SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item C1

Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2020.

Application by Fortis IBA Ltd for construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B, Ridham Dock Estate, Iwade, Sittingbourne, Kent, ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

Recommendation: Permission be granted subject to conditions.

Local Member: Mike Whiting Unrestricted

Site description

1. The application site occupies 3.1 hectares (ha) of vacant, previously developed (brownfield) industrial land on the eastern boundary of Ridham Docks. The docks and associated commercial and industrial development covers an area of approximately 37ha, about 650 metres (m) to the south-east of the Kingsferry Bridge and Sheppey Crossing. The complex lies approximately 4.5 kilometres (km) north of Sittingbourne and about 5km south of Sheerness. Iwade lies approximately 2.1km to the west and Queenborough about 3.3km to the north.

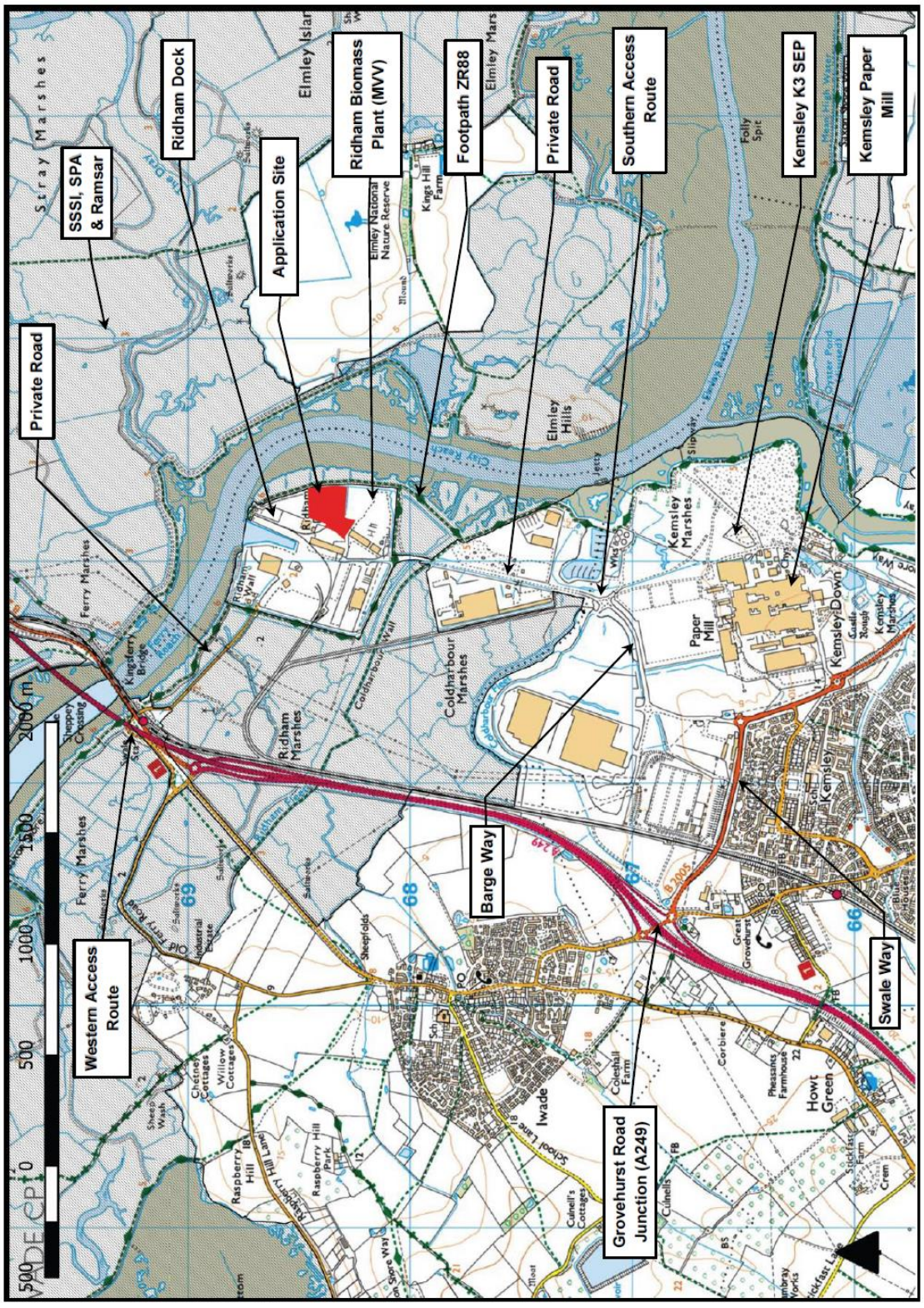
2. The area of the docks and surroundings is predominantly flat and low-lying at approximately 2 to 3m Above Ordnance Datum (AOD). Immediately to the north and east of the application site are the Ridham Sea Wall (flood defences), Swale channel and associated areas of inter-tidal mudflat. To the east (beyond the Swale) is the Isle of Sheppey and Elmley National Nature Reserve, a wide expanse of grazing marsh, divided by ditches and frequent shallow surface flooding, that lies at or below sea level. To the west of the docks is Ridham Marshes, a flat low-lying area of marshland crossed by drainage ditches, electricity pylons and disused railway sidings.

3. Vehicular access to the docks is possible via two routes: (i) a private access road which crosses Ridham Marshes along its northern boundary to Old Ferry Road, which connects with the B2231 and A249 approximately 750 metres to the west (the "Western Access Route"); and (ii) a 1.1km private road which connects the southern boundary of the docks with Barge Way, which in turn connects via the B2005 (Swale Way) with the A249 at the Grovehurst Road roundabout about 2.3km to the southwest of the site (the "Southern Access Route").

Item C1

Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

Site Location Plan (showing the proposed IBA Recycling Facility & key local features)



4. Swale Railway Station lies adjacent and to the south of the Kingsferry Bridge, approximately 1.1km to the west of the site. To the south of the docks is Coldharbour Wall, beyond which lies Coldharbour Marshes and areas of significant commercial and industrial employment development including Knauf plasterboard, a Morrisons distribution centre and the DS Smith Paper Mill.

5. The application site is relatively flat, between 2.5 and 3.5m AOD, with a slight gradient falling from north to south. The application site and adjoining land to the north is in the process of being remediated to remove contamination associated with former uses. This involved the removal of former foundations and structures and the formation of made ground. The southern and eastern boundaries of the site are bordered by open ditches which connect to the Ridham Fleet to the south. Adjoining land uses include berthing facilities, wharfage, aggregate handling, cement storage, biomass energy recovery, open storage, lorry parking, concrete batching and incinerator bottom ash recycling. The MVV Environment Ridham Biomass Plant lies immediately to the south.

6. The application site lies within the settlement boundary identified in the Swale Borough Local Plan (2017) and just to the east and north of the land safeguarded at Ridham Dock as a wharf in the Kent Minerals and Waste Local Plan (2020). The Ridham Dock complex is surrounded by the Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar Site. These designated areas lie (at their closest point) just to the east of the application site and the Ridham Sea Wall (maintained flood defences). The Swale Estuary is also is designated as part of the Swale Estuary Marine Conservation Zone (MCZ). Public Footpath ZR88 lies on top of the Ridham Sea Wall (a raised embankment) and is part of the Saxon Shore Way. The application site is located within a Flood Zone 3a with a “High Probability” of flooding from the sea, although it benefits from the flood defences maintained by the Environment Agency. The Ridham Dock complex is also surrounded by a Coastal Change Management Area and an Area of High Landscape Value identified in the Swale Borough Local Plan.

Planning History and Background

7. Ridham Dock has been in operation since 1922 and was originally built to serve the nearby Kemsley Paper Mill. The dock has a long planning history and in more recent times has become an important bulk cargo handling site serving markets in north Kent.

8. The application site was part of the former European Metals Recycling (EMR) site used for metal recycling, steel slag crushing and processing until 2016. It is understood that these previous uses generated up to 100 HGV movements per day (50 in / 50 out). Planning permission was granted by Swale Borough Council (BC) for works to remediate previous contamination and restore and landscape the entire site to a safe condition prior to its use by a new industrial occupier in March 2019 (SW/18/505828). It subsequently approved details relating to that permission and the works have now been completed. Swale BC also granted planning permission in April 2019 for the storage and distribution of cement (in a building) in the northern part of the site (SW/18/502717). Since that permission lies within the application site it could not be implemented if the proposed IBA recycling facility were to proceed.

9. KCC granted planning permission (SW/10/444) for the Kemsley (K3) Sustainable Energy Plant (SEP) in March 2012. It was proposed that the K3 SEP would receive between 500,000 and 550,000 tonnes per annum (tpa) of pre-treated waste comprising Solid Recovered Fuel (SRF) Waste, Commercial and Industrial (C&I) Waste and pre-treated Municipal Solid Waste (MSW). The heat generated from the combustion of that waste using moving grate technology would create high pressure steam which would drive a steam turbine and in turn a generator to produce electricity which would be exported to the grid (up to 49.9MW). The resulting low-pressure steam would be fed to the adjacent Kemsley Paper Mill, for use within the paper production process. The permission included provision for an on-site bottom ash handling facility. It was initially estimated that the K3 SEP would produce about 138,000tpa of IBA.

10. Planning permission (SW/16/507687) was subsequently granted for an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the K3 SEP in February 2017 to replace the bottom ash handling facility included in that development. Planning permission SW/16/507687 has since lapsed.

11. Another planning permission (SW/12/1001) was granted in November 2012 for an improved access road to serve the K3 SEP. This was subsequently amended by planning permission (SW/13/1257) in February 2014 and subject to minor amendments in December 2018.

