	06/04/18

3.1	APP-022	Appendix 4.6	2019 Cumulative link flows (2019 Baseline and cumulative and average and peak construction)	RPS	1	Submission Version	06/04/18
3.1	APP-009	Chapter 5	Air Quality	RPS	1	Submission Version	06/04/18
3.1	APP-023	Appendix 5.1	Air Quality Consultation	RPS	1	Submission Version	06/04/18
3.1	APP-024	Appendix 5.2	Construction Dust assessment methodology	RPS	1	Submission Version	06/04/18
3.1	APP-025	Appendix 5.3	Stack Height Determination	RPS	1	Submission Version	06/04/18
3.1	REP2-011	Appendix 5.4	Air Quality assessment of ecological impacts	RPS	2	Deadline 2 Version	August 2018
3.1	APP-009	Chapter 6	Climate Change	RPS	1	Submission Version	06/04/18
3.1	APP-027	Appendix 6.1	Greenhouse gas calculations	RPS	1	Submission Version	06/04/18
3.1	APP-009	Chapter 7	Noise and Vibration	RPS	1	Submission Version	06/04/18
3.1	APP-028	Appendix 7.1	Noise Baseline Survey Results	RPS	1	Submission Version	06/04/18
3.1	APP-009	Chapter 8	Ground Conditions	RPS	1	Submission Version	06/04/18
3.1	APP-029	Appendix 8.1	Ground conditions Desk Study and Preliminary Risk Assessment	RPS	1	Submission Version	06/04/18
3.1	APP-009	Chapter 9	Water Environment	RPS	1	Submission Version	06/04/18
3.1	APP-030	Appendix 9.1	Flood Risk Assessment	RPS	1	Submission Version	06/04/18
3.1	APP-031	Appendix 9.2	Environment Agency Flood Risk Data	RPS	1	Submission Version	06/04/18
3.1	APP-009	Chapter 10	Ecology	RPS	1	Submission Version	06/04/18
3.1	APP-032	Appendix 10.1	Consultation with KCC Ecology	RPS	1	Submission Version	06/04/18
3.1	AS-002	Appendix 10.2	HRA Report	RPS	2	Post D4 Version	October 2018
3.1	APP-009	Chapter 11	Landscape and Visual Impact	RPS	1	Submission Version	06/04/18
3.1	APP-034	Appendix 11.1	Correspondence with KCC Landscape	RPS	1	Submission Version	06/04/18

	3.1	APP-009	Chapter 12	Archaeology and Cultural Heritage	RPS	1	Submission Version	06/04/18
	3.1	APP-035	<i>Appendix 12.1</i>	<i>Desk Based Heritage Assessment</i>	RPS	1	Submission Version	06/04/18
	3.1	APP-009	Chapter 13	Summary Tables	DHA Env	2	Deadline 2 Version	August 2018
	3.1	APP-009	Chapter 14	Glossary	DHA Env	1	Submission Version	06/04/18
	3.2	APP-036	Non- Technical Summary		DHA/RPS	1	Submission Version	06/04/18

## 7.1 Environmental Statement

7.1.1 An Environmental Impact Assessment (EIA) has been undertaken in order to consider what potential significant effects the proposed development is likely to have on the environment and to ensure these are fully understood and taken into account before development is allowed to proceed. The **Environmental Statement (ES) (3.1)** reports the findings of the EIA and these are summarised in the **Non-Technical Summary (3.2)**.

7.1.2 The EIA and ES are legal requirements and have been produced in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and current guidance. A **Scoping Opinion (Appendix 3.2)** was obtained from the Planning Inspectorate in September 2017 which informed the content of the ES.

7.1.3 The ES comprises of the following introductory chapters:

- Chapter 1 – Introduction
- Chapter 2 – Site Description and Proposed Development
- Chapter 3 – Methodology

7.1.4 The following chapters then assess the likely significant effects of the proposed development in relation to the following topics:

- Chapter 4 – Traffic and Transport



- Chapter 5 – Air Quality
- Chapter 6 – Climate Change
- Chapter 7 – Noise and Vibration
- Chapter 8 – Ground Conditions
- Chapter 9 – Water Environment
- Chapter 10 – Ecology
- Chapter 11 – Landscape and Visual Impact
- Chapter 12 – Archaeology and Cultural Heritage

7.1.5 The following reference chapters are then provided:

- Chapter 13 – Summary Tables
- Chapter 14 – Glossary

## **7.2 Environmental Statement Figures**

7.2.1 The ES is accompanied by figures which supports the content and findings of the EIA. A list of the accompanying figures can be found within the contents section of the ES.

