

Application by Lafarge Cement UK for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend – GR/09/286

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010.

Application by Lafarge Cement UK for Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum and associated infrastructure including reinstated rail access at Northfleet Works, The Shore, Northfleet, Gravesend.

Recommendation: Planning permission be granted subject to legal agreement and conditions.

Local Members: Mr L Christie and Mr H Craske (Mr R Lees adjoining)

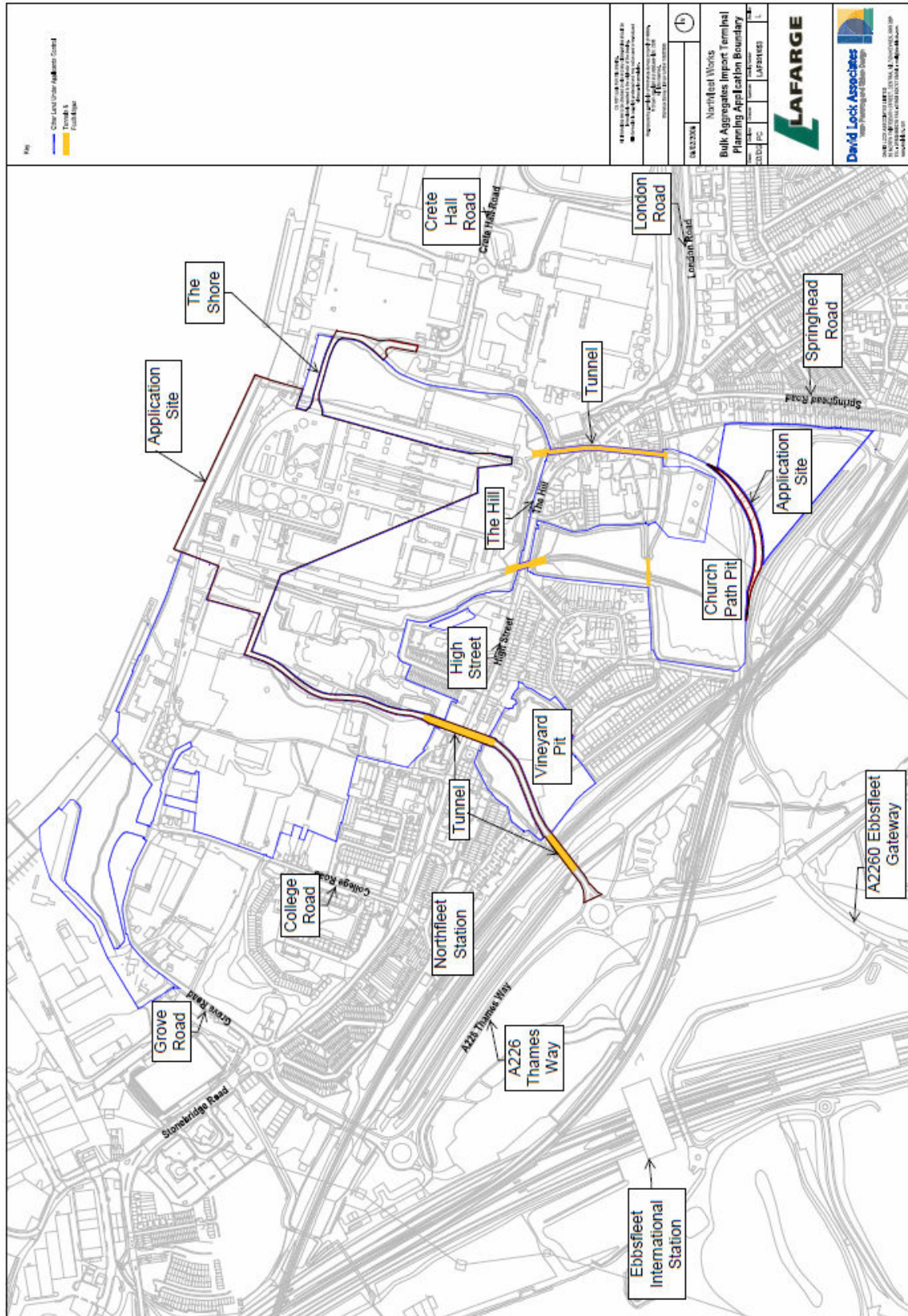
Unrestricted

Site description and background

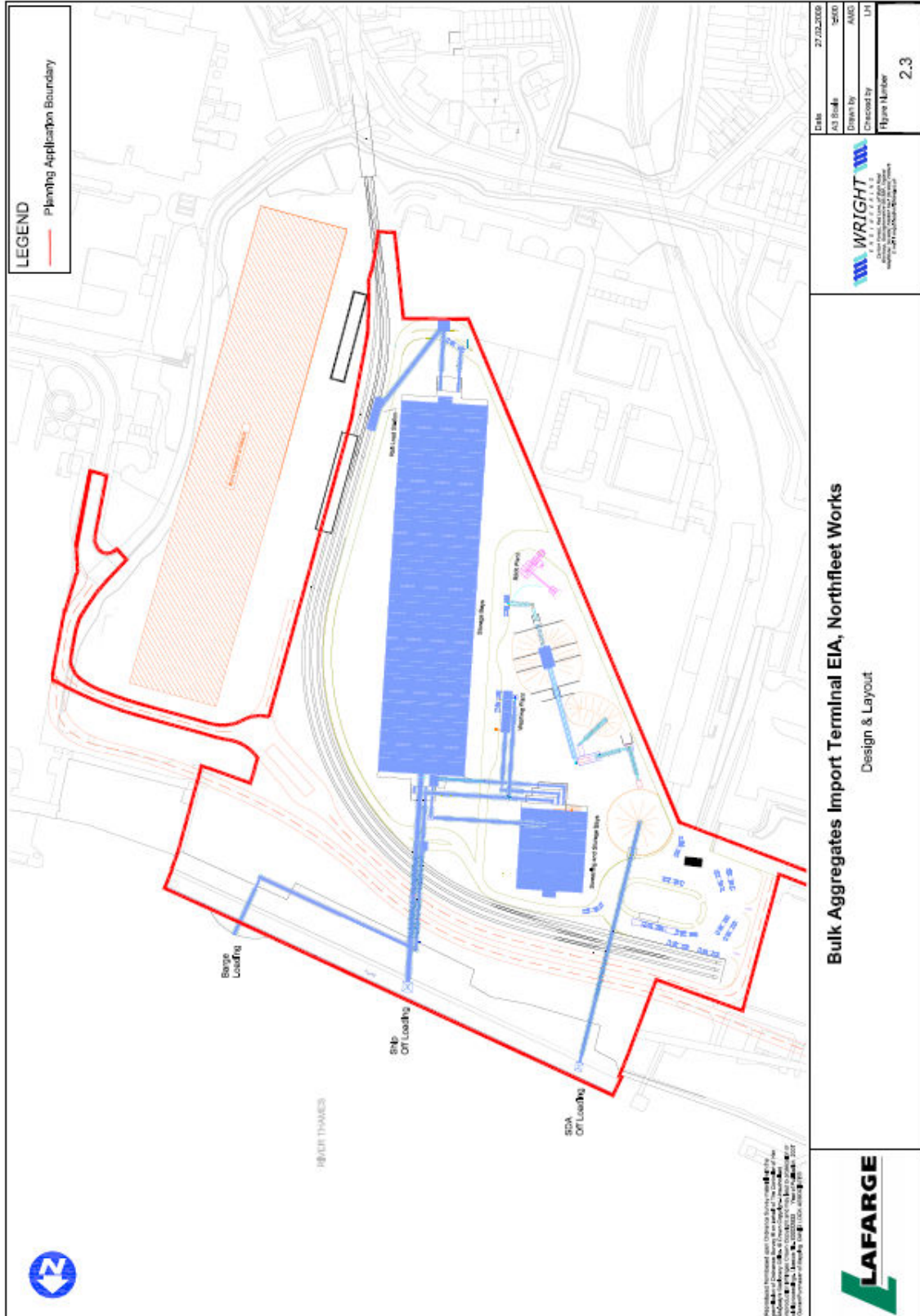
1. The application site lies within the Northfleet Cement Works site which is located on the south bank of the River Thames in Gravesham (see Figure 1.1 “Site Location” on page C3.2 and the application site plan on page C3.3). Northfleet Works is bounded by the River Thames to the north, the North Kent Railway Line to the south, the Kimberly Clark tissue paper mill to the east and Robins Creek and other industrial and residential development to the west. It is dissected by the B2175 Northfleet High Street which runs east to west on a chalk spine through the area. Tilbury Docks lies immediately opposite the site to the north of the River Thames. Northfleet Works is 42.2 ha in size including land in Vineyard Pit and Church Path Pit (to the south of a chalk spine). A Bulk Powder Import Terminal (GR/05/561) has been constructed in the eastern part of the works site which utilises 42 Wharf. The application site comprises 10.02 ha of the overall works area immediately to the west of the Bulk Powders Import Terminal. The works site is a major element of Northfleet Embankment, a key regeneration opportunity within Kent Thameside and Thames Gateway.
2. Northfleet Works can be split into four general areas:-
 - Church Path Pit – a former quarry lying between the B2175 and the North Kent Line accessed by tunnel from the main works site (the western branch of this quarry is known as St. Botolph’s Pit);
 - Northfleet Works – the current site of the cement works laid out on a level quarry floor between the B2175 and 42 Wharf on the River Thames
 - The former Bevans Works site – the area to the west of Lawn Road including the main site access and land rising up from the riverfront towards the existing community of Northfleet; (formerly the site of Bevans Cement Works); and
 - Vineyard Pit – a small quarry on what is the main road access into the works site lying between the B2175 and the North Kent Line.