12. Planning permission SW/10/444 has been subject to a number of amendments addressed by way of new planning permissions and approvals pursuant to those permissions. The most recent planning permission (SW/19/501345) was granted on 14 June 2019. None of these approvals and more recent planning permissions fundamentally altered the nature of the K3 SEP permitted in 2012 although they did result in (amongst other things) the facility being able to receive waste 24 hours per day / 7 days a week and give rise to up to 348 HGV movements per day (excluding any HGV movements between the facility and the railway depot at Ridham Docks which was intended to be refurbished under planning permission SW/12/167 granted in May 2012 but which has since also lapsed).

13. More recently, WTI / EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc.) submitted a Development Consent Order (DCO) application to the Planning Inspectorate for two waste to energy projects at the Kemsley site. The first would allow the K3 SEP to process an additional 107,000tpa of post-recycled waste and allow it to generate up to 75MW (the K3 SEP expansion). The second is for a new waste-to-energy facility, known as Wheelabrator Kemsley North (WKN), which would process up to 390,000tpa of post-recycled waste, generate up to 42MW. The examination on these applications closed on 19 August 2020 and the Planning Inspectorate submitted its recommendation to the Secretary of State on 19 November 2020. He must now make a decision by 19 February 2021. Fortis IBA Ltd (the current applicant) states that it expects the K3 SEP expansion and WKN to give rise to 97,500tpa of IBA. It should also be noted that DS Smith Paper Ltd (which operates Kemsley Paper Mill) secured a Development Consent Order (DCO) for the construction and operation of a gas fired Combined Heat and Power (CHP) generating station with a gross electrical generating capacity of up to 73MW and a 2 steam generating capacity of 105MWth situated on land within the boundary of the Kemsley

Paper Mill known as the K4 CHP station in July 2019. However, this is not directly relevant to the proposed development since its fuel source (gas) is piped in and it would not give rise to the production of IBA.

14. The applicant obtained pre-application advice on the proposed development from KCC in March 2019 (KCC/PRE/SW/0011/2019). The advice indicated that the proposed development was capable of being supported in this location subject to the consideration of environmental impacts (including those arising from site operations and HGV movements). The advice also provided guidance on the information required to accompany a planning application and particular issues that would need to be addressed. A Screening Opinion which confirmed that the proposed development would need to be subject to Environmental Impact Assessment (EIA) was issued by KCC in May 2019 (KCC/SCR/SW/0083/2019).

The Proposal

15. The application proposes the construction and operation of an Incinerator Bottom Ash (IBA) recycling facility.

16. The IBA recycling facility would receive and process up to 400,000tpa of IBA. The IBA would be processed to recover metals which would be exported to specialist facilities for recycling and then cleaned of contaminants and standardised to produce a secondary / recycled aggregate known as Incinerator Bottom Ash Aggregate (IBAA) which can be used in a number of structural applications in place of primary aggregates. The applicant states that the processing of 400,000tpa of IBA would result in the production of about 360,000tpa of IBAA and metals.

17. The applicant states that IBA would be brought to the site by HGV. Initially, 137,500tpa of IBA would be from the consented K3 SEP (since it has been selected to provide for the management of this waste). It states that it expects 165,000tpa of IBA to be delivered from an EfW facility which serves some of the London Boroughs (subject to contract) and that the remaining IBA would come from the WKN / K3 expansion currently subject to the DCO application (which it expects to produce 97,500tpa of IBA).

Construction / Physical Development

18. The proposed development would involve the construction of an impermeable concrete hardstanding and sealed drainage system across the entire site. This would be complemented by the installation of modular, static processing plant housed within clad, steel portal-framed buildings. Vehicular and pedestrian access will be achieved via a ramped access road on the western boundary, with a flood defence / retaining wall enclosing the perimeter of the site. Ancillary buildings would comprise office and welfare accommodation for staff / employees in the form of portable cabins, together with a weighbridge for determining weights and measures. The majority of the operational area would be occupied by stockpiles of unprocessed (IBA) and processed (IBAA) material.

Hardstanding

19. The facility would operate on a purpose-built impermeable surface with sealed drainage. Due to ground conditions, stabilisation work would be required prior to works to form the sub-base and concrete slab. A process known as Deep Soil Mixing (DSM) is currently proposed to achieve sufficient ground stability to defend against deformation of the slab under the weight of the stockpiled IBA / IBAA and the IBA Plant. DSM involves the use of an auger to bore down to underlying stable strata followed by mixing of the in-situ material (alluvium) with a stiffening agent to create a column. These columns would be up to 14m deep to ensure they provide a solid foundation and load bearing capacity for stockpiles and fixed plant. The uppermost 2m of ground would also be agitated and stiffened to provide a suitable surface on which the concrete pad would be laid to provide an impermeable working surface. Some minor cut and fill would be required following completion of the land remediation work currently taking place on site to achieve proposed levels. The hardstanding would comprise a 200mm reinforced concrete slab over 200mm of Type 1 fill and a geotextile membrane. The hardstanding would have falls of 1:100 to 1:45 towards a sump located on the eastern boundary. The perimeter elevation of the pad surface would vary between 4.4 and 2.3m AOD. The hardstanding would be enclosed by a 2.1m high concrete wall (except for a short section adjacent the car park). The combination of engineered levels and wall would provide a minimum perimeter boundary level of 3.9m AOD. The perimeter wall would primarily function as a flood defence, but would also act as a retaining feature for surface water runoff and stockpiled material. Where adjacent land is lower lying, the wall would be secured and underlain by a terrace structure, constructed from engineered material and geotextile.

Processing Plant

20. The processing plant would consist of a feed hopper and an arrangement of modular plant comprising conveyors, trommel, magnets, eddy current separators[1] and screens which would process the IBA into saleable aggregates and recover metals. Processing would mainly take place within clad, steel portal-framed buildings, except for external conveyors transferring material between housings. The IBA processing plant would occupy a footprint of 85m x 25m (2,125m²) and the processing house building would be 48.4m long, 14.8m wide (716m²) and 18.6m high. Structures separate to the processing building would comprise individual covered / clad items of plant and machinery. Where conveyors transport material externally between the structures they would be covered to prevent wind-blown dust arising. Cladding for the buildings would be light grey in colour (RAL 7047 or similar) and single skin.

Access

21. Access to the site would be from within the Ridham Dock estate via new a ramped haul road on the western boundary designed to provide an elevated gateway of more than 3.9m AOD to defend against calculated flood risk for the operational life of the facility. The access would allow two HGV's to pass and be surrounded by Armco barrier on the western side and a concrete retaining wall / perimeter fence on the

[1] The use of magnetic currents to separate different non-ferrous metals from one another (based on their different electromagnetic conductivities).

eastern side. The access ramp would be surfaced with hot rolled asphalt. The ramp would also include a 1.8m wide pedestrian access way and a 12m wide gate would be provided at the top of the ramp.

Ancillary Buildings

22. Ancillary accommodation would comprise office and welfare accommodation for staff / employees in the form of portable cabins, together with two weighbridges for determining weights and measures. These buildings would be located in the south-western area of the site close to the access. The office and welfare accommodation would be two storeys in height and measure 3m wide x 24m long, providing 144m² of floor space. It is proposed that the details of these buildings be secured by condition if planning permission is granted.

Enclosure

23. In addition to the 2.1m high perimeter wall, a 3m high galvanised steel palisade security fence bolted down to the slab is proposed on the western boundary close to the access where the wall is not to be constructed.

The IBA Recycling Process

24. The IBA would be subject to hazard classification testing by the relevant EfW operator prior to arrival at the site in accordance with the Environmental Services Association (ESA) Protocol. The IBA would be tipped in the IBA reception area then stacked in windrows using a mobile excavator to await the results of the ESA testing. The IBA would be stored in this form for 6 to 8 weeks during which time oxidation, carbonation, hydration and hydrolysis reactions would occur (the maturation phase). Incoming IBA would have an elevated water content (about 22 to 24%) as a result of the quenching process at the EfW facilities and the reactions during the maturation phase would take up this water and reduce alkalinity (pH levels). The maturation process is exothermic[2] and would result in stockpiles heating up to about 70^0C and cause steam to be produced on cold days. Only after the results of the ESA testing and formal third party confirmation that the IBA has been characterised correctly (i.e. it meets European Waste Catalogue (EWC) code 19 01 12 meaning that it is non-hazardous) may processing begin. If the IBA is deemed hazardous, it would be quarantined by site staff and then disposed of by the EfW operator.

25. IBA would be fed into a feed hopper with a loading shovel where a belt feeder would regulate the flow rate of material entering the plant. A rotating trommel would be angled to process the material as it progresses through the drum. Material smaller than 55mm would pass through the screens and continue to the aggregate processing plant while larger material would travel to the oversize station for re-sizing (crushing). The re-sized material would then re-join the smaller material. A primary and secondary over-band magnet would recover ferrous metals as they pass under it. The larger material would travel to a picking station for alternative recycling where an operator would recover mixed oversize metals. The material would be split into three sizes in a screen house: fine (0-6mm), medium (6-18mm) and large (18-55mm). The

[2] Exothermic reactions are reactions or processes that release energy, usually in the form of heat or light.

medium and large fractions would pass over eddy current separators to recover non-ferrous metals. The fine fraction would be further screened into three more fractions. The material would pass over a magnetic head drum which would recover the small ferrous metals then pass over eddy current separators to maximise the non-ferrous recovery within this fraction. All metals would be held in bays within the plant area ready for handling and export to specialist recycling facilities. The remaining different grades of material would then be blended back together to form a fully processed IBA Aggregate (IBAA).

Products and Markets

26. The metals would be separated into ferrous and non-ferrous stockpiles before being exported from site for onward processing at specialist metal recycling facilities. The IBAA would be exported for distribution in the local area as a secondary / recycled aggregate for use in construction projects. The applicant states that secondary and recycled aggregates already play a major role in meeting Kent's demand for aggregate (0.91Mt were sold in the County in 2017) and that the proposed development can further contribute to this thereby diverting the material from landfill and reducing the need for primary-won aggregates and associated environmental impacts. It envisages that the majority of IBAA produced at the proposed facility would be consumed within the Kent / Medway area, but that there is also the possibility of it being exported by barge to markets in East Anglia and along the River Thames. The applicant states that 50,000tpa of IBAA would be exported by barge to Ipswich over Ridham Dock.

