A report by Head of Planning Applications Unit to Planning Applications Committee on 18th March 2003.

Application by Lafarge Cement UK for the construction and use of rail sidings for Medway Cement Works, footpath diversion, landscaping and ancillary works at Holborough Road, Snodland, Kent.

Recommendation: Planning permission be granted subject to planning conditions

Local Member: Mrs S Hohler

Unrestricted

Introduction

- Planning permission for a new cement works and quarry at Snodland was granted by the then Secretary of State for the Environment on 26 November 2001. The planning permission was subject to conditions and a legal agreement requiring the applicant to enter into a number of commitments. Clause 8 of the agreement referred specifically to rail freight. In essence it required the applicant to participate in a regional cement working party to bring about the use of rail for bulk distribution and thereafter to construct and use a rail freight facility if proven feasible.
- 2. The approved cement works design contained provision for rail access, including bridges under the proposed A228 roundabout and the excavation and track formation within the works itself. The permission did not however extend to the connection with the main line railway nor the associated sidings because there was at that time (November 2001) no certainty about either the commercial viability of rail, nor its technical feasibility. The applicant has, in accordance with the legal agreement, pursued the introduction of rail, hence this application. Lafarge Cement UK has recently opened or is in the process of reopening rail depots around the country.
- 3. Lafarge Cement UK along with Medway Council, Tonbridge and Malling Borough Council (planning and environmental health) and myself have been involved in the South East Cement Rail Working Party. This collective was set up to achieve effective and commercially feasible ways of introducing rail distribution, both to the benefit of the wider community and to the Medway Works itself.
- 4. Part of the proposed sidings lies within Medway Council's administrative area, and part within the County Councils area. Separate applications have been made to each of the authorities and this submission deals with the part of the site within the County Council's area. I attach a location plan and a plan that shows the whole sidings layout and the local authority boundary.

The Site and surrounds

- 5. The proposed rail sidings application boundary runs from the proposed new roundabout on A228 southwards to just beyond Mill Fields Farm. It lies within the corridor between the main Maidstone-Strood line and the Snodland Bypass and passes to the rear of the Christian Salvesen building. (To the north the sidings continue westwards into Medway Council's area under the new A228 roundabout into the works site.) See Plan.
- 6. The application site also includes a linear area immediately adjacent to the A228 south of the warehouse developments for the construction of a noise bund and also extends around the existing footpath adjacent to the Mill Stream.
- 7. To the east of the application site beyond the existing railway line lies the Holborough Marshes Site of Special Scientific Interest (SSSI) which is fed directly by the Mill Stream. To the south adjacent to the proposed noise bund is the Snodland Meadows Site of Nature Conservation Interest (SNCI) which also lies within an Area of Local Landscape Importance (ALLI). At this point a stretch of the A228 frontage is safeguarded for future road improvements (dualling).

Proposal

- 8. The project would comprise a series of three parallel sidings, beside the Maidstone-Strood railway line, located partly on property leased from Railtrack by the applicant and partly on their own land. With connections at the north and south ends, the sidings would be accessible to trains from either direction. The necessary crossovers will be installed between the Up and Down mainline tracks and suitable signalling provided in accordance with Railtrack requirements. A siding to accommodate "crippled" wagons would be installed.
- 9. From their north end, the sidings would join to form a single track, before turning westwards and branching into two parallel tracks under the new A228 roundabout and into the cement works. Here one track would pass under a cement-loading silo, while other tracks provide the necessary run-round loops and siding space.
- 10. To allow maintenance and service access without using the public highway, an internal private road and footway would run beside the sidings from the cement works to their southernmost point. A gated private service road connection would also be made to the Christian Salvesen access road.
- 11. There would be a need for the following ancillary works:
- Security fencing around the sidings
- A safe level of lighting around the sidings
- A low acoustic barrier alongside the sidings
- A landscaped acoustic barrier at Mill Fields Farm
- Repositioning of the road access to Mill Fields Farm close existing access off the A228 and provide alternative leading from the Christian Salvesen building

- Realignment of the existing road access (and associated drainage) to the Christian Salvesen building
- Refurbishment and modification the existing drainage culvert under the main line railway
- Extend the existing footpath (MR581) culvert, and its improvement and minor re-routing
- Landscaping around the footpath diversion areas
- 12. The type of cement wagons employed affects the number of trains required. For an annual volume of 350,000 tonnes of cement, either 6 or 12 trains per week would be required. If conventional cement wagons were used, then only 6 trains per week would be required. However, if intermodal wagons were used (that is road cement tanks loaded onto rail wagons) 12 trains would be needed as they have less capacity per unit length of wagon. The applicant carried out a full assessment of noise impacts and the application is accompanied by a detailed noise report. Whilst the applicant would prefer to have most rail working taking place outside night-time hours, the availability of train "paths" over the main line, and customer requirements mean that it would be necessary to have the ability for 24-hour, 7-day working.