Appendix 1 to Item C2

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Appendix 1 to Item C2
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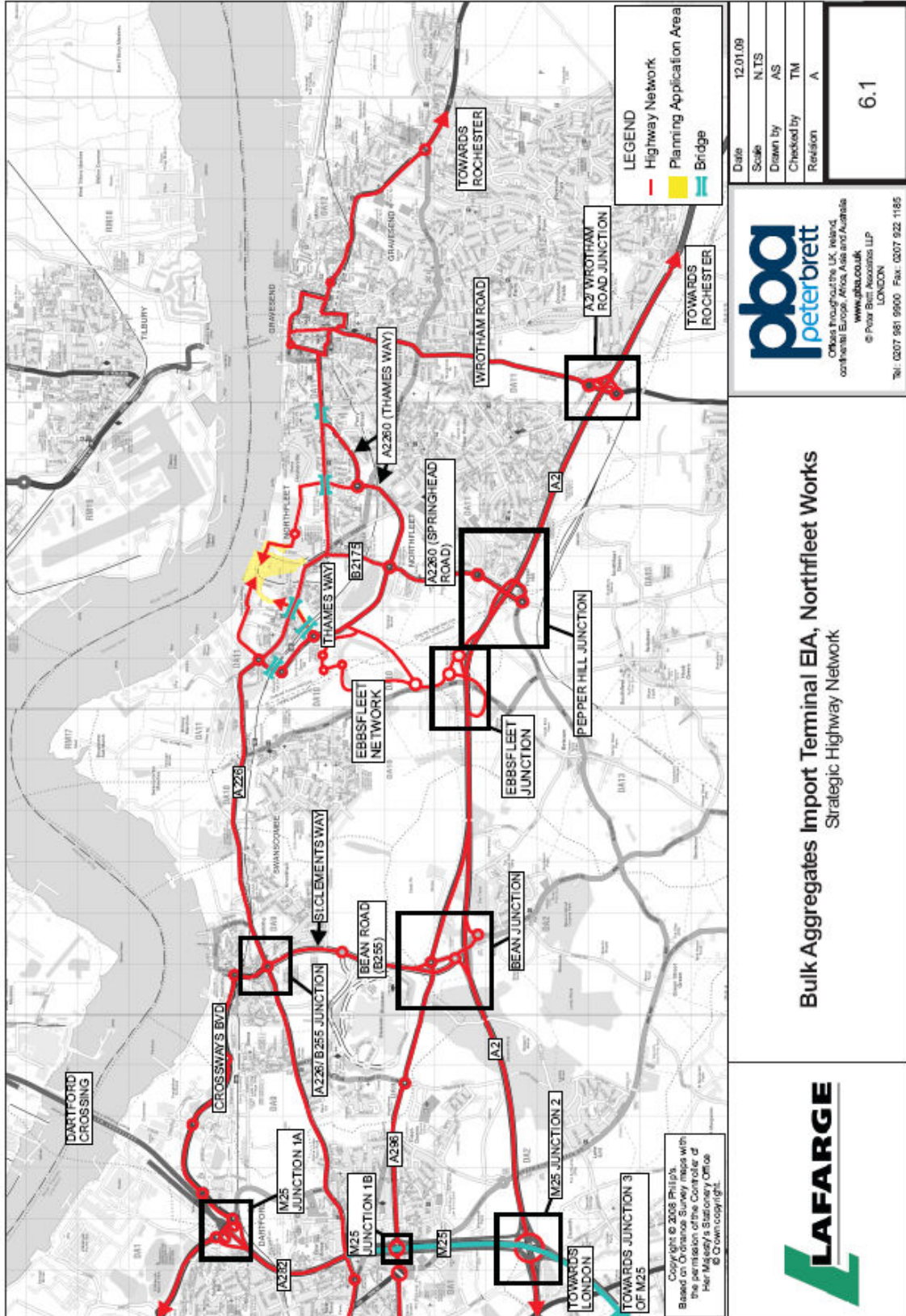
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Bulk Aggregates Import Terminal EIA, Northfleet Works
 Strategic Highway Network