Operating Hours

27 It is proposed that the processing of IBA would take place 24 hours a day / seven days a week and that HGVs be permitted to enter and leave the site at any time (subject to the limitations requested by Highways England and KCC Highways and Transportation referred to in paragraphs 43, 44 and 79 below) in order to receive and process IBA from EfW facilities which also operate on a 24/7 basis and be able to deliver IBAA and metals when roads are least congested.

Staff

28. The applicant states that three shifts would operate (i.e. between 06:00 and 14:00 hours, 14:00 and 22:00 hours and 22:00 and 06:00 hours), each employing about 6 staff. A total of 20 staff would be employed and 18 car parking spaces would be provided adjacent the office and welfare accommodation.

Access and Vehicle Movements

29. It was initially proposed that HGVs would access the A249 at the Grovehurst junction via the "Southern Access Route" (i.e. the private Ridham Dock southern access road, Barge Way and Swale Way). However, as a result of concerns raised by Highways England and KCC Highways and Transportation about the use of Grovehurst Junction this was amended and it is now proposed that HGVs would enter and leave the site via the "Western Access Route" (i.e. the private Ridham Dock access road which crosses Ridham Marshes along its northern boundary to Old Ferry Road, the B2231 and A249) until such time as improvements are made to the Grovehurst Junction with the A249.

HGVs importing IBA from the K3 SEP (or the K3 SEP expansion and WKN) would use private estate roads and the Barge Way roundabout, avoiding the public highway. A wheel wash would be provided to clean the wheels and chassis of vehicles leaving the site.

30. The applicant states that the proposed development would generate up to 235 vehicle movements in a 24 hour period, of which 205 would be HGV movements. It states that this represents a net generation of 64 HGV movements (45 total vehicle movements) after those associated with the previous use of the site for car shredding (150 HGV movements) and those that would have been required for the K3 SEP IBA recycling facility which would now be diverted to the proposed IBA recycling facility (41 HGV movements) are deducted. The figure also excludes any HGV movements associated with transporting up to 50,000tpa of IBAA by barge to Ipswich over Ridham Dock since these would not leave the dock area.

31. The applicant states that in the absence of the proposed IBA recycling facility, IBA from the K3 SEP would need to be exported to another site for processing or disposal and that this would probably be by HGV via the strategic highway network using Barge Way, Swale Way and the A249 Grovehurst Junction. It points out that it is currently transporting all IBA being produced at the K3 SEP to its site in Andover (Hampshire) via the Grovehurst Junction and M2 Junction 5 giving rise to an average of 34 HGV movements per day (17 in / 17 out) with up to 6 loads of IBA (potentially up to 12 HGV movements) travelling through M2 Junction 5 in the morning peak period between 07:00 and 09:30 hours. It notes that these HGV movements are not subject to any restrictions on routeing or timing and states that if planning permission is granted for the proposed IBA recycling facility these movements would effectively be diverted to the new facility such that they are not really “new” movements on the highway network.

Drainage

32. Above ground water tanks would be installed for the storage / management of surface water run-off. Rain falling on the site would be collected via a sump on the eastern boundary and pumped to storage tanks for use in dust suppression and IBA processing. Water tanks with a storage capacity of 4,000m^3 would be located in the south-eastern corner of the site. The applicant states that this system would mean no requirement for rain water or leachate to be disposed of off-site. However, in the unlikely event that extreme circumstances result in the storage tanks nearing capacity, a warning mechanism would alert site operatives such that leachate could be tankered off-site for disposable at an appropriate installation. Surface run-off from the ramped access roads outside of the operational area would be captured by slot drain into a sump and pumped back into the site to be managed with the other water. Foul water from staff accommodation and welfare is proposed to be treated by a sub-surface bio-digester facility (i.e. a package treatment plant) with treated discharge to outfall into the closed water recirculation system. It had initially been proposed to discharge to outfall via headwall into the ditch / watercourse on the southern boundary but this was amended to address concerns about potential impact on water voles.

Stockpiled Material

33. The majority of the operational area would be occupied by stockpiles of unprocessed

(IBA) and processed (IBAA) material. The site would be able to store up to about 100,000t of IBA and 40,000 tonnes of IBAA. Materials stockpiled on site would be stored up to 10m high. Stockpiles would be sprayed with collected rainwater to expedite the maturation process and assist in preventing wind-blown dust.

External Lighting

34. A lighting design strategy has been submitted which seeks to ensure the safety of personnel in areas subject to road vehicle and mobile plant movements, provide adequate lighting for operational areas in which mobile plant would operate near to fixed plant and machinery and minimise light spill. Whilst lighting is proposed for the approach road, car park, weighbridge, loading / turning areas, material in feed hopper and metal storage bays, none is proposed in the IBA and IBAA stockpiling areas (where lighting on mobile plant would be used as necessary). It proposes lighting columns of no more than 8m in height such that the IBA and IBAA stockpiles (and adjoining buildings) would assist in providing a barrier to light spill. All lights would face towards the centre of the site and be angled downward to further reduce light spill. Lighting would only be used when necessary to ensure safe operations but is not proposed to be controlled by proximity sensors.

Environmental Permit

35. An Environmental Permit relating to the proposed development was issued by the Environment Agency on 29 October 2020. This would provide the required level of protection for the environment from the operation of the proposed facility and is designed to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It would also ensure that ambient air and water quality meet standards that guard against impacts to the environment and human health. It also includes an Environmental Management System (EMS) which would include a monitoring and reporting procedure to ensure compliance with environmental standards.

Further information

36. The application is accompanied by a Planning Statement, an Environmental Statement, a Habitat Regulations Assessment, a Flood Risk Assessment, a Transport Statement, a Contaminated Land Assessment, a Water Balance Assessment, various plans and engineering drawings, a letter from Brett Aggregates Ltd (stating that it would be looking for about 75,000 to 80,000tpa of IBAA to make up a shortfall in its Suffolk market which it could arrange to be transported by ship to Ipswich through its wharf at Ridham Dock) and a copy of KCC's pre-application advice. Further information was submitted by the applicant in April, May, June and July 2020 to address issues raised by consultees. This included a highways technical note, further information on the proposed drainage arrangements, a lighting design strategy, clarification on proposed IBA tonnages / sources, information on the ecological implications of using the Western Access Route and proposed highway mitigation measures.

37. Drawings illustrating the proposed development are included in Appendix 1.

Planning Policy Context

38. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (May 2019), the associated National Planning Practice Guidance (NPPG) and the National Planning Policy for Waste (NPPW) (2014). These are material planning considerations. Other material planning considerations include Our Waste, Our Resources: A Strategy for England (2018) and the Waste Management Plan for England (2013).

39. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSM6 (Safeguarded Wharves and Rail Depots), CSM8 (Secondary and Recycled Aggregates), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW8 (Recovery Facilities for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information Required in Support of an Application) and DM20 (Ancillary Development).

40. **Bearing Fruits 2031: The Swale Borough Local Plan (2017)** – Policies ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), CP1 (Building a strong, competitive economy), CP2 (Promoting sustainable transport), CP7 (Conserving and enhancing the natural environment), DM6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage), DM22 (The Coast), DM23 (Coastal Change Management Area), DM24 (Conserving and enhancing valued landscapes) and DM28 (Biodiversity and geological conservation).

Consultations

41. **Swale Borough Council** – No objection subject to the imposition of conditions considered appropriate by KCC and statutory consultees.

42. **Iwade Parish Council** – Objects to the application for the following reasons:

- Impact of HGV movements on the already congested area of Sittingbourne, particularly on the A249 / M2;
- Yet another facility of this type at Ridham Dock;
- Impact of dust from unprocessed and processed ash;
- Proximity to SSSI / Ramsar Site and protected species.

Acknowledges that most of the material for processing is proposed to be that generated by the Kemsley SEP and Wheelabrator Kemsley North such that much of the material would be imported via Swale Way and Barge Way and that some of the processed material (IBBA) would be exported by barge from Ridham Dock.

43. **Highways England** – No objection subject to the following conditions relating to a construction management plan, a travel plan, restrictions to vehicular movements and monitoring:

    1. Prior to the commencement of works (including any site clearance or preparation) associated with the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority (who shall consult the strategic and local highway authorities). Thereafter the development shall proceed in strict accordance with the Construction Management Plan unless agreed in writing by the local planning authority (who shall consult the strategic and local highway authorities). The CMP should provide evidence re number of trips / timing. *Reason: To ensure that construction of the development does not result in avoidable congestion on the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

    2. Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the strategic and local highway authorities. The Travel Plan shall include objectives and targets, a programme of implementation (including measures to promote vehicle operations outside of the peak periods of 07:30 to 09:30 and 16:30 to 18:30) and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be implemented and adhered to throughout the life of the development. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

    3. No vehicles delivering Incinerator Bottom Ash (IBA) to the site, other than vehicles delivering IBA to the site from the Kemsley SEP, shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

    4. Other than a maximum of 6 vehicles during the hours of 07:00 to 09.30 Monday to Friday, no vehicles delivering Incinerator Bottom Ash Aggregate (IBAA) or metals from the site shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

    5. Other than vehicles delivering IBA to the site from the Kemsley SEP, all vehicles entering and leaving the Site shall use the Western Access Road to the A249 as shown coloured blue on Plan number JNY10115 Figure 1 until the completion

and opening to the public of a Housing Infrastructure Fund scheme at the A249 Grovehurst junction (or scheme to that effect that may be agreed in writing by the Local Planning Authority who shall consult Highways England). *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

6. No more than 310,000 tonnes of Incinerator Bottom Ash Aggregate and metals shall be exported by road from the site in any 12 month period. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

7. No more than 165,500 tonnes of Incinerator Bottom Ash shall be imported to the Site by road from sources other than the Kemsley SEP in any 12 month period. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

8. Records of the following, evidenced by data obtained from the weighbridge situated at the site shall be kept and made available to the Local Planning Authority upon request:
    - Times at which all vehicles enter and leave the site (with HGVs identified);
    - The route by which vehicles enter or leave the site (identifying reasons for not using Western Access);
    - The tonnage of material received at the site and the source from which the material originated;
    - The tonnage of Incinerator Bottom Ash Aggregate and metals exported from the site by road and by sea (and destination).

