



Department for  
Business, Energy  
& Industrial Strategy

1 Victoria Street  
London SW1H 0ET

T +44 (0)300 068 5677  
E Gareth.leigh@beis.gov.uk

[www.beis.gov.uk](http://www.beis.gov.uk)

To:

[By E-email only]

**DS Smith Paper Limited**

**Swale Borough Council**

Date: 2 May 2019

Dear Sir/Madam,

**Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by DS Smith Paper Limited (“the Applicant”) for an Order granting Development Consent for the proposed Kemsley Mill K4 CHP Generating Station (“the Development”)**

**Request for Comments from the Applicant and Swale Borough Council (“the Council”)**

Following the completion of the examination on 8 January 2019, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 8 April 2019. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are issues on which the Secretary of State would be grateful if parties identified in **bold** could provide further clarification and information.

Electrical Generating Capacity

The Secretary of State notes the draft Development Consent Order submitted by the Applicant has no reference to power output for the generating station. He, therefore, requests that **the Applicant** provides clarification of the gross maximum installed electrical generating capacity of the proposed Development. The Secretary of State notes that the Applicant submitted an Application Form which includes the following reference: “...*the K4 CHP plant would be gas fired and would comprise a gas turbine of 52 – 57 Megawatts nominal power output, waste heat recovery boilers providing 105Mwth steam and a steam turbine of 16 Megawatts nominal power output.*” Other documents that form part of the application for the Order granting development

consent use a formulation that states the project would have a nominal output of between 68 – 73MW.

The Secretary of State would like to know what it is intended that ‘nominal power output’ means in the context of the Application. The Secretary of State would also like to know what the total gross electrical generating capacity of the proposed Development is intended to be. From the documentation, this appears to be between 68 – 73MW but the Applicant is asked to clarify.

### Construction Hours

Further, the Secretary of State notes that sub-paragraph (2)(b) of Requirement 10 (Construction Hours) in the Applicant’s submitted draft Development Consent Order provides that “*works which do not cause noise that is audible at the boundary of the Order limits*” are permitted to take place outside of the hours specified or approved under paragraph 1 of Requirement 10. However, the Secretary of State also notes that Requirement 10 as currently drafted, does not specify or define the types of works which may fall within sub-paragraph (2)(b), nor does it require the prior approval of such works by the relevant planning authority or otherwise specify how the limits on audibility described in that sub-paragraph would be monitored or enforced.

The Secretary of State invites comments from **the Applicant and the Council** on these points and, in particular, whether it is necessary to further amend Requirement 10 to ensure that the noise impacts of construction can be adequately controlled.

The deadline for responses is Thursday, 16 May 2019.

Responses should be submitted to: [K4KemsleyCHP@planninginspectorate.gov.uk](mailto:K4KemsleyCHP@planninginspectorate.gov.uk) .

Please also send any hard copy response to the Kemsley K4 CHP Generating Station Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3K Kite Wing, Temple Quay House, Temple Quay, Bristol BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

Responses will be published on the Kemsley K4 CHP Generating Station project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/kemsley-paper-mill-k4-chp-plant/> as soon as possible after 16 May 2019.

This letter is without prejudice to the Secretary of State’s decision on whether to grant development consent for the Kemsley K4 CHP Generating Station project and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

GARETH LEIGH  
Head of Energy Infrastructure Planning