



Ms S Evans  
Major Applications and Plans  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

PINS Ref: EN010090  
DHA Ref: DHA/12321

7<sup>th</sup> June 2019

Dear Ms Evans

## **EN010090 – THE KEMSLEY MILL K4 COMBINED HEAT AND POWER GENERATING STATION DEVELOPMENT CONSENT ORDER**

### **THE DEPARTMENT OF BUSINESS, ENERGY AND INDUSTRIAL STRATEGY LETTER, 23<sup>rd</sup> MAY 2019 – APPLICANT RESPONSE**

I write in response to the letter from the Department for Business, Energy and Industrial Strategy ('BEIS') on the 23<sup>rd</sup> May 2019. This letter provides a brief summary of the applicant's response to the two queries raised by BEIS but is supported by a technical note produced by the projects ecological adviser Dr Nick Betson of RPS.

#### **Habitats Regulation Assessment**

##### Likely Significant Effects – Air Emissions

The habitats of interest within the identified European sites within the zone of influence of K4 are largely not sensitive to the effects of NO<sub>x</sub>, nutrient nitrogen and acid deposition by consequence of their tidal influence or monospecific nature.

Further, it should be noted that K4 is a more efficient replacement of the existing K1 facility with half the mass emission of NO<sub>x</sub> and that the two stations will not operate simultaneously except for a very brief period during the commissioning of K4.

Notwithstanding this we are aware of the recent Wealden Judgement (Wealden District Council v Secretary of State for Communities And Local Government & Ors [2017] EWHC 351 (Admin) (20 March 2017)) and the change in advice from Natural England with regard to the procedural nature of air quality assessment in relation to Environment Agency Guidelines post examination of K4.

To assist BEIS Dr Nick Betson of RPS has therefore presented a brief quantitative and qualitative assessment (attached) of the in-combination effects of K4 with other local development in a manner compliant with current Natural England procedural guidance and the Wealden Judgement.

planning transport design environment infrastructure

t. 01622 776226 e. [info@dhaplanning.co.uk](mailto:info@dhaplanning.co.uk) w. [www.dhaplanning.co.uk](http://www.dhaplanning.co.uk)

Maidstone Office, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN

DHA Planning Ltd. Registered in England. Registered number: 2683290



URS is a member of Register of Standards (RoS) Ltd.



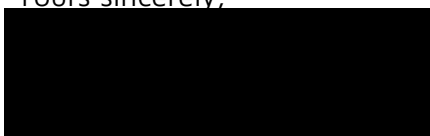
In short, no likely significant effects from air emissions on European sites are predicted to occur as a result of K4 alone or in combination with other local development. This reflects the conclusions of the assessments presented during examination of the application and supported by Natural England.

Appropriate Assessment – Water Quality, Disturbance, Dust

With respect to all three impacts, the Appropriate Assessment relies on the implementation of measures to avoid any adverse effect from occurring. As such, by avoiding any effect from occurring, there is no potential for in-combination effects with existing operational projects. All avoidance measures are secured by Requirements within the DCO and represent industry standard practices meaning there is high confidence they are effective. A position accepted by Natural England both within the agreed Statement of Common Ground and during examination.

I trust these comments are useful; please do not hesitate to contact me should you or BEIS require any further clarification on these points.

Yours sincerely,



David Harvey  
Director

Direct email: [david.harvey@dhaplanning.co.uk](mailto:david.harvey@dhaplanning.co.uk)