

**Application by DS Smith Paper Limited for  
The Kemsley Mill K4 Combined Heat and Power Generating Station**

**The Examining Authority's (ExA) Consultation Draft Development Consent Order (DCO)**

**Schedule of ExA's recommended amendments to the Applicant's draft DCO**

**Post Deadline 4 Version [AS-021]**

Reference.	Text as set out in draft DCO Post Deadline 4 Version [AS-021]	ExA's Recommended Amendment	Reason and Notes
<b>Art 2</b>	<i>"Interpretation 2(1) In this Order except where provided otherwise ..."</i>	<i>"Interpretation 2(1) In this Order except where provided otherwise ... <u>"lead local flood authority" has the same meaning as in the Flood and Water Management Act 2010[];</u> <u>"relevant internal drainage board" means the internal drainage board for the land in question;</u> <u>"Southern Gas Networks PLC" means the company of that name, company number [], whose registered office is at [];"</u></i>	Terms used in the draft DCO which require definition.
<b>Art 8</b>	<i>"(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(b) in relation to a nuisance falling within paragraph (a), (c), (d), (fb) or (g) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance..."</i>	<i>"(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(b) in relation to a nuisance falling within paragraph (a), (c), (d), (fb) or (g) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance..."</i>	To reflect the ExA's comments at ISH1:26 and ISH3:6 and the Applicant's responses.

Reference.	Text as set out in draft DCO Post Deadline 4 Version [AS-021]	ExA's Recommended Amendment	Reason and Notes
<b>Schedule 1</b>	<p><i>"In connection with the construction of any of those works, further development within the Order limits consisting of...</i></p> <p><i>(e) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of the construction of the authorised development but only insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."</i></p>	<p><i>"In connection with the construction of any of those works, further development within the Order limits consisting of...</i></p> <p><i>(e) such other works, working sites, storage areas and works of demolition, as may be necessary or expedient for the purposes of the construction of the authorised development, but only insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p><u><i>but only insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."</i></u></p>	<p>Separation of the text is required so that the final statement applies to (a) – (d) as well as (e).</p>
<b>Schedule 2 Table 1</b>	<p>1(e) 70 AOD 73 AOD 1(j) 35 AOD</p>	<p>Need for update to ensure that figures reflect site level AOD.</p> <p>Need for AOD to be defined in Art 2</p>	<p>To reflect Applicant's response to ExA Q1.2.7 and ISH2:2.</p>

Reference.	Text as set out in draft DCO Post Deadline 4 Version [AS-021]	ExA's Recommended Amendment	Reason and Notes
		Interpretation.	
<p><b>Schedule 2</b></p> <p><b>R12</b></p>	<p>"Contaminated land and groundwater</p> <p>12 (1) No part of the authorised development may be commenced, and no archaeological investigations, investigations for the purpose of assessing ground conditions or remedial work in respect of contamination or other adverse ground conditions may take place until details of ground gas protection measures for that part, or for those activities to the extent they may be required, have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) Construction works for the authorised development must be carried out in accordance with the approved ground gas protection measures.</p> <p>(3) If contaminated land not previously identified is found during the construction of the authorised development, no further works for the authorised development may be carried</p>	<p><del>"Contaminated land and groundwater</del> <u>Land contamination and groundwater</u></p> <p>12 (1) No part of the authorised development may be commenced, and no archaeological investigations, investigations for the purpose of assessing ground conditions or remedial work in respect of contamination or other adverse ground conditions may take place until details of ground gas protection measures for that part, or for those activities to the extent they may be required, have been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) Construction works for the authorised development must be carried out in accordance with the approved ground gas protection measures.</p> <p>(3) If <del>contaminated land</del> <u>contamination</u> not previously identified is found during the construction of the authorised</p>	<p>The heading and references within R12 have been changed from contaminated land to land contamination to emphasise the need to address any contamination rather than the land affected by it.</p> <p>Other changes proposed by the Environment Agency (EA) are not considered necessary or appropriate.</p>



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	<p>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-</p> <p>(a) how the contaminated land is to be identified and assessed;</p> <p>(b) timescales for carrying out the remediation measures: and</p> <p>(c) any ongoing monitoring or mitigation requirements.</p> <p>(4) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph (3) must be carried out in accordance with the approved scheme."</p>	<p>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-</p> <p>(a) how the <del>contaminated land</del> <u>contamination</u> is to be identified and assessed;</p> <p>(b) timescales for carrying out the remediation measures: and</p> <p>(c) any ongoing monitoring or mitigation requirements.</p> <p>(4) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph (3) must be carried out in accordance with the approved scheme."</p>	
<p><b>Schedule 2 R15</b></p>	<p><i>"(2) Construction works for the authorised development must be carried out in accordance with the approved piling risk assessment."</i></p>	<p><i>"(2) Construction works for the authorised development must be carried out in accordance with the approved piling <del>risk-assessment</del> method and agreed risk management</i></p>	<p>To clarify that the works must be undertaken on the basis of the approved piling method and the agreed risk management for that record as</p>



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		<i>for that method."</i>	recommended by the EA.
<b>Schedule 2 R16</b>	“(1) No impact piling associated with the authorised development shall take place in the months of January and February.”	“(1) No impact piling associated with the authorised development shall take place <u>in the period consisting of the months of January and February.</u> ”	To clarify that the impact piling is limited to 10 days in total within November and December.
<b>Schedule 2</b>		<p><u>Decommissioning and demolition strategy</u></p> <p>X.— (1) <u>Unless otherwise agreed with the relevant planning authority, within 24 months of the authorised development ceasing to be used for the purposes of electricity and steam generation (either actively generating or being available to generate on a standby basis), a scheme for the decommissioning, demolition and removal of Work No. 1 must be submitted to the relevant planning authority.</u></p> <p>(2) <u>Subject to obtaining the necessary consents and unless otherwise agreed with the relevant planning authority, the demolition and removal of Work No. 1 must be implemented in accordance with the approved scheme.</u></p> <p>(3) <u>On the one year anniversary of the authorised</u></p>	



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		<u>development ceasing to be used for the purposes of electricity and steam generation (either actively generating or being available to generate on a standby basis), the undertaker must notify the relevant planning authority of the same.</u>	