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3. Extraction of chalk has resulted in changes to ground levels and created a fragmented landscape which is characterised by steep chalk cliffs (20-30m high) which separate pockets of land. Cliffs bound Vineyard Pit and Church Path Pit, which sit at significantly lower levels than the surrounding residential areas. Steep cliffs also form the southerly boundary of the main Northfleet Works site.
4. Northfleet Works and the application site are accessed via Vineyard Pit and two tunnels from the A226 Thames Way (also known as the South Thames Distributor Road 4 or STDR4), part of the Ebbsfleet Valley development.¹ The south tunnel under the North Kent Railway line also accommodates footpath NU7A which ascends from Vineyard Pit up to Ebbsfleet Walk. The north tunnel under Northfleet High Street is designed for vehicular traffic only. Other road linkages exist from The Shore/Crete Hall Road to the east and Grove Road to the west. The main access to Church Path Pit is via disused former rail tunnels within the site. Footpath NU42 passes through the site linking The Shore and Granby Road with The Creek, Lawn Road and Hive Lane (currently controlled due to health and safety issues). Another footpath (Church Path) uses an elevated walkway across Chalk Path Pit. The B2175 provides public transport access to existing communities with bus services linking Northfleet to Gravesend in the east and other key locations. The North Kent line passes close to the application site and Northfleet Station is located just to the south of the B2175. Ebbsfleet International Station lies further south.
5. As with the majority of Northfleet Works, the application site is highly industrialised although that part within Church Path Pit is currently vacant. The southern part of Church Path Pit contains turn-back facilities intended for CTRL domestic services. Emergency access to and from the Pit is also possible via a route to the south which links back to the A226 Thames Way. The River Thames waterfront is formed of man made flood protection walls. 42 Wharf is 298m long with a minimum water depth of 13m at chart datum and could accommodate vessels up to 80,000 deadweight tonnage (dwt).
6. Cement works have dominated the landscape of this part of Kent for 150 years and Northfleet is the home of Portland cement. Cement manufacturing on the site of the present day Northfleet Works began in the 1850s with the construction of Bevans Works. This was reconstructed twice before elements of it were incorporated within the new Northfleet Works constructed 1969-1970. It was served by road, rail and water and, on opening, was the largest cement works of its kind in the world. The rail access involved a “merry go round” system linked to the North Kent railway line via sidings adjacent to Northfleet Station, through Church Path Pit and St. Botolph’s Pit and into the works site through the two tunnels beneath the B2175. The remnants of this link remains today within Church Path Pit. The rail facility was designed to accommodate 21 coal train deliveries per week (bringing in 1 million tonnes per year (mtpa)) and 9 gypsum train deliveries per week (250,000 tonnes per annum (tpa)).

¹ Outline planning permission has been granted for a major mixed use scheme at Ebbsfleet for over half a million square metres of new office accommodation, over 3,000 new homes, substantial areas of open space and new strategic highway linkages.

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Cement production totalled 3.8mtpa, of which 1.3mtpa was despatched by rail (about 18 trains per annum) and the remainder by water for export and by road for UK consumption.

