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To:

[By E-mail only]

**DS Smith Paper Limited**

Date: 23 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**

Further to my letter of 2 May 2019 which sought representations from the Applicant and Swale Borough Council on a number of issues related to the Development, there are further issues on which the Secretary of State would be grateful for the Applicant to provide clarification and information.

**Habitats Regulations Assessment**

**Likely Significant Effects – Air Emissions**

The Applicant’s Habitats Regulations Assessment Report<sup>1</sup> assesses whether air emissions during operation are likely to have a significant effect on European sites. As part of this the Applicant has provided modelling outputs that have been compared against the screening criteria outlined in the DEFRA and the Environment Agency’s “Air emissions risk assessment for your environmental permit”<sup>2</sup>. However, this guidance states that in addition to the screening criteria, consideration should be given to the ‘in combination’ (combined) impact of all permissions, plans or projects that affect the site. The Applicant is requested to clarify what quantitative or qualitative information is available to support the conclusion that the in-

<sup>1</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010090/EN010090-000704-DS%20Smith%20Paper%20Ltd%20-%20Doc%203.1%20App%2010.2%20-%20HRA%20Report%20\(clean\)%20-%20Deadline%206%20Submission.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010090/EN010090-000704-DS%20Smith%20Paper%20Ltd%20-%20Doc%203.1%20App%2010.2%20-%20HRA%20Report%20(clean)%20-%20Deadline%206%20Submission.pdf)

<sup>2</sup> <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

combination effects of the K4's operational emissions will not give rise to significant effects on the following designated sites:

- The Swale Special Protection Area (SPA);
- The Swale Ramsar site;
- Medway Estuary and Marshes SPA;
- Medway Estuary and Marshes Ramsar site;
- Thames Estuary and Marshes SPA;
- Thames Estuary and Marshes Ramsar site;
- Queendown Warren Special Area of Conservation (SAC);
- Outer Thames Estuary SPA.

### **Appropriate Assessment – Water Quality, Disturbance, Dust**

The information provided to inform an Appropriate Assessment looks at the effect of changes to water quality, increased airborne dust and increased disturbance. An in-combination assessment is provided in Section 7 of the report with a list of projects currently in the planning process, or approved but not yet constructed. The Applicant is requested to clarify what assessment it has made of potential in-combination effects associated with existing operational projects.

The Secretary of State invites comments from **the Applicant** on these points.

The deadline for responses is Friday, 31 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, 3D Eagle 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 31 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