



## Meeting note

<b>File reference</b>	EN010090
<b>Status</b>	<b>Final</b>
<b>Author</b>	Siân Evans
<b>Date</b>	15 June 2017
<b>Meeting with</b>	DS Smith
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>The Planning Inspectorate</b> Chris White (Infrastructure Planning Lead) Emre Williams (Case Manager) Siân Evans (Case Officer) David Price (EIA and Land Rights Manager) <b>Applicant:</b> David Harvey (DHA Planning) Tim Spicer (DHA Environment) Graham Appleby (DS Smith) Jo Scott (DS Smith)
<b>Meeting objectives</b>	Introduction to the Kemsley (K4) project
<b>Circulation</b>	All attendees

### Introduction

The Applicant and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate continued by outlining its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

### Summary of key points discussed and advice given:

The Applicant explained that DS Smith owns Kemsley Mill which is a paper mill producing around 800,000 tonnes of packaging a year. Their energy requirements are currently met by a range of existing and proposed sources, namely:

- the existing K1 – a gas turbine CHP plant;
- the existing K2, a waste plastics and sludge fired steam generator;
- the proposed K3 (from 2019) a third party energy from waste plant will supply approximately one third of Kemsley Mill's steam and;
- six back-up package boilers.

The Applicant confirmed their awareness of the K3 Nationally Significant Infrastructure Project (NSIP) which is being promoted by Wheelabrator Technologies. The Inspectorate asked questions about the relationship between Wheelabrator and the Proposed Development for K4. It was noted that Wheelabrator has an extant planning permission and that construction activities were ongoing. It was also noted that Wheelabrator is planning to submit an application for a Development Consent Order (DCO) to allow 'operation' of the currently consented facility at over 50 MW. The Applicant advised that the K3 facility (once operational) will be capable of generating the required amount of steam needed by the paper mill, regardless of the DCO consent.

The Applicant advised that K4 will replace K1. The new K4 plant will include:

- gas turbine technology of around 52 MW nominal power output;
- Waste Heat Recovery Boilers (capable of supplementary firing) sized to provide an output of approximately 105 MWth steam and;
- Steam Turbine technology of around 16 MW nominal power output.

The Applicant confirmed that at present it was not sure whether decommissioning of the K1 facility would be included in the K4 application. The Inspectorate advised that consideration should be given to understanding how best to assess the effects at the site taking into account, relationships between existing and proposed development. This includes the relationship between the Proposed Development and works applicable to K1 including any necessary decommissioning. The Inspectorate advised that if permission to decommission K1 (in part or in full) is included within the Applicant's DCO then they would need to assess the likely effects but that if decommissioning of K1 was not included then any assessment would need to consider the potential and impacts of K1 and K4 operating simultaneously.

The Applicant explained their intention to apply for a variation of the existing environmental permit for K1. The Applicant also expressed a view that given the K4 facility will have reduced capacity and given technological advances it is likely to be more efficient than K1 and so there may be no significant environmental effects. The Inspectorate advised the Applicant to consider their approach carefully including such matters as; if there have been substantial changes to the baseline resulting in new sensitive receptors. The Inspectorate briefly explained the approach to screening for EIA development under the PA2008.

The Applicant advised that they are considering the Proposed Development as EIA development for the purpose of the EIA Regulations and preparing to submit their scoping request shortly. The Inspectorate reminded the Applicant that they advise at least two weeks' notice of submission of a scoping request so that the list of consultees can be compiled. The Applicant should also provide a GIS file identifying the land required for the development. This should include all works, including any which may be off-site, such as highway works or construction compounds. The GIS shapefile should be provided in accordance with the advice contained in Advice Note 7 page 9.

The Inspectorate advised the Applicant to ensure their scoping report accurately reflects the Proposed Development and to make the relevant information easily accessible to assist the Inspectorate in producing their scoping opinion within 42 days. The Applicant stated that they have used a two stage process where all matters are listed in stage one and only those considered relevant are considered in stage two.

The Inspectorate advised that there should be clear justification for any matters that are not considered in stage two.

The Inspectorate reminded the Applicant that the new EIA Regulations 2017 will apply to this project. One of the points of discussion was the change in wording to the assessment of cumulatives. The Applicant stated that as standard practice they include projects that may only be at allocation, EIA, Scoping, or application stage. The Applicant also noted the inclusion of understanding vulnerability of the Proposed Development to risk of major accidents and disasters. The Inspectorate advised the Applicant that this was an area that still required further work but that they should include in their scoping report any specific points they would like addressed by the Planning Inspectorate.

It was noted that a scheduled monument is close to the site. The Inspectorate advised the Applicant to raise this with Historic England so any issues can be fully considered before an application is submitted for examination.

The Applicant advised that they will require a variation to their existing permit from the Environment Agency (EA). The Inspectorate advised the Applicant to consider the EA advice in Advice Note 11 and the approach to applying for the environmental permit in advance of a DCO application.

The Applicant confirmed that it is considering starting statutory consultation in September. The Inspectorate advised the Applicant to additionally consider consulting those to the north-east of the site, on the Isle of Sheppey, as there may be some visual impacts. The Inspectorate asked the Applicant to consider setting up a project website so that the community can easily access information about the proposed development.

The Inspectorate highlighted that there may be some confusion in the local community between the K3 and K4 projects so the Applicant should make clear in their consultation material which project they are seeking feedback on. It will also be important for the Applicant and Wheelabrator (the K3 project) to share information if they receive comments relating to the others project.

The Applicant enquired how much information is required for the Preliminary Environmental Information (PEI). The Inspectorate explained that PEI is addressed in legislation, guidance and advice and that the information should be sufficient to enable consultees to fully understand the project. It does not have to be a full ES but should be as comprehensive as possible at the point in time it is being issued and should not hold back information that is relevant.

The Applicant stated that there is no requirement for compulsory acquisition in their application. The Inspectorate advised the Applicant to consider whether any Category 3 parties would be identified (those who may be affected by the construction or operation of the development). Even if no parties are identified a Book of Reference should still be submitted.

The Inspectorate advised the Applicant that it may be useful to submit draft statements of common ground with the application. These can be progressed through the Examination so that they can be agreed before the close of the Examination.

The Inspectorate advised the Applicant to seek access to the Statutory Instrument template in good time, as putting the DCO in the required template can be time consuming.

The Applicant advised that they intend to submit the application to the Inspectorate Q1 2018.

The Inspectorate advised that it may be useful to hold a teleconference before the scoping report is issued and a further meeting after the scoping opinion is published and before statutory consultation starts. It may also be useful to hold a meeting once the statutory consultation is closed.

**Specific decisions / follow up required?**

The Inspectorate to send the Applicant a link to Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping and Advice Note 11: Working with public bodies in the infrastructure planning process.

The Inspectorate to send details of what information is required to set the project up on the website.