Planning History

13. In Medway's planning area the track lies entirely upon the already permitted earthworks for the trackbed. In Kent's area the sidings are effectively a replacement of the old Holborough cement works sidings that existed from 1923 to 1984. Substantial portions of the sidings still exist although the connections to the main line have been removed. The tracked formation is also still in existence although it would need some reconstruction and levelling to provide more satisfactory levels for the operation of much heavier trains.

Planning Policy Context

14. <u>South East Regional Planning Guidance (RPG 9)</u> – requires that the proportion of freight distribution via rail should be increased, while Policy T6 promotes a fully integrated freight distribution system of which inter-modal transport, of the type proposed here is one example.

<u>Planning Policy Guidance Note 13 (PPG13)</u> – Transport – promotes sustainable transport modes in preference to road transport.

<u>Planning Policy Guidance Note 24</u> (PPG24) – Noise -provides specific planning guidance in respect of two aspects of the noise associated with the proposal.

<u>Railway Noise Insulation Regulations 1995</u> - applicable to new or altered railways and used to determine whether householders would be eligible for noise insulation grants. Thresholds are not triggered by this proposal._

<u>Kent County Council Railway Noise Guidelines</u> - essentially established for assessment of noise associated with the Channel Tunnel Rail Link and are applicable to new/altered railway developments in existing community areas. The proposal fully complies by day, evening and night.

Kent Structure Plan (1996)

- S1 Local planning authorities will seek to achieve a sustainable pattern and form of development which will reduce the need to travel, facilitate the conservation of energy and other natural and environmental resources, and minimise pollution.
- ENV5 Seeks to protect the scientific and wildlife interests of SSSI's.
- ENV6 Seeks protection of the scientific and wildlife interests of SNCI's.
- SR3 The rights of way network will be protected and enhanced.
- T9 Proposal which will encourage the transfer of freight traffic from road to rail will normally be permitted subject to other planning considerations.

Tonbridge and Malling Borough Local Plan

- Policy 3/1 Seeks protection of the SSSI.
- Policy 3/2 Requires development which results in material harm to an SNCI to provide for re-establishment or replacement of lost habitat.
- Policy P3/16 Indicates that the technical demonstration of noise impact will need to be couched in the terms set out in PPG24 and BS4142.
- Policy P3/17 Provides the Borough Councils own local noise exposure categories.

Kent Minerals Local Plan Chalk and Clay (1997)

- CC15 Proposals for related development must minimise harm and where practical provide appropriate mitigation to the scientific and ecological interests of the site and its surroundings.
- CC24 Proposals for related development shall be permitted whereby they enable the transfer of freight traffic from road to rail.

Consultees

15. **Tonbridge and Malling Borough Council**: No objection subject to the provision of a 1 metre high noise barrier adjacent to the sidings to the south of the Christian Salvesen building, the cessation of the residential use of Mill Fields and the construction of a noise bund prior to the use of the sidings at night; and the submission of a landscaping scheme.

Snodland Town Council: No views received

Environment Agency: No objection but offers advise on groundwater matters.

English Nature: No objection subject to conditions ensuring appropriate safeguarding measures for the protected species, planting and drainage details.

Kent Wildlife Trust: Object as no account has been taken of the conservation interest of the site in the SNCI and the proposed pond will have a negative impact upon the ecology of the stream and thus the SSSI.

Railtrack: supports the application

Area Highways Officer (West Kent): supports the application

Public Rights of Way Officer: Proposal represents an improvement to the existing situation which is to be welcomed, the temporary closure of the footpath should be phased to minimise the duration of any closure.