It has also requested the following informative: The Travel Plans / Framework Travel Plans must include sufficient detail regarding how they will be implemented, and their effectiveness monitored. They should contain details of the mechanisms to be used to review the Plans and introduce amended and / or new actions to achieve the stated intentions, if monitoring suggests their intentions are not being achieved.

It states that subject to the above, it is satisfied that the proposals would not materially affect the safety, reliability and / or operation of the strategic road network (SRN) in terms of the tests set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10) and MHCLG NPPF2019 (particularly paragraphs 108 and 109), in this location and its vicinity (particularly the A249 and M2 Junction 5).

44. **KCC Highways and Transportation** – No objection subject to the same conditions requested by Highways England (in paragraph 43 above) with the addition of reference to the “local highway network” in the reasons for their inclusion.

It advises that the imposition of the conditions would satisfactorily address any concerns regarding the current safety and congestion concerns along the local highway network, specifically the operation of the junctions of Barge Way / Swale Way and Grovehurst Road / Swale Way / A249. It has also advised that its initial request for a financial contribution of £127,536 towards the Grovehurst junction improvements cannot be justified as draft condition 3 (above) would remove the possibility of HGV movements through the Grovehurst junction at peak hours.

45. **Network Rail** – No objection.

46. **Environment Agency** – No objection subject to the conditions referred to below.

Flood risk: It is satisfied that the site benefits from existing flood defences, that the proposed development is regarded as "less vulnerable" in terms of the NPPF and that appropriate mitigation measures are outlined in the FRA. It advises that any works within 16m of the existing flood defences would require a Flood Risk Activity Permit prior to works commencing.

Groundwater and Contaminated Land: It notes that the site is currently being remediated under a separate planning permission and that the proposed activity would require an environmental permit. It advises that despite the contamination issues associated with previous industrial activities, it does not require its standard land contamination conditions in this case provided the existing remedial activities are formally signed off and validated under the extant planning permission. However, to safeguard the environment from general development activities is requests that the following conditions be imposed:

- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. *Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.*
- Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy under the separate planning permission and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. *Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.*

It also provided advice in respect potential contamination and foul and surface water drainage. Its comments pre-dated the issuing of the Environmental Permit. They also

pre-dated the signing off by Swale BC of details required pursuant to condition 3 of planning permission SW/18/505828 confirming that the site had been satisfactorily remediated. For the reasons set out in paragraph 120 of this report, the Swale BC approval removes the need for the second of the above conditions.

47. **Natural England** – No objection.

It advises that based on the submitted plans the proposed development would not have significant adverse impacts on designated sites, The Swale SSSI, SPA, Ramsar site and The Swale Estuary Marine Conservation Zone (MCZ).

Natural England has not formally commented on the proposed use of the Western Access Route or to KCC's Habitat Regulations Assessment (HRA). The implications of this are discussed in paragraphs 105, 106 and 130 of this report and addressed in the recommendation (paragraph 134).

48. **KCC Ecological Advice Service** – No objection subject to conditions to secure the following:

- The development taking place as proposed;
- Piling only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all;
- No off-site drainage of rain water and leachate from within the site; and
- Lighting being designed to avoid light spill onto adjoining areas (with any light spillage being below 0.5 Lux).

It has advised that it is satisfied that the proposed development would have no significant effect on designated sites (The Swale SSSI, SPA, Ramsar and MCZ) or protected species (e.g. water voles). In terms of the required HRA it has also advised that it is satisfied that the proposed development would not result in a likely significant effect on the European Sites either alone or in-combination with proposed plans or projects (including the proposed K3 SEP expansion / WKN at Kemsley which is the subject of a DCO application).

49. **KCC Sustainable Drainage (SUDS)** – No objection. It initially sought further information on the proposed drainage layout and rainfall / run-off data but was satisfied with the information submitted by the applicant in respect of these issues. It also noted that the Environment Agency had issued an Environmental Permit for the proposed development on 29 October 2020.

50. **KCC Air Quality Consultant** – No objection. It is satisfied that the proposed development can proceed without any significant environmental impacts in terms of air quality (including dust) and odour.

It advises that the applicant's Air Quality Assessment considers the potential impact of NO_2, PM_{10} and dust emissions from the IBA recycling facility on nearby sensitive receptors during the construction and operational phases. It states that the assessment of construction dust impacts has been undertaken in line with the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from

demolition and construction, concludes that the risk will be low and that the proposed mitigation measures would reduce the risk to not significant. It states that the assessment of operational dust impacts was undertaken in line with IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning and concludes that the effects resulting from negligible impacts are not significant. It also advises that the proposed development would give rise to a negligible impact on surrounding receptors as a result of increased emissions from Heavy-Duty Vehicle (HDV) (i.e. HGV) and Light-Duty Vehicle (LDV) (e.g. car) movements. It notes that odour has not been included in the assessment but advises that this is not normally an issue associated with IBA.

51. **KCC Noise Consultant** – No objection subject to a condition to secure the prior approval and implementation of a Construction Environmental Management Plan (CEMP).

It is satisfied that the applicant has provided a detailed noise assessment for all temporary and permanent aspects of the proposed IBAA production process and that no adverse noise impact is expected to occur at any nearby noise sensitive receptor by day or at night.

52. **KCC Landscape Consultant** – No objection subject to the development being implemented as proposed and conditions to:

- Protect any trees or shrubs to be retained on site;
- Ensure ground levels within the site do not exceed those proposed; and
- Allow no additional buildings, plant, machinery to be erected or installed unless approved beforehand by KCC.

It advises that the LVIA has been carried out in accordance with good practice and that the proposed development would result in only minimal impact upon visual amenity and local landscape character. It notes that whilst the area is flat with limited woodland and hedgerow cover, the site is located within an existing industrial complex which is visually dominated by large scale industrial buildings and other infrastructure. It states that although the proposed development would be extensively open to views from users of public footpath ZR88, it would have no impact upon open views across The Swale and Elmley Marshes to the east. It would also replace a former industrial use, be screened by intervening industrial buildings or would be seen as an indistinct component within the wider industrial setting from other locations. It advises that it supports the following:

- The location of all large structures (including the processing plant) towards the southern end of the site where they would sit close to (and associate with) the tall structures and mass of the Ridham Biomass Power Station;
- The use of light grey coloured cladding to match that on adjoining buildings and be less conspicuous against the open sky;
- The regular spraying of stockpiles, haul roads and hard standings with water during dry conditions to minimise dust emissions;
- The height of stockpiles being no higher than 10m so they are no taller than adjacent industrial buildings when viewed from the north and east and are

effectively screened by intervening buildings in longer distance views from the south and west;
- The use of a 2m high wall around the site to screen lower level operations from local viewpoints;
- The use of directional downlighters on any flood lighting (ideally facing away from the areas to the north and east to minimise any light pollution over The Swale and the remote marshland to the north and east);
- The retention / avoidance of all-natural vegetation on or adjacent to the site boundaries;
- The avoidance / minimisation of any direct impact upon existing landscape features around the site including water filled ditches and scrub vegetation;
- Not introducing screen planting (trees and shrubs) onto the site to provide landscape and visual mitigation since extensive areas of tree planting are not characteristic of the local landscape; and
- Not introducing a high screening bund as it would be seen as an uncharacteristic feature within the flat marshland landscape and would have limited effect in screening the development.

53. **KCC Lighting Consultant** – No objection. It is satisfied that the proposed lighting philosophy and design are in accordance with relevant standards and good industry practice.

54. No responses have been received from **KCC Archaeology, KCC Public Rights of Way, the Marine Management Organisation (MMO)** and **Kent Wildlife Trust.**

Representations

55. The application was publicised by site notice and newspaper advertisement and the occupiers of 22 nearby properties were notified in January 2020. Further site notices were erected and further newspaper advertisements published in February and July 2020.

56. No representations have been received in response to the above publicity.

Local Member

57. County Council Member Mike Whiting (Swale West) was notified of the application in January 2020 and again in respect of the further environmental information in July 2020.

58. No comments have been received from Mr Whiting at the time of writing this report.

Discussion

59. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from Iwade Parish Council.

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless

material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 39 and 40 above are of most relevance. Material planning considerations include the national planning and strategies referred to in paragraph 38.

61. The main issues that require consideration are as follows:

- Principle / Need;
- Traffic and transportation;
- Noise;
- Air quality (including dust / odour);
- Ecology (including Appropriate Assessment);
- Landscape and visual impact; and
- Water environment.

These issues are addressed in the following sections, together with other issues that have been raised or require consideration.

Principle / Need

62. Paragraphs 7 to 14 of the NPPF set out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraphs 182 and 183 require planning decisions to ensure new development can integrate with existing business and community facilities. Where there are significant adverse effects the applicant (or "agent of change") should be required to provide suitable mitigation before the development has been completed. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

63. Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country's waste ambitions through: delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities; providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle; and helping to secure the re-use, recovery or disposal of waste without endangering human health and without

harming the environment, amongst other matters. Paragraphs 4 and 5 require waste planning authorities (WPAs) to consider new waste management facilities in appropriate locations, including industrial sites, the re-use of previously developed land and employment uses. Paragraph 7 states that in determining applications WPAs should (amongst other things) only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and that in such cases they should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

64. The latest resources strategy for England ("Our Waste, Our Resources: A Strategy for England" (2018)) sets out how the stock of material resources should be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy. It aspires for waste to be managed to ensure that environmental impacts are minimised and the resource value extracted is maximised. The strategy promotes waste infrastructure that can be used to extract value from items considered worthless by others and limits the burden on the environment. It also welcomes further market investment in residual waste treatment infrastructure and encourages developments that increase plant efficiency and minimise environmental impacts.