## **7.3 Environmental Statement Appendices**

7.3.1 The ES is accompanied by appendices which supports the content and findings of the EIA. The accompanying appendices are listed above in Table 3 alongside their relevant chapters.

## 8 Volume 4: Plans/Drawings/Sections

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
4	4.1	APP-037	10392-0023-003 – Context Site Location Plan	RPS	1	Submission Version	06/04/18
	4.2	APP-038	10392-0025-004 – Site Location Plan – Aerial Photo	RPS	1	Submission Version	06/04/18
	4.3	REP1-013	10392-0024-005 – The Land Plan	RPS	2	Deadline 1 Version	July 2018
	4.4	AS-003	10392-0026-007 – Works Plans – Key Plan	RPS	3	Deadline 1 Version	July 2018
	4.5	AS-004	10392-0029-011 – Work No.1 –Works Plan with limits of deviation for horizontal tube boiler	RPS	2	S51 Advice Version	Removed at Post Deadline 4 2018
	4.6	APP-042	10392-0037-005 – Illustrative layout with horizontal tube boiler	RPS	1	Submission Version	Removed at Post Deadline 4 2018
	4.7	AS-005	10392-0042-004 – Illustrative Elevation cross sections – Horizontal Tube Boiler	RPS	2	S51 Advice Version	Removed at Post Deadline 4 2018
	4.8a	AS-006	10392-0043-004a – Site Context – 3d Visual - Horizontal Tube Boiler (view a)	RPS	2	S51 Advice Version	Removed at Post Deadline 4 2018
	4.8b	AS-007	10392-0043-004b – Site Context – 3d Visual - Horizontal Tube Boiler (view b)	RPS	2	S51 Advice Version	Removed at Post Deadline 4 2018
	4.9	AS-008	10392-0039-008 – Work No.1 –Works Plan with limits of deviation for Vertical Tube Boiler	RPS	2	S51 Advice Version	May 2018
	4.10	APP-047	10392-0038-004 – Illustrative layout with Vertical Tube Boiler	RPS	1	Submission Version	06/04/18
	4.11	AS-009	10392-0028-005 – Illustrative Elevation cross sections – Vertical Tube Boiler	RPS	2	S51 Advice Version	May 2018
	4.12a	AS-010	10392-0022-008a – Site Context – 3d Visual – Vertical Tube Boiler (view a)	RPS	2	S51 Advice Version	May 2018
	4.12b	AS-011	10392-0022-008b – Site Context – 3d Visual – Vertical Tube Boiler (view b)	RPS	2	S51 Advice Version	May 2018
	4.13	AS-012	10392-0027-006 – Work No.2 Plan – Tie-ins to existing site facilities (illustrative)	RPS	2	S51 Advice Version	May 2018
4.14a	APP-052	10392-0035 - Nature Conservation Plan	DHA Env	1	Submission Version	06/04/18	
4.14b	APP-053	10392-0040-005 - Habitats Plan	RPS	1	Submission Version	06/04/18	

	4.15	APP-054	10392-0041-003 - WFD Waterbodies in a River Basin Management Plan	RPS	1	Submission Version	06/04/18
	4.16	APP-055	10392-0035 - Heritage Plan	DHA Env	1	Submission Version	06/04/18

8.1.1 **Documents 4.1 - Context Site Location Plan** and **4.2 - Site Location Plan – Aerial Photo** show the location of the proposed development within the local context. Those plans and **Document 4.3 - The Land Plan** also show the DCO boundary; the land to which the DCO would relate.

8.1.2 **Document 4.4 - Works Plans – Key Plan** shows the extent of the five Works for which consent is sought in the DCO, which are as follows;

- **Work No. 1: Combined Gas Generating Station**

This shows the general area in which the new K4 CHP Plant will be erected. At the point of submission two technical options remain possible; a horizontal tube or vertical tube boiler.