7. Northfleet Cement Works closed in April 2008 due to the exhaustion of its main permitted raw material (chalk from Eastern Quarry). Planning policies since 1994 have identified opportunities for elements of the Northfleet Works site to be redeveloped for other uses. A replacement cement works (the Medway Cement Works), between Rochester and Maidstone, was permitted in November 2001 following two public inquiries. This permission was linked to a Section 106 agreement in which Lafarge undertook (amongst other things) to cease activities at Northfleet Works and work with the County and Borough Councils to formulate proposals for the redevelopment and use of the site. The first element of site redevelopment was the granting of planning permission (in 2005) and construction of a Bulk Powders Import Terminal (handling up to 1mtpa of bulk powders) with materials imported across 42 Wharf. The Bulk Powders Import Terminal has been completed (*in part*) and is now operational. Demolition of the former cement works is ongoing.
8. The application site is allocated as part of an existing industrial area in the adopted Gravesham Local Plan First Review (1994) and as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). It also lies within an air quality management area (AQMA) declared for industrial sources of fine airborne particles (PM₁₀). None of the site lies within any international, national or locally designated wildlife areas, although the main site access passes underneath that part of the Ebbsfleet Marshes Local Wildlife Site associated with the existing rail sidings. Northfleet Works contains two Grade II listed buildings (a war memorial adjacent to the main offices and Northfleet Lower Lighthouse located at the eastern end of 42 Wharf). It also contains a Scheduled Ancient Monument (Aspdin's Kiln – the oldest surviving cement kiln in the world) to the south of Robin's Creek. This is currently surrounded by employment development and is not visible from public vantage points. A Conservation Area (The Hill), which forms the historic core of Northfleet (containing six listed buildings, including the Grade 1 listed Parish Church of St Botolph), lies just outside the Northfleet Works site on higher land at the eastern end of Northfleet High Street to the north east of Church Path Pit.
9. An outline planning application (GR/09/238) for mixed use development (with all matters reserved for future determination) has been submitted to Gravesham Borough Council which covers the rest of the Northfleet Works site. This proposes up to 510 dwellings, 46,000sqm of employment floorspace, 850sqm of retail floorspace, 500sqm of public house/food and drink floorspace, 180sqm of community use, formal and informal open spaces including a footbridge link connecting Hive Lane to Factory Lane and transport infrastructure comprising reservation of land for Fastrack link. Two other related applications have also been submitted to Gravesham Borough Council. The first, an application for a tower, associated navigational equipment and ancillary building to house a generator, fuel tank, equipment, toilet and store to replace the navigational equipment currently on the office building at Northfleet Works (GR/09/385). The second, seeking listed building consent for the relocation of the war

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memorial (GR/10/612). It is also worth noting that the County Council has issued a formal scoping opinion to Crossrail Limited for a proposed Tunnelling Logistics Facility on (largely) the same site at Northfleet Works (DC29/10/GR/0001). If the Crossrail proposals were to be submitted, permitted and implemented this would result in the Bulk Aggregates Import Terminal not being constructed for several years (possibly until at least 2015).

10. A Planning Applications Committee Members' site visit was held on 6 October 2009. This was also attended by the applicant and a representative of Gravesham Borough Council. Notes of the site visit are attached at Appendix 1.

The Proposal

11. The application (in summary) proposes the redevelopment of land at Northfleet Works for a Bulk Aggregates Import Terminal handling up to 3 million tonnes per annum (mtpa) and associated infrastructure including:-
 - Ship (bulk carriers and sand & gravel dredgers) and barge loading and unloading equipment including conveyor links across the Fastrack reservation;
 - Enclosed aggregate storage building and ancillary open storage;
 - Lorry loading;
 - Reinstated rail access and rail loading (including rail loading for bulk powders);
 - Weighbridge and associated wheel wash and sheeting/unsheeting areas;
 - Aggregates screening, crushing and washing plant;
 - Marine dredged sand and gravel processing plant;
 - Ancillary Ready Mixed Concrete plant;
 - Related lorry and car parking and landscaping;
 - Reservation of land for Fastrack link to provide a segregated link across the site and associated landscaping;
 - Ground re-grading to provide an efficient development parcel;
 - Road access to provide continuity of access across the redevelopment of the Northfleet Works site;
 - Supporting Services and Infrastructure including new utilities, enhanced flood defences, security fencing and providing for works to cliffs and tunnels; and
 - Other minor works and development ancillary to the main proposals.