65. Policies CSW1 and CSW2 of the Kent Minerals and Waste Local Plan (Kent MWLP) reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy. Policy CSW4 states that the strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. The capacity requirements identified within Policy CSW4 are stated to be a minimum provision to encourage the development of additional recycling capacity. Policy CSW6 states that planning permission will be granted for proposals that result in waste being dealt with further up the waste hierarchy, where there is no adverse impact on the environment and communities and the site is within an existing industrial estate or other previously developed land, providing that such proposals: do not give rise to significant adverse impacts upon national and international designated sites local wildlife sites, Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources; are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road; avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b; avoid sites on or in proximity to land where alternative development exists / has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site; and take account of the ability of the landscape to accommodate built development after mitigation. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. It supports the provision of new waste management capacity (recognising the need to drive waste up the hierarchy) and does not seek to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling (provided it moves waste up the hierarchy and recovery of by-products and residues is maximised).

66. Policy CSM6 states that planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of a safeguarded

wharf and that Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a decision on a planning application for non-mineral related development within 250m of a safeguarded wharf. Policy CSM8 states that proposals for additional capacity for secondary and recycled aggregate production will be permitted on industrial estates if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan.

67. The application site lies within the Swale Borough Local Plan (Swale LP) settlement boundary where Policy ST3 states that development proposals that make use of previously developed land will be permitted. Policy DM22 states that planning permission will be granted for development proposals within the built up area boundaries near the coast if they contribute to the rejuvenation of the developed coast, particularly where enhancing existing industrial and maritime infrastructure and protect biodiversity, landscape, seascape and coastal processes.

68. The proposed recycling of IBA would represent a further stage of resource recovery, diverting waste from landfill and recycling it into a reusable product (IBAA). It would also enable metals that would otherwise be landfilled to be recovered, processed and recycled. The proposed development would therefore provide additional waste management capacity that maximises the recovery of by-products and moves the management of more waste up the waste hierarchy, contributing to sustainable waste management. This is consistent with the principles set out in the above policies and strategy.

69. The development would serve the consented K3 SEP which will produce about 137,500tpa of IBA when fully operational. The applicant states that it expects 165,000tpa of IBA to be delivered from an EfW facility which serves some of the London Boroughs (subject to contract). Assuming these quantities of IBA were accepted from those sources, the proposed facility would also be capable of accepting a significant quantity (97,500tpa) of the IBA that would be produced at the proposed extension to the K3 SEP and WKN and which are currently the subject of a DCO application. The facility may also be capable of serving other EfW facilities within or outside Kent.

70. Given that planning permission SW/16/507687 was not implemented and has lapsed, the K3 SEP no longer has its own IBA recycling facility. The only other IBA recycling facility in Kent is also at Ridham Dock. The Blue Phoenix (formerly Ballast Phoenix) IBA recycling facility lies just to the south west of the application site and east of the MVV Environment Ridham Biomass Plant. The Blue Phoenix facility is restricted to taking waste from the Allington EfW Facility (operated by Kent Enviropower Ltd for its parent company FCC Environment). Whilst there is no specific planning limit on the quantity of IBA that can be processed at the Blue Phoenix facility, it is understood that the Environmental Permit restricts the quantity of IBA it can accept to less than 75,000tpa. In making its most recent planning application (SW/17/505919), Ballast Phoenix indicated that the site would accept up to 60,000tpa of IBA. Kent Enviropower Ltd reported that 51,916.12 tonnes of IBA was produced at Allington in 2018.

71. Regardless of the outcome of the WKN / K3 SEP expansion, there is a clear need for additional IBA processing capacity if IBA from the consented K3 SEP is not to continue

to be exported from the County (to Andover or elsewhere) or landfilled. In this way, the proposed IBA Recycling Facility would make an important contribution to achieving self-sufficiency in Kent. Whilst it is premature to have regard to the need for IBA recycling capacity from the WKN / K3 SEP expansion (and any decision in respect of that application is a matter for the Secretary of State), it is clear that the proposed IBA Recycling facility at Ridham Dock would be well placed to handle much of that waste if a DCO was granted. Whilst KCC has objected to the DCO application (primarily for waste policy and highways reasons), the recommendation on the current planning application set out in this report and any decision made on it in no way changes this and does not undermine the objection. If the WKN / K3 SEP expansion is rejected by the Secretary of State, the proposed IBA Recycling Facility would have to operate at a reduced maximum capacity of about 302,500tpa as a result of the restrictions proposed elsewhere in this report unless planning permission is obtained to import more than 165,000tpa of IBA by road from sources other than the Kemsley SEP or the material is imported via Ridham Dock (by water or rail).

72. Iwade Parish Council has objected to the proposed development on the grounds that it would result in another waste management facility at Ridham Dock. However, Swale Borough Council (BC) has raised no objection for locational or other reasons.

73. The proposed development would have no direct or indirect impact on the safeguarded wharves at Ridham Dock other than as a result of IBAA being exported from the docks and being on previously developed land within the settlement boundary would accord with the locational criteria referred to in the above policies. The proximity of the proposed IBA Recycling Facility to the K3 SEP would also enable waste to be recovered in one of the nearest appropriate installations which is consistent with the proximity principle.

74. Having regard to all of the above matters, I am satisfied that there is strong case for permitting additional IBA recycling capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to meeting other relevant criteria. The question of whether the proposed development fully accords with relevant planning policies is addressed in the following sections of this report.

Traffic and transportation

75. Paragraph 108 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the suitability of the road network and the extent to which access would require reliance on local roads.

76. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM13 states that waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, it states that proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; and (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policy DM17 indicates that traffic management measures will be secured where appropriate (by planning obligation) where such objectives cannot be achieved by planning conditions.

77. Policies CP2 and DM6 of the Swale LP require development that protects and maintains the highway network in terms of traffic flow, capacity and highway safety. Policy CP2 states that development proposals will contribute to transport network improvements where capacity is exceeded and / or safety standards are unacceptably compromised, support the provision of major new transport infrastructure in accordance with national and local transport strategies, maintain and improve the highway network at key points to improve traffic flows and respond to the impact of new development and regeneration and facilitate greater use of waterways for commercial traffic where this would not have an unacceptable adverse environmental impact. Policy DM6 also encourages the use of sustainable transport modes, protects usable wharves or rail facilities and seeks the safe and efficient delivery of goods and supplies.

78. Despite acknowledging that most of the material for processing is proposed to be that generated by the K3 SEP and WKN (such that much of the material would be imported via Swale Way and Barge Way) and that some of the processed material (IBBA) would be exported by barge from Ridham Dock, Iwade PC has objected to the proposed development on the grounds that associated HGV movements would adversely impact on the already congested area of Sittingbourne and in particular on the A249 / M2.

79. No objections have been received from technical or other consultees and no representations have been made in respect of traffic and transportation. Highways England and KCC Highways and Transportation have no objections subject to conditions to secure a Construction Management Plan, a Travel Plan (to promote HGV movements outside the peak periods), no HGVs associated with the delivery of IBA to the site entering or leaving the site on weekdays between 07:30 and 09:30 hours and between 16:30 and 18:30 hours other than from the Kemsley SEP (which is taken to be the consented K3 SEP as well as the K3 SEP expansion and WKN if a DCO is

secured), no more than 6 HGVs associated with the delivery of IBAA or metals from the site entering or leaving the site (i.e. 6 in / 6 out) on weekdays between 07:00 and 09:30 hours and none between 16:30 and 18:30 hours (excluding those taking IBAA to Ridham Dock for export by barge), all HGVs entering and leaving the site via the Western Access Route prior to the completion and opening of the Grovehurst Junction improvements unless delivering IBA to the site from the Kemsley SEP, no more than 310,000 tonnes of IBAA and metals being exported by road from the site in any 12 month period, no more than 165,500 tonnes of IBA being imported to the site by road from sources other than the Kemsley SEP in any 12 month period and records being kept and made available to KCC to demonstrate compliance with these restrictions (i.e. the conditions set out in paragraphs 43 and 44 above).

80. Highways England had initially raised concerns about the potential impact of HGV movements associated with the proposed development on both the A249 and M2 Junction 5 and KCC Highways and Transportation had initially expressed similar concerns about the potential impact on the Grovehurst Junction. KCC Highways and Transportation had also initially sought a financial contribution to the Grovehurst Junction improvements. The concerns of both were overcome by the restrictions set out above (which have been agreed by the applicant) and KCC Highways and Transportation has also accepted that a financial contribution can no longer be justified as the proposed development would not give rise to HGV movements through the Grovehurst junction during peak periods.

81. Whilst there are current issues with highway capacity during peak periods on both the strategic and local road network (i.e. at M2 Junction 5, the A249 and Grovehurst Junction), the application site is well located in relation to key arterial routes and the proposed development would not necessitate HGV movements through villages or on unacceptable stretches of road. The proposed conditions are sufficient to overcome any legitimate concerns about highway safety and capacity.

82. The proposed 165,500tpa limit on the quantity of IBA that could be delivered to the site by road for processing from sources other than the Kemsley SEP would mean that at least 59% of all IBA would be delivered using entirely private roads (other than the roundabout at the north eastern end of Barge Way). The proposed 310,000tpa limit on the quantity of IBAA and metals that could be delivered from the IBA recycling facility would serve to reinforce the applicant's stated intention of exporting 50,000tpa of IBAA from Ridham Dock to Ipswich. Whilst it could still result in 86% of IBAA and metals being exported by road, the proximity of the site to the wharves at Ridham Dock is likely to encourage the applicant to explore further opportunities for non-road transport. However, it should be noted that markets for the IBAA and metals may be relatively local such that distribution by road is necessary or more desirable. Indeed, the applicant envisages the majority of IBAA produced at the proposed facility being consumed within the Kent / Medway area.