Horizontal tube boiler:

**Document 4.5 - Work No.1 –Works Plan with limits of deviation for horizontal tube boiler** shows the limits of deviation should the horizontal tube boiler option be constructed. The limits of deviation are the maximum extent in which the development and individual works elements would be carried out. **Document 4.6 - Illustrative layout with horizontal tube boiler** provides an indicative layout of the CHP plant within the limits of the deviation. **Document 4.7 - Illustrative Elevation cross sections – Vertical Tube Boiler** shows the indicative elevations of the CHP plant with the horizontal tube boiler from each compass point and **Document 4.8a - Site Context – 3d Visual - Horizontal Tube Boiler (view a)** and **Document 4.8b – Site Context –3d Visual - Horizontal Tube Boiler (view b)** depict how the indicative CHP plant would fit in the wider landscape.

Vertical tube boiler:

**Document 4.9 - Work No.1 –Works Plan with limits of deviation for Vertical Tube Boiler** shows the limits of deviation should the vertical tube boiler be constructed. The limits of deviation are the maximum extent in which the development and individual works elements can be carried out. **Document 4.10 - Illustrative layout with Vertical Tube Boiler** provides an indicative layout of the CHP plant within the limits of the deviation. **Document 4.11 - Illustrative Elevation cross sections – Vertical Tube Boiler** shows the indicative elevations of the CHP plant with the vertical tube boiler from each compass point and **Document 4.12a - Site Context – 3d Visual – Vertical Tube Boiler (view a)** and **Document**

**4.12b - Site Context – 3d Visual – Vertical Tube Boiler (view b)** depict how the indicative CHP plant would fit in the wider landscape.

- **Work No. 2: Tie-ins**  
This identifies the general area in which the K4 CHP Plant will be integrated into the existing infrastructure and services within the wider paper mill complex, with those tie-ins included within the DCO boundary. The indicative connection points and details are shown in **Document 4.13 - Work No.2 Plan – Tie-ins to existing site facilities (illustrative)**.
- **Work No. 3: Construction laydown area**  
This shows the general area for the temporary receipt and storage of construction materials, equipment and supplies as well as for partial assembly.
- **Work No. 4: Construction Access**  
This identifies the access point for all construction vehicles and the internal access and haulage road within the site itself.
- **Work No. 5: Decommissioning of K1**  
This shows the location of the K1 CHP plant. The decommissioning of the existing K1 CHP plant comprises works to make K1 inoperable, however, no physical demolition of the existing K1 structure is proposed as part of the DCO being sought.

8.1.3 **Document 4.14a - Nature Conservation Plan** identifies the site in relation to environmental designations within the wider area. This includes Air Quality Management Areas, Special Protection Areas and RAMSAR sites, Sites of Special Scientific Interest (SSSI), Local Wildlife Sites and Flood Zones 2 and 3. **Document 4.14b - Habitats Plan** identifies the site in relation to biodiversity designations such as priority habitats, habitats and species records.

8.1.4 **Document 4.15 - WFD Waterbodies in a River Basin Management Plan** identifies the site in relation to local water bodies. **Document 4.16 - Heritage Plan** identifies the site in relation to heritage assets which are Listed Buildings, Conservation Areas and Scheduled Monuments.

## 9 Volume 5: Reports and Statements

Vol	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
5	5.1	APP-056	Consultation Report	DHA Planning	1	Submission Version	06/04/18
	5.2	APP-057	Planning Statement	DHA Planning	1	Submission Version	06/04/18
	5.3	APP-058	Design and Access Statement	DHA Planning	1	Submission Version	06/04/18
	5.4	REP2-027	Statement of Statutory Nuisances	DHA Environment	2	Deadline 2 Version	August 2018
	5.5	APP-060	Regulation 6 - Grid and Gas Connection Statement	DHA Planning	1	Submission Version	06/04/18

### 9.1 Consultation Report

9.1.1 **Document 5.1 - Consultation Report** provides a detailed review of the pre-application consultation undertaken as part of the DCO process. Under Sections 42, 47 and 48 of the Planning Act 2008 an applicant is required to publicise an application for a DCO and to consult the local community, specifically prescribed bodies and local authorities. The Consultation Report sets out how the applicant has responded to the consultation responses received prior to the application being made.

