



Meeting note

File reference	EN010090
Status	Final
Author	Ewa Sherman
Date	6 December 2017
Meeting with	DS Smith
Venue	Temple Quay House, Bristol
Attendees	The Planning Inspectorate: Chris White - Infrastructure Planning Lead Emre Williams - Case Manager Ewa Sherman - Case Officer Alison Down - EIA and Land Rights Advisor Lucy Hicks - EIA and Land Rights Advisor Applicant: David Harvey - DHA Planning Tim Spicer - DHA Environment Julian Boswall - Burges Salmon Graham Appleby - DS Smith Martyn Thompson - E.ON Laura Cherry - E.ON
Meeting objectives	Kemsley Paper Mill (K4) CHP Plant - project update meeting
Circulation	All attendees

Introduction

The Applicant and the Planning Inspectorate (the Inspectorate) case team introduced themselves and stated their respective roles. The Inspectorate outlined 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

Consultation

The Applicant confirmed that it has entered into an exclusive agreement with E.ON, a company with experience in designing and building CHP plants, mostly of modular construction, in central Europe. E.ON is currently looking at the design details of K4, a gas turbine CHP plant which would contribute to powering the Kemsley Paper Mill, and replace the existing K1 power plant.

The Applicant provided an update regarding their statutory consultation under s47 of the PA2008, which was based on the Preliminary Environmental Information Report (PEIR). The Applicant prepared the Statement of Community Consultation (SoCC), publicised the document and considered comments from Swale Borough Council (SBC) and Kent County Council (KCC). The s47 consultation commenced in early November and will close in mid-December 2017. The Applicant publicised the SoCC using various methods, such as placing advertisements and additional information in the newspapers for three consecutive weeks; delivering 2800 leaflets within the zone of influence; sending letters to the stakeholders; and posting posters. During two public exhibitions only six questionnaires from members of the public were returned and the Applicant considered that the response had been very positive. There is an understanding that there are multiple projects in the area. The proposed development is clearly identified on a map, and well explained to avoid any confusion from parties interested in the proposals.

Application preparation

The Applicant advised that work is ongoing on the preparation of the draft Preliminary Environmental Information Report (PEIR) for the purposes of the statutory s42 and s48 consultation which is planned to be conducted early next year. The Applicant's intention is to place the newspaper ads in the first and second weeks of January 2018, followed by liaison with various statutory bodies.

The Applicant stated that it intends to submit draft Development Consent Order (dDCO) application documents to the Inspectorate for a review in mid-January 2018. However, due to the very tight proposed timescales the Applicant may not consider submitting a full suite of the documents, as the Inspectorate's review takes between 6 and 8 weeks, and only applies to the dDCO, the Explanatory Memorandum, the introductory chapters of the Environmental Statement (ES), and the Habitats Regulations Assessment Report (where relevant). The Inspectorate advised that the Applicant might wish to highlight any novel issues in the dDCO.

The Applicant confirmed that the proposed development is a committed, well-advanced project, providing more certainty on what's going to be built, in an industrial area, within the Applicant's own freehold land. They therefore considered it unlikely that there would be a need for any compulsory acquisition of rights or land, and there are unlikely to be any Category 3 parties identified. The Inspectorate advised the Applicant to ensure that clear justification is provided as to why the Book of Reference may not be necessarily provided with the application. Additionally, the Consultation Report (CR) will need to clearly provide detail and justification for the consultation programme, and indicate how any issues arising during the consultation period have been addressed.

The Inspectorate also advised the Applicant to look at the updated [Section 55 Acceptance of Applications Checklist](#), appended to the Inspectorate's [Advice note six: Preparation and submission of application documents](#). It is useful to review this checklist prior to the submission of the application.

With regard to the permitting process, E.ON confirmed they have engaged with the Environment Agency (EA) on behalf of the Applicant, with the view to developing an application to vary the existing environmental permit for K1 for K4. The EA favours this approach, rather than applying for a new permit, as K4 is a replacement facility.

K1 will only be decommissioned once K4 is fully operational so both plants will be operating simultaneously for a period. The EA have indicated that they are content that the varied permit could cover both K1 and K4. The Applicant intends to submit the variation application in Q2/Q3 of 2018, when the DCO application is likely to be at examination stage, provided the project has been accepted by the Inspectorate for examination. The EA will work to their standard timescales of six months.

The Inspectorate advised that continuous work on the Statement of Common Ground (SoCG) with the EA, which can be updated throughout the process, would be very beneficial for the Examining Authority (ExA).

The Inspectorate also enquired about the relationship between K4 and the neighbouring project, the Kemsley Wheelabrator (K3), also at the pre-application stage. The Applicant stated that both promoters have a good working relationship, and ensure that the K4 and K3 projects are presented as clearly distinctive from each other.

In relation to the post-submission programme, the Inspectorate confirmed that statutory timescales still apply and are fixed under PA2008 (apart from the pre-examination stage). The pre-application stage of the project development is essential in the smooth running of the process. Therefore it will be essential for the Applicant to undertake effective consultation which must be clearly demonstrated in the CR, and for the application to be fit for purpose with no major changes required post-acceptance. The application documents must be up to the required standard, therefore minimising the need for the ExA to request additional information.

The Inspectorate noted that during the pre-examination stage it is useful if the Applicant identifies suitable potential hearing venues, and also deposit locations that would allow access for members of the public to view the digital documentation. The Applicant is sometimes more familiar with the area and also venues and locations that they may have previously used for consultation events

The project is on track to be submitted in Q1 2018.

Specific decisions / follow up required

The next project update meeting will be arranged following the submission and review of the draft application documents, and the Applicant will be sent a detailed agenda / comments.