83. Vehicular movements associated with the proposed development have the potential to give rise to adverse impacts relating to mud or other materials being tracked or spilt onto the highway (or private roads). It would therefore be appropriate to ensure that the surfacing of the site access is maintained in a good state of repair and kept clean and free of mud and other materials at all times, that measures are taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public

highway (including by use of wheel and chassis cleaning equipment as necessary) and that all loaded, open backed vehicles entering or leaving the site are properly enclosed or sheeted. This would also assist in minimising air quality / dust impact.

84. Subject to the imposition of conditions to secure the matters requested by Highways England and KCC Highways and Transportation, those designed to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of highways and transportation and complies with relevant planning policies.

Noise

85. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise, avoid noise giving rise to significant adverse impacts on health and the quality of life and protect tranquil areas. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include potential noise pollution and impact on sensitive receptors (linked to proximity). The NPPW states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings (including noise and vibration from goods vehicle traffic movements to and from a site) and that intermittent and sustained operating noise may be a problem if not properly managed (particularly if night-time working is involved).

86. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.

87. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.

88. No objections have been received from consultees and no representations have been made in respect of noise impact. KCC's Noise Consultant is satisfied that the applicant has provided a detailed noise assessment for all temporary and permanent aspects of the proposed IBAA production process and that no adverse noise impact is expected to occur at any nearby noise sensitive receptor by day or at night. It has recommended the imposition of a condition to secure the prior approval and implementation of a Construction Environmental Management Plan (CEMP). The Environment Agency has not raised any concerns in respect of noise impact and has issued an Environmental Permit for what is proposed. The Environmental Permit

states that the proposed development shall not cause noise and vibration pollution and requires that measures be taken to minimise this possibility. The Environment Agency can also require the operator to submit a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration for its approval and to implement it thereafter. Although addressed separately in the Ecology section below, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of noise impact.

89. The application site is remote from residential properties. Although the use of the Southern Access Route would necessitate HGVs using Swale Way (which lies just to the north of residential development at Kemsley and is separated from it by close boarded fencing and / or a brick wall and a landscaped buffer / stand-off) any noise impacts associated with this would not be significant. As a result, if the use of the Southern Access Route were to occur following the completion and opening of the Grovehurst Junction improvements this would be acceptable in terms of noise impact. The requirement to use the Western Access Route pending this would serve to reduce the impact of any noise associated with HGV movements on residential properties since it would mean no HGVs using Swale Way during this period.

90. The applicant proposes that Best Practicable Means (BPM) be employed during construction to minimise noise impact and this is capable of being incorporated into the proposed CEMP (which could usefully be combined with the Construction Management Plan requested by Highways England). The applicant also states that Best Available Techniques (BAT) would need to be employed to minimise noise impact during operations in order to comply with Environmental Permit. Given the distance between the site and any housing, the industrial nature of the Ridham Dock area and as the actual processing of IBA (including crushing and screening) would take place within a building, I am satisfied that no additional noise controls are necessary other than to prohibit piling (should this become necessary) to facilitate construction during the core winter period of November to February for the reasons explained in the Ecology section below. Operations external to the processing building would be similar to others undertaken at Ridham Dock (i.e. the transfer and storage of materials and associated vehicular and plant movements).

91. Subject to the imposition of conditions to secure a Construction Environmental Management Plan (CEMP), no piling works between November and February (inclusive) and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of noise impact and complies with relevant planning policies.

Air quality (including dust / odour)

92. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution and that development should wherever possible help to improve local environmental conditions such as air quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

development. Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs). Paragraph 183 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include the proximity of sensitive ecological and human receptors and the extent to which adverse emissions (including odour) can be controlled using appropriate and well-maintained and managed equipment and vehicles.

93. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site and does not give rise to significant adverse impacts on AQMAs. In respect of development which may give rise to bioaerosols (such as composting) it states that facilities should be located at least 250m from any potentially sensitive receptors. Policy DM11 states waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust, odour, emissions bioaerosols or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Policy DM13 states that development should demonstrate that emissions associated with road transport movements are minimised as far as practicable, including by emission controls and reduction measures (e.g. the use of low emission vehicles and vehicle scheduling to avoid movements in peak hours).

94. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.

95. Iwade PC has objected to the proposed development due to the impact of dust from unprocessed and processed ash.

96. No objections have been received from technical or other consultees and no representations have been made in respect of air quality. KCC's Air Quality Consultant is satisfied that the proposed development can proceed without any significant environmental impacts in terms of air quality (from operations on site or from HGV movements, regardless of whether the Southern or Western Access Route is used) and odour (noting that odour is not normally an issue for IBA). The Environment Agency has not raised any concerns in respect of air quality and has issued an Environmental Permit for what is proposed. The Environmental Permit states that the

proposed development shall not cause air (or odour) pollution and refers to the measures intended to minimise this possibility. Although addressed separately in the Ecology section below, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of air quality associated with operations on site or from HGV movements.

97. The proposed development includes various measures designed to minimise air quality impacts. These include the provision of a water supply tank (served by harvested water from the sealed drainage system and supplemented by mains water if required) and a range of on-site dampening procedures to manage fugitive dust emissions (including automatic "rain guns" which would be set to run automatically but which could also be manually controlled and supplemented by mobile equipment as necessary). It should be noted that the quenching of IBA prior to it being transported to the site would mean that the IBA is already damp on arrival. Once the IBA has matured, the remaining treatment process would be entirely enclosed until the IBAA is discharged at the end of the IBAA discharge conveyer (which would be equipped with a spray bar to dampen the material and to minimise any fugitive emissions associated with this activity). The main treatment equipment (crushing and screening plant) would be housed within a steel clad structure and all externally located plant conveyers would be fully covered. All material loading points would be equipped with dust hoods in order to prevent fugitive emissions from material loading activities. Other measures which would assist in minimising air quality impacts from operations on site include the installation and use of a wheel wash (to clean wheels and chassis of departing HGVs), not allowing stockpile heights of IBA and IBAA to exceed 10m and the provision of a 2.1m high retaining wall around the inside perimeter of the site. It should be noted that the Environmental Permit was issued in the knowledge that 10m stockpile heights would be employed at the proposed facility.

98. Subject to the imposition of conditions to secure appropriate air quality / dust management measures (including a CEMP), stockpile heights of IBA and IBAA not exceeding 10m, those designed to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of air quality impact and complies with relevant planning policies.

Ecology (including Appropriate Assessment)

99. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria. These include protecting ecological networks and protected species.

100. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that do not give rise to significant adverse impacts upon (amongst others) SSSIs, SPAs and Ramsar Sites. Policies DM1, DM2 and DM3 seek to protect and enhance biodiversity interests or mitigate and if necessary compensate for any predicted loss.

101. Policies DM14 and DM28 of the Swale LP require development that conserves, enhances, and extends biodiversity, minimising any adverse impacts and compensating where impacts cannot be mitigated. Policy CP7 seeks to ensure there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plans and projects.

102. Iwade PC has objected to the proposed development due to the proximity of the site to the SSSI / Ramsar Site and protected species.

103. No objections have been received from technical or other consultees and no representations have been made in respect of ecology.

104. KCC Ecological Advice Service has advised that it is satisfied that the proposed development would have no significant effect on designated sites (The Swale SSSI, SPA, Ramsar and MCZ) or protected species (e.g. water voles) subject to conditions to secure: the development taking place as proposed; piling only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all; no off-site drainage of rain water and leachate (process water) from within the site; and lighting being designed to avoid light spill onto adjoining areas (with any light spillage being below 0.5 Lux). In terms of the required Habitat Regulations Assessment (HRA), which it assisted in completing, it has advised that it is satisfied that the proposed development would not result in a likely significant effect on the European Sites either alone or in-combination with proposed plans or projects (including the proposed K3 SEP expansion / WKN at Kemsley which is the subject of the DCO application). The HRA (dated 13 November 2020) concluded: *"Taking into account the responses of Natural England, the Environment Agency and KCC Ecological Advice Service, alongside the information provided with the application, the WPA [i.e. Waste Planning Authority] is satisfied that this project alone, or in-combination with the Development Plan or other proposed development, would not affect the integrity of the Swale SPA and Ramsar sites provided the development is carried out as set out in the application documents and the mitigation measures outlined above [i.e. within the Appropriate Assessment] are secured by condition and implemented if planning permission were to be granted."*

105. Natural England has advised that the proposed development would not have significant adverse impacts on designated sites, The Swale SSSI, SPA, Ramsar site and The Swale Estuary Marine Conservation Zone (MCZ). However, this advice pre-dates the proposed use of the Western Access Route (in July 2020) and the HRA (dated 13 November 2020). At the time of writing this report Natural England has not specifically commented on these. Natural England was consulted on the proposed use of the Western Access Route on 21 July 2020. It was asked whether it intended to respond to this consultation on 27 October, 6 November and again on 13 November 2020. On 13 November 2020 it was provided with a copy of KCC's HRA and asked to confirm whether it was acceptable as soon as possible. It was informed that if no

response is received within 21 days (i.e. by 4 November 2020) it would be assumed that it was acceptable and the application would be reported on that basis. It was again asked to confirm that it was content with the proposed use of the Western Access Route (instead of the Southern Access Route) until such time as improvements are made to the Grovehurst Junction on the A249 (having regard to the further ecological information submitted in July 2020). As with the HRA, it was advised that if no response is received within 21 days it would be assumed that it is acceptable and the application would be reported on that basis. Members will be updated and the recommendation amended as necessary if a response is received from Natural England. As currently drafted, the recommendation would provide the Head of Planning Applications with the opportunity to seek to resolve any concerns that may be raised by Natural England and, subject to satisfactory resolution, issue a decision without reverting to the Planning Applications Committee.