Babtie (Noise and Dust): No objection on noise grounds as the operation meets the criteria set out in KCC's Railway Guidelines, subject to the imposition of the conditions suggested by the Applicant as mitigation measures. No objection on the grounds of dust as enclosed cement wagons are to be used, if other material is to be imported a condition ensuring adequate cover of the loads should be imposed.

Southern Water: No objection subject to a condition ensuring protection of the public sewers.

County Archaeologist: No reply received

Medway Council: Informed of application as neighbouring authority, have no objection subject to conditions protecting nature conservation interests. (Have separate application within their own administrative boundary).

Local Member

16. The Local Member Mrs S Hohler was notified of the application on 3 January 2003 and has commented that she supports the application as it will be much better for local residents if material is able to go by rail rather than road.

Representations

- 17. The application has been advertised by way of a number of site notices being posted in the vicinity. A neighbour notification exercise was undertaken with 4 letters of representation received. A summary of the comments received follows:
 - The proposal will result in extra noise 24 hours a day.

 It will result in more pollution with exhaust fumes and light during the hours of darkness.

 If there is to be a cement works then to use the railway would make sense.

Discussion

- 18. Section 54A of the 1990 Act requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. This proposal will need to be considered in the light of the Kent Structure Plan (KSP) policies relating to this type of development and the specific policies in the Kent Minerals Local Plan (KMLP) relating to rail proposals. These must then be balanced against the environmental and amenity impacts such a proposal may have, and in the light of the relevant policies of the Tonbridge and Malling Borough Local Plan.
- 19. Both the Structure Plan (Policy T9) and the Chalk and Clay Local Plan (Policy CC24) support the transfer of freight from road to rail. Members will consequently be aware that the use of rail to dispatch cement has long been a goal of the County Council and subsequently officers have positively contributed to the South East Rail Working Party set up to pursue achieving this goal. Having said that it has always been recognised that it would be necessary to ensure that mitigation measures adequately protect the ecological and amenity interests of the area.

Ecology

- 20. The site with a history of cement manufacture in the vicinity comprises recently disturbed derelict land, subject to repeated disturbance as part of its normal land management. Furthermore much of the site has been subject to ecological study since 1994-5 and that continues. Studies in connection with the Medway Works itself, the Medway Crossing and Peters Village, industrial warehouse developments and the Holborough Village residential development, as well as a long history of working with the Wildlife Trust at the nearby Holborough Marshes reserve, have created a substantial base of local ecological knowledge. Local ecology was an important consideration of the Secretary of State when he granted permission for the new cement works. That permission and the accompanying legal agreement provides for long term water and ecology management with the Environment Agency and Kent Wildlife Trust. It is against this background that the applicants have considered the impacts upon the ecological interest of the area.
- 21. Part of the sidings is adjacent to the Holborough to Burham Marshes Site of Special Scientific Interest (SSSI). English Nature has raised some concerns over the impact from construction of the new sidings upon the area. It is relevant that the existing main line railway always separates the application site from the SSSI, and that the SSSI has developed and/or retained its scientific interest with the history of cement manufacturing beside it. On this basis I consider it appropriate to condition details of construction and drainage to be submitted prior to commencement of the development. The proposed inline pond and millstream discharges onto the SSSI and English Nature have requested that no non-native species be introduced into the new pond. Again it would be appropriate to require these details by condition prior to commencement.

- 22. To the south of the application site lies the Snodland Meadows Site of Nature Conservation Interest (SNCI). Kent Wildlife Trust expressed concern that the proposal fails to take adequate account of the impact upon this area, nor does it offer any mitigation for such impacts. The SNCI which is a non-statutory designation, is designated for the flora associated with the wetland area, the bund has therefore been reduced to a minimum footprint to minimise any impact. It should be noted that a strip of land across the frontage of Mill Fields Farm is safeguarded in the Tonbridge and Malling Borough Local Plan for highway improvements (dualling of the A228). Such development would result in the loss of a similar area of ecological interest, but this proposal benefits from the creation of a new green space to the north of the warehouse developments, around the newly diverted footpath. This area offers a new lake and pond with planting resulting in the formation of a new and welcome wildlife habitat which positively mitigates for any adverse impact upon the SNCI.
- 23. Railways and their sidings can provide good habitats for reptiles. The Wildlife and Countryside Act 1981 prohibits killing, sale or injury of the native species of reptile. It will be necessary to ensure that mitigation measures are put in place to prevent an offence taking place as a result of this development. To this end the applicants have put forward a sequence of actions to ensure that the harm to any common reptiles present are avoided according to good practice. It is appropriate that these measures be secured by condition.