9.1.2 The Consultation Report is set out as follows:

- Chapter 1 – Executive Summary
- Chapter 2 – Contents
- Chapter 3 – Appendices
- Chapter 4 – Glossary of Terms
- Chapter 5 – Introduction

- Chapter 6 – Project Context
- Chapter 7 – Compliance with Legislation
- Chapter 8 – Consultation Guidance
- Chapter 9 – Non-Statutory Informal Consultation
- Chapter 10 – S.42 – The Duty to Consult
- Chapter 11 – S.46 – Duty to Notify PINS of the Proposed Development
- Chapter 12 – S.47 – Statement of Community Consultation (SoCC)
- Chapter 13 – S.47 – Consultation Events
- Chapter 14 – S.47 – Consultation Responses
- Chapter 15 – S.48 – Statutory Publicity
- Chapter 16 – Summary and Conclusions

9.1.3 The **Consultation Report** is accompanied by appendices which supports the document, which illustrate the materials on which the pre-application consultation was based and record the correspondence with the required parties and local community.

## 9.2 Planning Statement

9.2.1 **Document 5.2 - Planning Statement** assesses the compliance of the proposed development with the policy set out within the relevant National Policy Statements (NPS's) and discusses other planning policy and any other factors which would constitute other relevant and important matters under S104 of the Planning Act 2008.

9.2.2 This **Planning Statement** should be read alongside the other documents which form the DCO application, and in particular:

- The Application Guide [Document 1.2];

- The draft Development Consent Order and its Explanatory Memorandum [Documents 2.1 and 2.2];
- The Environmental Statement and Non-Technical Summary [Documents 3.1 and 3.2];
- The Consultation Report [Document 5.1];
- The Design and Access Statement [Document 5.3].

### 9.3 Design and Access Statement

9.3.1 **Document 5.2, The Design and Access Statement** forms a self-contained summary of the proposed scheme in its entirety. It forms part of the application for the proposed DCO and describes the proposal site and its surrounding context and explains the rationale behind the siting, design and access arrangements of the proposed scheme. The Design and Access Statement should be read in conjunction with:

- The Application Guide [Document 1.2];
- The Environmental Statement and Non-Technical Summary [Documents 3.1 and 3.2];
- The Consultation Report [Document 5.1];
- The Planning Statement [Document 5.2].

### 9.4 Statement of Statutory Nuisances

9.4.1 The **Statement of Statutory Nuisances (Document 5.4)** sets out whether the development proposal could cause a statutory nuisance pursuant to Section 79(1) of the Environmental Protection Act 1990 (EPA) and if so, how the applicant proposes to mitigate or limit them.

### 9.5 Regulation 6 – Grid and Gas Connection Statement

9.5.1 The **Regulation 6 – Grid and Gas Connection Statement (Document 5.5)** sets out who will be responsible for designing and building the connection to the electricity and gas grids. This Statement should be read in conjunction with the Environmental Statement and NTS and Design and Access Statement which accompany the DCO application.

## 10 Volume 6: S51 Advice

Vol	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
6	6.1	AS-013	S51 Advice Response letter	DHA Planning	1	S51 Advice Version	16/06/18

- 10.1.1 The **Document 6.1 - S51 Advice Response Letter** documents the response by the applicant to the S51 Advice letter issued by the Planning Inspectorate on the 26<sup>th</sup> April 2018. It should be read in conjunction with the amended HRA Report as documented in Volume 3 and various plans which have been amended and superseded, as documented in Volume 4. The S51 Advice response included a revised version of this Application Guide, as reflected in Volume 1.



## 11 Volume 7: Statements of Common Ground (SoCG)

Vol	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
7	7.1	REP1-017	SoCG between DS Smith Paper Ltd and Swale Borough Council	DHA Planning	1	Deadline 1 Signed	July 2018
	7.2	REP1-002	SoCG between DS Smith Paper Ltd and Kent County Council	DHA Planning	1	Deadline 1 draft	July 2018
	7.3	REP1-014	SoCG between DS Smith Paper Ltd and the Environment Agency	DHA Planning	1	Deadline 1 Signed	July 2018
	7.4	tbc	SoCG between DS Smith Paper Ltd and Natural England	DHA Planning	2	Post Deadline 4 draft	October 2018