The proposed arrangement of the bulk aggregates import terminal is illustrated on Figure 2.3 "Design & Layout" on page C3.4. The relationship between the proposed bulk aggregates import terminal and mixed use development and the area more generally is illustrated on Figure 8.1 "Illustrative Master Plan" on page C3.5. The relationship between the proposed sites and the main highway network is illustrated on Figure 6.1 "Strategic Highway Network" on page C3.6.

12. The application proposes (in more detail) that 42 Wharf would be used to import up to 3mtpa of crushed rock and marine dredged sand and gravel for distribution onwards by road, rail and river. It would also continue to be used for the import of bulk powders into the existing Bulk Powders Import Terminal. The applicant anticipates that about

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2mtpa would be crushed rock and about 1mtpa would be marine dredged aggregate. It also estimates that about 100,000tpa would be sold on as ready mixed concrete.

13. Crushed rock would be unloaded from ships and transferred over the Fastrack link and reinstated rail link by enclosed conveyors. Enclosed storage would be provided for crushed rock within a “toast rack” building with a capacity of around 300,000 tonnes. The “toast rack” structure would be constructed from pre-cast concrete sections. Ventilation of the cells would be carried out internally, to contain noise and dust. The storage building (and all ancillary buildings) would be clad with profiled metal. An enclosed screening plant to size aggregates would be provided adjacent to the storage building connected by conveyors, along with an aggregate washing facility. Crushed rock would be distributed from lorry loading points, a rail loading point or barge loading point on 42 Wharf each fed by conveyors. The applicant states that there may be some infrequent external storage and handling of crushed rock where required for operational reasons (e.g. if a ship needs to be unloaded, if the internal storage is at capacity or if there are faults with the internal conveyor systems).
14. Sea dredged aggregates would also be unloaded from ships and transferred over the Fastrack link and reinstated rail link by conveyor. Sea dredged aggregates would be stored externally. Stockpiles would contain up to around 9 tonnes of material and be up to 16m in height. A screening plant is also proposed. Sea dredged aggregates would be distributed from lorry loading points fed by conveyors and could also be fed into the conveyor system feeding the rail and barge loading points.
15. A number of ancillary activities are proposed at the terminal entrance. These include a weighbridge, gatehouse, wheel washing facilities and sheeting and unsheeting areas. A one-way road network and lorry and visitor parking are also proposed. A barge loading point would also be provided to enable exports from the terminal to be sent up river to terminals with a lower draught. Bulk out-loading of aggregates to lorry and rail would take place via conveyor sand hoppers. An ancillary ready mixed concrete plant is also proposed to the west of the storage building. This would have a degree of external storage of materials associated with it and front end loaders would be used to sort and move aggregates to feed the ready mixed concrete plant. It is proposed that details of the ready mixed concrete plant and other ancillary buildings and infrastructure be provided as details pursuant to planning conditions.
16. In order to mitigate any adverse impacts from the external storage of materials, proposals include the use of discharge conveyors with telescopic chutes to minimise the open dropping of material, the use of fixed water sprays and a high standard of housekeeping on the site with the sweeping and watering of roads and the use of wheel washes for all vehicles.
17. Access to the Bulk Aggregate Import Terminal would be from the north west corner of the site, linking onto the proposed HGV access and ultimately to Vineyard Pit and Thames Way via the main works access. An alternative internal access route for Lafarge is proposed around the north side of the rail sidings to allow HGV access for Lafarge Cement UK to the Bulk Powders Import Terminal from the main works access. This private access route would also allow alternative HGV access from the Bulk

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Aggregates Import Terminal to the Shore/Crete Hall Road works access. This approach would retain the integrity of a segregated Fastrack link across the site.