Noise and Dust

- 24. Not surprisingly these are key areas of concern for the four local residents who have made representations.
- 25. The working party, referred to above, anticipated noise would be an area of concern and consequently the applicants have submitted a noise impact report to accompany the planning application. Mitigation measures are proposed, these include the introduction of acoustic bunding to attenuate noise to the residential properties on Willowside, and removing the residential use on the Mill Fields Farm site. Were the farm to remain in residential use then it would be necessary to restrict the hours of operation on the sidings to 0700 to 2300. Furthermore were the bund on Mill fields not built then it would be necessary to restrict the hours of operation of the Willowside properties). The County Council's noise consultants have advised that they have no objection to the proposal provided that the mitigation measures promoted by the applicant are secured. Members will also be aware that cement manufacture is a continuous process and as such the works planning permission contains no restriction upon the hours of despatch by road. There must be parity in the hours of operation if rail is to be allowed to compete with road haulage, nevertheless I would urge the Applicant to maximise daytime paths where possible.
- 26. The County Council's consultant has no objection on the grounds of dust as enclosed cement wagons are to be used. The application reports that air quality would improve significantly if rail were to be used as an alternative to road haulage. The Borough Council's Environmental Health Officer has raised no objection on this issue.

Lighting

27. Three of the four objectors raised concerns regarding light pollution. The proposed sidings are to the east of the A228 some distance from the residential development of They are further screened by the large Christian Salvesen warehouse Snodland. building which would obscure approximately 40-50% of the sidings and associated lighting. Nevertheless the design of the lighting for the sidings has followed the same principles adopted (and approved) for the cement works. These have sought to reduce energy consumption and to reduce the impact of lighting outside the works boundary by applying the minimum artificial lighting necessary to satisfy health and safety, security and operational requirements. It is proposed that the design would ensure that all luminaire lanterns would emit no upward light, to achieve this no luminaire would emit downward light at an angle greater than 75 degrees to the vertical. The use of suitable fittings such as the use of lanterns with recessed reflectors and flat glass protectors would preclude stray light emissions. These measures together with control mechanisms restricting lighting periods only when a locomotive is in the sidings ensure light intrusion is kept to a minimum. The mitigation measures proposed could be conditioned.

Public Rights of Way

28. The application seeks a diversion to Public Footpath MR581 that passes under the main line railway via a concrete culvert, adjoining the pipe that carries the Holborough millstream. It is proposed to divert the footpath over a length of about 120 metres from its existing course to correspond more closely to the route that has been used in practice for many years by its users, along the Christian Salvesen access road. This would be accompanied by landscape improvements to the disused land adjoining and removal of the concrete channel through which the millstream is currently confined. The extension of the existing underpass and the routing of the path past a new lake and landscaped area represents an improvement to the existing situation and are to be welcomed.

Conclusion

29. The proposal to develop rail sidings to enable an alternative means of distribution to road is encouraged at the highest planning policy level. It was always envisaged that the applicant would come forward with such an application when the technical feasibility had been proven. To this end the Medway Works application itself built in accommodation for the earth works needed in association with the development of the sidings within the works site. The legal agreement, which accompanied the works permission, also sought provision of rail sidings. I have worked with Lafarge, Tonbridge and Malling Borough Council and Medway Council to bring about an appropriate scheme of rail transport for the new works with minimum impact to the local community and ecological interests at Snodland. I am satisfied that the policy presumption towards rail along with the working party objectives and the mitigation measures discussed above override any objections to the proposal.

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Construction and use of rail sidings for Medway Cement Works at Holborough Road, Snodland – TM/02/3665

Recommendation

30. I RECOMMEND that PLANNING PERMISSION be GRANTED subject to conditions covering amongst other matters:- standard time condition, details of protective measures for reptiles, drainage details, planting, hours of operation of lighting, provision of noise mitigation measures

I FURTHER RECOMMEND THAT the applicant BE ADVISED to maximise the use of rail and daytime paths where possible

Case Officer: Andrea Hopkins

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Background Documents - see section heading

032003MEDWAYCEMENTWORKS