106. Notwithstanding the concerns expressed by Iwade PC, given the advice from KCC Ecological Advice Service and subject to Natural England not raising late objection to the use of the Western Access Route or HRA which are incapable of being satisfactorily resolved without any fundamental changes to the proposed development, I am satisfied that the proposed development is acceptable in terms of ecological impact (including any impact on the designated areas and protected species) and complies with relevant planning policies subject to the imposition of conditions to secure those matters recommended by KCC Ecological Advice Service and any to ensure that the development is implemented and undertaken as proposed. If Natural England does raise concerns or objections to the use of the Western Access Route or HRA which are capable of being satisfactorily resolved by the imposition of conditions without any fundamental changes to the proposed development or the proposed controls set out in this report, I consider that those conditions should additionally be imposed by Head of Planning Applications in consultation with Natural England, KCC Ecological Advice Service and the applicant.

Landscape and visual impact

107. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include landscape and visual impacts (e.g. design-led solutions that respect landscape character, the need to protect landscapes or designated areas of national importance and any localised height restrictions) and potential light pollution.

108. Policy CSW6 of the Kent MWLP states that planning permission will be granted for facilities that may involve prominent structures subject to the ability of the landscape to accommodate the structure after mitigation. Policy DM1 supports sustainable development and states that proposals will be required to demonstrate that they have

been designed to protect and enhance the character and quality of the site's setting. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse cumulative impact on the environment.

109. Policies ST1, CP7, DM14 and DM22 of the Swale LP seek development that reflects the positive characteristics and features of the site, locality and landscape. Policy DM24 seeks to conserve and enhance the landscape in Areas of High Landscape Value (at Kent and Swale Level) and avoid, minimise and mitigate adverse landscape impacts as appropriate. When significant adverse impacts remain, it requires that the social and / or economic benefits of the proposal outweigh any harm.

110. No objections have been received in respect of landscape and visual impact.

111. KCC's Landscape Consultant has no objection subject to the development being implemented as proposed (including in respect of ground levels) and no additional buildings, plant or machinery being erected or installed unless approved beforehand by KCC. It is satisfied that the proposed development would result in only minimal impact upon visual amenity and local landscape character due, in large part, to its location within an existing industrial complex which is visually dominated by large scale industrial buildings and other infrastructure. Whilst the site would clearly be open to views from users of Footpath ZR88 (on the flood defence wall), it would have no impact on open views across The Swale and Elmley Marshes to the east. As noted in paragraph 52 above, it supports a number of the design principles which are embedded in the proposed development. These include: the location of all large structures (including the processing plant) towards the southern end of the site (where they would sit close to and associate with the tall structures and mass of the Ridham Biomass Power Station); the use of light grey coloured cladding (to match that on adjoining buildings and be less conspicuous against the open sky); stockpiles being no higher than 10m (so they are no taller than adjacent industrial buildings when viewed from the north and east and are effectively screened by intervening buildings in longer distance views from the south and west); the use of a 2m high wall around the site (to screen lower level operations from local viewpoints); the use of directional downlighters on any flood lighting (ideally facing away from the areas to the north and east to minimise any light pollution over The Swale and the remote marshland to the north and east); not introducing screen planting to provide landscape and visual mitigation (since extensive areas of tree planting are not characteristic of the local landscape); and not introducing a high screening bund (as it would be seen as an uncharacteristic feature within the flat marshland landscape and would have limited effect in screening the development).

112. KCC's Lighting Consultant has no objection and is satisfied that the proposed lighting philosophy and design are in accordance with relevant standards and good industry practice.

113. I agree with the points made by KCC's Landscape Consultant about the embedded design features of the proposed development. I note that main building of the Ridham Biomass Power Station (operated by MVV) is 35m high, the stack 32m high and the

shredding shed 10m high. The Blue Phoenix building to the west of the MVV site is 10.5m high and another further to the west is 12.65m high. The other main buildings in the area are of a similar height although there are various port related structures (including cranes and silos) which are considerably higher. The buildings at Ridham Dock are mainly light grey or light green in colour although there are some exceptions. The proposed 10m maximum stockpile height is greater than is permitted at any of the adjoining waste management sites which vary between 5m and 7m (those at Blue Phoenix being 6m). However, I am not aware of any specific limitations on stockpile heights at Ridham Dock and the associated wharves themselves. Not all of the stockpiles at the other waste sites are for inert materials like IBA and IBAA. A number are for waste wood (which gives rise to different issues). The Blue Phoenix site (also IBA and IBAA) is smaller in size which constrains how high stockpiles can reasonably be in that location. Notwithstanding these differences, there is no objection to the proposed 10m height for landscape and visual amenity or other reasons. It is also worth noting that the flood defence wall (on which Footpath ZR88 lies) is at about 6m AOD and about 25m from the edge of the application site. The concrete pad on the application site would be at between 2.3m AOD (in the north) and 4.4m AOD (in the south) and have a 2.1m concrete wall on top of it. As a result, users of the footpath would not be standing immediately adjacent to the IBA stockpiles (the IBAA would be further to the west) and the base of IBA would be well below the height of the footpath. The IBA stockpiles would also be formed with a natural angle of repose of about 40 degrees such that the 10m height would not be reached close to the edge of the site. It should also be noted that whilst the drawings illustrating the proposed development appear to suggest that the vast majority of the proposed site would be filled with 10m high stockpiles, these would (in reality) by more transitory in nature reflecting the fact that IBA would be imported, stockpiled and processed over time.

114. There are no trees or shrubs within the application site or within the applicant's control and none are proposed. Given the advice from KCC's Landscape Consultant I am content with this.

115. The lighting design strategy submitted in June 2020 includes details which show that any light spillage would be below the 0.5 Lux figure sought by KCC Ecological Advice Service. Given this, and as KCC's Lighting Consultant is satisfied with the proposed strategy, it would be appropriate to impose a condition securing it and emphasising the need for the lighting to be installed, used and maintained to ensure that light spillage does not exceed 0.5 Lux. It would also be appropriate to include a number of other conditions to secure: the removal of permitted development rights to ensure that no additional buildings, plant or machinery are erected or installed on site unless approved beforehand by KCC; the prior approval by KCC of the ancillary buildings referred to in paragraph 22 above; the removal of all IBA, IBAA, metals or other materials, buildings, plant and machinery from the site within 2 years of the permanent cessation of the IBA Recycling Facility; and that the development is implemented as proposed (e.g. the operational layout of the site, stockpile heights of IBA and IBAA being restricted to no more than 10m and the processing plant being coloured and maintained in light grey).

116. Subject to the imposition of conditions referred to in paragraph 115 above, I am satisfied that the proposed development is acceptable in terms of landscape and visual impact and complies with relevant planning policies.

Water environment

117. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (including risks arising from former activities such as mining). Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on the natural environment. Paragraph 183 states that the focus should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the protection of water quality and resources and flood risk management. It also re-iterates that WPAs should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.

118. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b. Policy DM1 states that waste proposals should be designed to incorporate measures for water recycling where possible and utilise sustainable drainage systems wherever practicable. Policy DM10 states that planning permission will be granted for waste development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body, have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk.

119. Policy DM21 of the Swale LP seeks to avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere, protect water quality to the satisfaction of the Environment Agency, require flood defence measures (where necessary) and appropriate drainage strategies and encourages the use of SUDS. Policy DM23 supports development in the Coastal Change Management Area (CCMA) where this comprises essential infrastructure, water-compatible development.

120. No objections have been received in respect of the water environment. The Environment Agency has no objection subject to two conditions. The first relates to the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy. The second relates to its wish for the remediation permitted by Swale BC to be completed and its success formally verified. Since requesting these conditions, the remediation of the site has been completed, Swale BC has formally approved the verification report and

the Environment Agency has issued an Environmental Permit for the IBA Recycling Facility. Whilst the second of the conditions has already been addressed (and is therefore no longer necessary), it would be appropriate to include the first since the installation of the concrete pad would necessitate further disturbance of the ground within the site and could potentially lead to contamination being encountered. Although addressed separately in the Ecology section above, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of the water environment.

121. The Environment Agency has advised that it is satisfied in terms of flood risk due to the presence of existing flood defences. Whilst the majority of the issues it has raised relating to the water environment have been addressed in its consideration (and issuing) of the Environmental Permit, those relating to foul water and its potential discharge have not. It has stated that it would prefer foul drainage to be discharged to mains sewers where possible. The Environment Agency has advised that the discharge of treated effluent to surface water would require an environmental permit due to the proximity to the Swale's conservation designations and receptor sensitivity. These comments were based on the applicant's initial proposal to discharge treated foul water from staff accommodation and welfare facilities to outfall via headwall into the ditch / watercourse on the southern boundary after being treated by a sub-surface bio-digester facility. However, this was subsequently amended such that it is now proposed that treated foul water would be discharged into the closed water recirculation system.

122. KCC Sustainable Drainage (SUDS) has no objection having regard to the information submitted in support of the application and in light of the Environment Agency having issued the Environmental Permit.

123. The proposed development would be located on a purpose-built impermeable surface with sealed drainage. The hardstanding would drain to a sump on the eastern boundary to enable water to be collected and re-used for dust suppression and in IBA processing. This would avoid the need for rain water or leachate to be disposed of off-site, although if the storage tanks near capacity (4,000m^3) the liquid could be tankered off-site for disposable at an appropriate installation. Surface run-off from the ramped access roads outside of the operational area would be captured by slot drain into a sump and pumped back into the site to be managed with the other water. These arrangements are consistent with the requirements of the above policies and have been accepted by the Environment Agency in issuing the Environmental Permit. Given that KCC Ecological Advice Service wishes to preclude surface, process and foul water being discharged off-site and as it is proposed that no surface or foul water would be discharged off-site, I consider it appropriate to impose a condition to this effect. The applicant's Flood Risk Assessment recommends that a flood evacuation plan be prepared and appropriate training given to staff. I am content that a flood evacuation plan be submitted to KCC for approval prior to the occupation of any buildings on site.