- 11.1.1 The **Statements of Common Ground (SoCG)** sets out the factual information to be agreed by the applicant and specific parties and the matters agreed between the parties, matters where discussions are ongoing and matters not agreed. This enables the Examining Authority to understand where there is agreement and where there are differences at an early stage in the Examination process.
- 11.1.2 As the Examination progresses the **SoCG** will be updated and submitted at each deadline, where necessary, as discussions continue. As part of Deadline 1 of the Examination the Applicant submitted two signed and final **SoCG** between DS Smith Paper Ltd and Swale Borough Council (**Document 7.1**) and DS Smith Paper Ltd and the Environment Agency (**Document 7.3**). The **SoCG** with the Environment Agency includes as an Appendix a Water Framework Directive Scoping Exercise prepared by the Applicant to inform discussions with the EA.
- 11.1.3 At Deadline 4a the Applicant submitted a signed and final **SoCG** between DS Smith Paper Ltd and Natural England (**Document 7.4**) which included a Marine Conservation Zone Assessment.
- 11.1.4 Matters are still being discussed for the remaining **SoCG** between DS Smith Paper Ltd and Kent County Council (**Document 7.2**).

## 12 Volume 8: Deadline 1 Submissions (31<sup>st</sup> July 2018)

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
8	8.1	REP1-006	Deadline 1 Covering Letter	DHA Planning	1	Deadline 1 Version	July 2018
	8.2	REP1-010	Applicant's Comments on the Relevant Representations	DHA Planning	1	Deadline 1 Version	July 2018
	8.3	REP1-004	Written Case by the Applicant at Issue Specific Hearing 1 (draft DCO)	DHA Planning	1	Deadline 1 Version	July 2018
	8.4	REP1-005	Habitat Regulations Assessment Screening Matrices	RPS	-	Replaced by Post D4 HRA Report	-

- 12.1.1 The Examining Authority has a duty to complete the Examination of this application within a six month period from the day after the close of the Preliminary Meeting. The Examination consists of written and oral representations and includes a number of hearings and site inspections. Within the Examination Timetable the Examining Authority has set out a number of Deadlines in which representations, additional documents and supporting information must be submitted by.
- 12.1.2 Deadline 1 is the first deadline of the Examination and requires a number of documents to be submitted. **Document 8.1 - Covering Letter** states what has been submitted as part of Deadline 1. **Document 8.2 - Applicant's Comments on the Relevant Representations** sets out the Applicant's response to the Relevant Representations that have been submitted in relation to this application.
- 12.1.3 **Document 8.3 - Written Case by the Applicant at Issue Specific Hearing 1 (draft DCO)** is a summary of the oral case made by the Applicant at the Issue Specific Hearing into the draft DCO and includes a response by the Applicant to the Examining Authority's specific questions regarding the draft DCO.
- 12.1.4 **Document 8.4 - Habitat Regulations Assessment Screening Matrices** summarises the likely significant effects for each European protected site that has been assessed and summarises the implications for the integrity of each European protected site that has been assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified. These matrices provide information to the Examining Authority to assess in order to make a recommendation to the Secretary of State as the competent authority for the purposes of this application. The Matrices were subsequently amended and form part of the HRA Report submitted by the applicant in their post Deadline 4 submission (October 2018).

## 13 Volume 9: Deadline 2 Submissions (21<sup>st</sup> August 2018)

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
9	9.1	REP2-028	Deadline 2 Covering Letter	DHA Planning	1	Deadline 2 Version	August 2018
	9.2	REP-029	Applicant's Comments on the Written Representations	DHA Planning	1	Deadline 2 Version	August 2018
	9.3	REP2-030	Applicant's Response to the Examining Authority's Written Questions (ExQ1) – Part 1	DHA Planning	1	Deadline 2 Version	August 2018
	9.3	REP2-031	Applicant's Response to the Examining Authority's Written Questions (ExQ1) – Part 2	DHA Planning	1	Deadline 2 Version	August 2018

- 13.1.1 The Examining Authority has a duty to complete the Examination of this application within a six month period from the day after the close of the Preliminary Meeting. The Examination consists of written and oral representations and includes a number of hearings and site inspections. Within the Examination Timetable the Examining Authority has set out a number of Deadlines in which representations, additional documents and supporting information must be submitted by.
- 13.1.2 Deadline 2 is the second deadline of the Examination and requires a number of documents to be submitted. **Document 9.1 - Covering Letter** states what has been submitted as part of Deadline 2. **Document 9.2 - Applicant's Comments on the Written Representations** sets out the Applicant's response to the Written Representations that have been submitted in relation to this application.
- 13.1.3 **Document 9.3 - Applicant's Response to the Examining Authority's Written Questions (ExQ1)** provides the Applicant's response to the questions raised by the Examining Authority. As part of the Applicant's response some documents have been superseded and these are detailed in the **Covering Letter** and throughout this **Application Guide** (for example, elements of the **Document 3.1 - Environmental Statement**).