18. The reinstatement of the rail link to the works site via Northfleet sidings, Church Path Pit and the eastern tunnel under Northfleet form part of proposals. However, the applicant states that much of this is already permitted and does not require further planning permission. It also states that its reinstatement within Church Path Pit is provided for under the Channel Tunnel Rail Link (CTRL) Act and will be undertaken by Union Rail in advance of the commencement of Channel Tunnel domestic services in December 2009 (the section in Church Path Pit has now been largely completed although the link has yet to be connected to the North Kent Line). In acknowledgement of the fact that a small part of the proposed rail link within Church Path Pit diverges from the previous alignment of the “merry go round” system, the applicant has included this small area within the application. The rail sidings within the main application area also require planning permission and are included appropriately. The applicant also states that it has all the required rights to use land at Northfleet Sidings for the reinstatement of the rail link.
19. The proposals reserve land for the Shore Fastrack link across 42 Wharf that form part of the outline application for mixed use development submitted to Gravesham Borough Council. The applicant states that the permission for Fastrack would more appropriately be delivered through the mixed use proposals. The Fastrack route would also include a replacement footpath link. The application boundary includes land between 42 Wharf and the Bulk Aggregates Import Terminal (i.e. it overlaps with the mixed use application) in order that permission can be obtained for conveyors and associated infrastructure linking 42 Wharf and the Bulk Aggregates Import Terminal and so that land for the Fastrack link can be reserved.
20. The application boundaries also include land required for maintaining access to the main works access via Vineyard Pit and to access the Shore and Crete Hall Road in order to maintain the road access via these links and to safeguard access throughout the redevelopment of the works site. No detailed drawings are provided for the access to Vineyard Pit and the applicant states that the precise route may vary within its landholding as redevelopment of the wider works progresses.
21. The application is supported by a transport assessment that assesses scenarios for the split of traffic movements from the Bulk Aggregates Import Terminal between road, rail and river. The applicant states that although a modal split of traffic of 40% Road, 40% Rail and 20% Barge has been tested, other splits of up to 100% road are possible. The transport assessment includes indicative proposals for the improvement of access to the Shore/Crete Hall Road. The applicant states that detailed proposals for site access will be approved as part of the outline application for mixed use development and pursuant to planning conditions. The application proposes the removal of the southern most part of the Lawn Road spine in order to accommodate the sidings on the site and the road access. The mixed use application proposes removing further elements of this chalk spine to create a playing field. Other groundworks would also be required in the southern part of the site.

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22. The Bulk Aggregates Import Terminal would be securely fenced with 1.8m palisade fencing to provide security and appropriate gates would be provided at the entrance. 2.4m high fencing would be provided to 42 Wharf to meet the port security requirements of the Port of London Authority, HM Customs, police and immigration services. The applicant states that particular attention will be paid to the design of fencing where it fronts the Shore Fastrack link to promote the environmental quality of this link and thus its attractiveness to pedestrian users.
23. 42 Wharf is 298m in length with a minimum water depth of 13m at chart datum. The applicant states that most of the ships used would be between 6,000 and 40,000 deadweight tonnage (dwt), but that vessels up to 80,000 dwt could be accommodated. On average about 1 crushed rock boat per week and 2 to 3 dredgers per week are anticipated.
24. The application proposes that 42 Wharf would be operational throughout the day and night, seven days a week, due to the need to take account of the influence of tide times and weather and the need for quick turnaround. The applicant states that this is typical of port operations. It also proposes that use of the reinstated rail link must be similarly unconstrained to take account of potential constraints in terms of the availability of train paths from Network Rail. The applicant states that Northfleet Works currently receives and dispatches road traffic at any time. The same arrangement is proposed for the Bulk Aggregates Import Terminal (i.e. a 24 hour, 7 days a week operation), although the applicant states that relatively little night time traffic is likely to be generated. The applicant also states that it is important that no time constraints are placed on the operation of the Bulk Aggregates Import Terminal given the need to receive imports at all times of the day and night throughout the year.
25. The applicant states that the proposed development would lead to the establishment of full-time equivalent jobs for 7 office workers, 25 other workers (wharf workers, maintenance staff and railway personnel) and 67 lorry drivers (up to 40 based at the site).
26. The application is accompanied by an Environmental Statement which considers the proposals for the Bulk Aggregates Import Terminal in the context of both existing development and that proposed by the mixed use development application. This includes various specialist reports and mitigation proposals.
27. The applicant states that the listed war memorial on the site would be subject to protection during demolition and relocated to an area adjacent to the Bulk Powders Import Terminal. The details of this relocation would be fixed through detailed planning and listed building consent applications to be determined by Gravesham Borough Council.
28. The application site is almost entirely within the ownership of Lafarge Cement UK with the exception of the northernmost part of 42 Wharf which is held under license with the Port of London Authority. The site also includes a small amount of land adopted as public highway to enable required improvements to highway access to be undertaken. The reinstatement of rail access also involves land that other third parties