124. Subject to the imposition of a condition relating to the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy and conditions to secure a flood evacuation plan and ensure that no surface, process or foul water is discharged from the site and

that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of the water environment and complies with relevant planning policies.

Conclusion

125. Objections have been received from Iwade PC relating to HGV movements / congestion on the A249 / M2, concern that another waste / Incinerator Bottom Ash (IBA) recycling facility is being proposed at Ridham Dock, the potential impact of dust from unprocessed and processed ash and the proximity of the proposed development to the SSSI / Ramsar Site and protected species. However, it does acknowledge that most of the IBA processing is proposed to be that generated by the Kemsley Sustainable Energy Plant (SEP) (K3 SEP) and Wheelabrator Kemsley North (WKN) such that much of the material would be imported via Swale Way and Barge Way and that some of the processed material (Incinerator Bottom Ash Aggregate (IBAA)) would be exported by barge from Ridham Dock.

126. There are no objections from technical and other consultees (in cases subject to conditions) and no representations have been received. Swale BC has no objection subject to the imposition of conditions considered appropriate by KCC and statutory consultees.

127. The location of the proposed development within an established industrial area and on previously developed land is acceptable in principle and would not prejudice the safeguarding of the wharves at Ridham Dock. The proposed recycling of IBA would represent a further stage of resource recovery, diverting waste from landfill and recycling it into a reusable product (IBAA). It would also enable metals that would otherwise be landfilled to be recovered, processed and recycled. The provision of additional waste management capacity that maximises the recovery of by-products and moves the management of more waste up the waste hierarchy would contribute to sustainable waste management and be consistent with relevant waste policies. For the reasons set out in paragraphs 69 to 71 of this report, there is a clear need for additional IBA processing capacity in Kent if IBA from the consented K3 SEP is not to continue to be exported from the County or landfilled. Notwithstanding the fact that KCC has objected to the DCO application (primarily for waste policy and highways reasons), and whilst it is premature to have regard to the need for IBA recycling capacity from the WKN / K3 SEP expansion in determining this application, it is clear that the proposed IBA Recycling facility at Ridham Dock would be well placed to handle much of that waste if a DCO was granted. It is also important to note that granting planning permission for what is now proposed would not undermine KCC's objection to the DCO application. Regardless of the outcome of the DCO application, the proposed development would make an important contribution to achieving self-sufficiency in Kent. The location of the proposed development can also be viewed favourably given its proximity to the K3 SEP.

128. Highways England and KCC Highways and Transportation are satisfied that the proposed development is acceptable in terms of potential impact on the strategic and local road network and have no objections subject to the imposition of conditions which would (amongst other things) require the use of the Western Access Route prior to the

upgrading of the Grovehurst Junction on the A249 and restrict the number of HGVs associated with the proposed development using the public highway during peak times (i.e. to reduce pressure on the A249 and M2 Junction 5). The proposed conditions would also limit the amount of IBA that could be imported from sources other than the Kemsley SEP (which would be defined as the consented K3 SEP as well as the K3 SEP expansion and WKN if a DCO is secured) and require the use of non-road transport for some of the IBAA to be exported which would further reduce impact on the public highway. The proposed conditions to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted would be beneficial for highway safety and reduce the potential for adverse air quality / dust impact.

129. KCC's Noise and Air Quality Consultants are satisfied that the proposed development is acceptable and have no objections (in the former case subject to the requirement for a Construction Environmental Management Plan (CEMP)). The Environment Agency has no objection (subject to conditions) and has issued an Environmental Permit for the proposed development which includes operational controls in respect of noise, air quality, dust and odour.

130. KCC Ecological Advice Service is satisfied that the proposed development would have no significant effect on designated sites (SSSI, SPA, Ramsar and MCZ) or protected species subject to conditions and has confirmed its acceptance of the Habitat Regulations Assessment (HRA) which has been completed as required by legislation. At the time of writing this report, Natural England has raised no objections and has advised that the proposed development would not have significant adverse impacts on designated sites. However, it has not formally commented on the proposed use of the Western Access Route or to KCC's Habitat Regulations Assessment (HRA). Members will be updated as necessary should its position change or be supplemented in any way.

131. KCC's Landscape and Lighting Consultants are satisfied that the proposed development is acceptable subject to conditions (including measures that are embedded in its design and lighting being implemented to minimise light spill).

132. The Environment Agency and KCC SUDS are satisfied that the proposed development is acceptable (in the former case subject to a condition which is capable of being imposed if planning permission is granted). The second condition proposed by the Environment Agency relating to the previous remediation of the site is no longer necessary as it has been addressed by Swale BC. The presence of an Environmental Permit provides a further indication of the acceptability of what is proposed in terms of any impact on amenity and the environment.

133. I am satisfied that the proposed development is acceptable in terms of traffic and transportation, noise, air quality (including dust / odour), ecology (including Appropriate Assessment), landscape and visual impact and water environment, that there is strong case for permitting additional IBA recycling capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to the imposition of the conditions referred to in this report. I therefore recommend accordingly.

Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

Recommendation

134. I RECOMMEND that subject to no late objection by Natural England to the application or to KCC's Habitat Regulations Assessment (HRA) that is incapable of being satisfactorily resolved by Head of Planning Applications following the Committee Meeting PLANNING PERMISSION BE GRANTED SUBJECT TO:

(i) conditions covering amongst other matters:

- the prior approval and implementation of a Construction Environmental Management Plan (CEMP) to address potential adverse impacts during the construction phase (including those relating to highways, noise and air quality / dust);
- a Travel Plan (to promote HGV movements outside the peak periods);
- no HGVs associated with the delivery of IBA to the site entering or leaving the site on weekdays between 07:30 and 09:30 hours and between 16:30 and 18:30 hours other than from the Kemsley SEP;
- no more than 6 HGVs associated with the delivery of IBAA or metals from the site entering or leaving the site (i.e. 6 in / 6 out) on weekdays between 07:00 and 09:30 hours and none between 16:30 and 18:30 hours (excluding those taking IBAA to Ridham Dock for export by barge);
- all HGVs entering and leaving the site via the Western Access Route prior to the completion and opening of the Grovehurst Junction improvements unless delivering IBA to the site from the Kemsley SEP;
- no more than 310,000 tonnes of IBAA and metals being exported by road from the site in any 12 month period;
- no more than 165,500 tonnes of IBA being imported to the site by road from sources other than the Kemsley SEP in any 12 month period;
- records being kept and made available to KCC to demonstrate compliance with the above restrictions;
- the surfacing of the site access being maintained in a good state of repair and kept clean and free of mud and other materials at all times;
- measures being taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway (including by use of wheel and chassis cleaning equipment as necessary);
- all loaded, open backed vehicles entering or leaving the site being properly enclosed or sheeted;
- measures to minimise air quality (including dust) impact;
- no piling works between November and February (inclusive) [or piling works only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all;
- lighting to be installed, used and maintained in accordance with the applicant's lighting design strategy to avoid light spillage onto adjoining areas to ensure that any light spillage does not exceed 0.5 Lux;
- the removal of permitted development rights to ensure that no additional buildings, plant or machinery are erected or installed on site unless approved beforehand by KCC;
- the prior approval by KCC of all ancillary buildings;

- the removal of all IBA, IBAA, metals or other materials, buildings, plant and machinery from the site within 2 years of the permanent cessation of the IBA Recycling Facility;
- the operational layout of the site being as proposed;
- stockpile heights of IBA and IBAA being restricted to no more than 10m;
- the processing plant being coloured and maintained in light grey;
- the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy;
- no surface, process or foul water being discharged from the site;
- a flood evacuation plan; and
- any further conditions deemed necessary by Head of Planning Applications in consultation with Natural England, KCC Ecological Advice Service and the applicant to overcome any concerns or objections raised by Natural England to the use of the Western Access Route or Habitat Regulations Assessment (HRA) which do not give rise to any fundamental changes to the proposed development or the proposed controls set out above.

(ii) informatives relating to the following:

- The applicant be advised that for the purposes of the highway restrictions which refer to the Kemsley SEP, this shall be taken to be the consented K3 SEP and any permissions that may be granted for the K3 SEP expansion and WKN via the current DCO process;
- The applicant be advised that the Travel Plan must include sufficient detail regarding how it will be implemented and its effectiveness monitored and contain details of the mechanisms to be used to review the Plan and introduce amended and / or new actions to achieve the stated intentions if monitoring suggests its intentions are not being achieved; and
- The applicant be advised that in accordance with Government Guidance, detailed controls in respect of emissions will be matters for the Environment Agency under the terms of the Environmental Permit and that any new development at the site and / or changes in operational procedures must be in accordance with the Environmental Permit.

Case Officer: Jim Wooldridge	Tel. no. 03000 413484

Background Documents: see section heading.

Appendix 1 to Item C1

Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

See separate Appendix 1 which contains the following drawings illustrating the proposed development:

1. Drawing number 119/14 titled “Planning Application Boundary” (dated 11 November 2019).

2. Drawing number 119/16 titled “Proposed Development Plan” (dated 23 October 2019).

3. Drawing number 119/17 Rev A titled “IBA Processing Plant Detail” (dated 16 December 2019).

4. Drawing number 119/18 Rev A titled “IBA Processing Plant Detail” (dated 16 December 2019).

5. Drawing number 119/19 Rev A titled “Cross Section Showing Typical Boundary Detail” (dated 2 December 2019).

6. Drawing number D001 Rev A titled “Detailed Drainage Strategy” (dated 22 April 2020).

7. Drawing number SSEdraft-LD-001 Rev A titled “External Lighting layout Drawing” (SSE Enterprise) (dated 17 March 2020).