## 14 Volume 10: Deadline 3 Submissions (20<sup>th</sup> September 2018)

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
10	10.1	REP3-001	Deadline 3 Covering Letter	DHA Planning	1	Deadline 3 Version	September 2018
	10.2	REP3-015	Written Case by the Applicant at Issue Specific Hearing 2 (Environmental Matters)	DHA Planning	1	Deadline 3 Version	September 2018
	10.3	REP3-016	Written Case by the Applicant at Issue Specific Hearing 3 (draft DCO)	DHA Planning	1	Deadline 3 Version	September 2018

- 14.1.1 The Examining Authority has a duty to complete the Examination of this application within a six month period from the day after the close of the Preliminary Meeting. The Examination consists of written and oral representations and includes a number of hearings and site inspections. Within the Examination Timetable the Examining Authority has set out a number of Deadlines in which representations, additional documents and supporting information must be submitted by.
- 14.1.2 Deadline 3 is the third deadline of the Examination and requires a number of documents to be submitted. **Document 10.1 - Covering Letter** states what has been submitted as part of Deadline 3.
- 14.1.3 **Document 10.2 - Written Case by the Applicant at Issue Specific Hearing 2 (Environmental Matters)** is a summary of the oral case made by the Applicant at the Issue Specific Hearing into the Environmental matters, Landscape and Visual, Ecology, Air Quality and other matters and includes a response by the Applicant to the Examining Authority's specific questions.
- 14.1.4 **Document 10.3 - Written Case by the Applicant at Issue Specific Hearing 3 (draft DCO)** is a summary of the oral case made by the Applicant at the Issue Specific Hearing into the draft DCO and includes a response by the Applicant to the Examining Authority's specific questions regarding the draft DCO.
- 14.1.5 As part of the Applicant's response, some documents have been superseded and these are detailed in the **Covering Letter** and throughout this **Application Guide** (for example, elements of **Document 3.1 - Environmental Statement** and the **Document 2.1 - draft DCO**).

## 15 Volume 11: Post Deadline 4 Submissions (12<sup>th</sup> October 2018)

Vol.	Document Reference	ExA Reference	Document Title	Author	Version	Status	Date
10	11.1	tbc	Post Deadline 4 Covering Letter	DHA Planning	1	Post Deadline 4 Version	October 2018

- 15.1.1 The Examining Authority has a duty to complete the Examination of this application within a six month period from the day after the close of the Preliminary Meeting. The Examination consists of written and oral representations and includes a number of hearings and site inspections. Within the Examination Timetable the Examining Authority has set out a number of Deadlines in which representations, additional documents and supporting information must be submitted by.
- 15.1.2 Deadline 4 was the fourth deadline of the Examination. This deadline allowed consultees to respond to information submitted as part of Deadline 3 and to provide further information that may have been requested at ISH2 or ISH3. No submissions were made by the Applicant at Deadline 4.
- 15.1.3 Following the completion of the technical tender process it was confirmed by the application that a vertical boiler configuration would be installed within the proposed K4 CHP facility. As a result all the plans and references to a horizontal boiler are no longer part of the application for the DCO and **Document 2.1 - Application Guide** has been amended to reflect this with any documents or wording have been greyed out. A revised **Document 2.1 - draft Development Consent Order** has submitted to reflect that change, as well as a proposed maximum and minimum HRSG stack height.
- 15.1.4 In addition, a signed **SoCG** with Natural England (**Document 7.4**) was submitted and this is reflected in volume 7 of this **Application Guide**. **Document 10.1 - Covering Letter** states what has been submitted as part of the Post Deadline 4 Submission, which also includes a revised Habitat Regulations Assessment Report, which includes Matrices which supersede those submitted by the applicant at Deadline 1.