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have an interest in, although Lafarge Cement UK states that it has all the required rights to use the land for the purposes of rail access. The application boundary includes land elsewhere within the wider Northfleet Works required providing vehicular access to the Bulk Aggregates Import Terminal to ensure that continuity of access to the site can be maintained across the redevelopment of the Works site from the main works access from the A226 Thames Way.

29. Additional information was submitted in support of the application in July and August 2009 in response to initial responses and led to further consultation / notification. The additional information included:-
- A plan showing the relationship between proposed groundworks in Vineyard Pit and the North Kent Line (in response to Network Rail's comments);
 - Information on rail connection feasibility;
 - An update to the Transport Assessment to address concerns raised by the Highways Agency, Kent Highways and Dartford Borough Council (including air quality issues);
 - An update to the noise assessment;
 - A Winter Bird Survey;
 - Information on proposed conveyors, similar aggregate unloading activities, parking and office arrangements and sources and markets for crushed rock, sea-dredged aggregate and ready mix concrete;
 - Responses to each of the issues raised by consultees and others to the initial submission; and
 - Clarification on the planning status of the rail link and sidings.
30. Following further discussions with (amongst others) officers from Kent County Council, Gravesham Borough Council, Kent Highway Services and the Highways Agency, the applicant submitted further information in June 2010 designed to further address issues raised by these and other parties. This information included clarification on a number of issues with new / updated drawings and updates to the planning statement, the design and access statement, the phasing and implementation strategy, the environmental statement and the transport assessment. The only amendment to the Bulk Aggregates Import Terminal proposal was a minor realignment of the proposed Fastrack link across 42 Wharf to avoid a water sump. This amendment, together with a re-design of the open space associated with the relocated war memorial, necessitated a formal change to the application boundary for the outline application.
31. The main updates for the Bulk Aggregates Import Terminal were changes to the anticipated phasing of development which would mean the demolition and decommissioning of the majority of the former cement works by July 2010, the installation of the new physical rail connection by April 2011 and the phased implementation of the Bulk Aggregates Import Terminal from 2015. The applicant suggests that the most likely phasing of development in terms of throughput of aggregates would be as follows:-
- Short term – 0 to 7 years (2015 to 2022) – up to 0.5mtpa of mainly sand and gravel with some ready mixed concrete;

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- Medium term – 7 to 17 years (2022 to 2032) – up to 1.25mtpa of sand and gravel, crushed rock and ready mixed concrete; and
 - Long term – 17 to 27 years (2032+) – up to 3.0mtpa of all materials.
32. The applicant has also indicated its willingness to accept the imposition of a number of conditions and planning obligations (by legal agreement) if planning permission were to be granted. Examples of obligations include lorry routing and contributions towards the Kent Thameside Strategic Transport Programme. Examples of conditions include limiting maximum throughput of the facility to 3mtpa, restricting lorry movements to no more than 1.2mtpa (i.e. 40% of the proposed maximum throughput of the facility), safeguarding the Fastrack route and others to cover a range of environmental, design and layout matters. It has also requested that the usual period for implementing any planning permission be extended to 7 or 8 years due to uncertainties about precise timing of implementation.

Planning Policy Context

33. **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), Supplement to PPS1 (Planning and Climate Change), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG14 (Development on Unstable Land), PPG17 (Planning for Open Space, Sport and Recreation), PPS22 (Renewable Energy), PPS23 (Planning and Pollution Control), PPS24 (Planning and Noise), PPS25 (Development and Flood Risk), Supplement to PPS25 (Development and Coastal Change), MPS1 (Planning and Minerals) and MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England).
34. **Kent Minerals Local Plan: Construction Aggregates (December 1993)** – These include saved Policies CA1, CA2C, CA4 (Wharves and Rail Depots for Aggregates Import), CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA20A (Ancillary Operations), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).
35. **Gravesham Local Plan First Review (1994)** – These include saved Policies E1 (Existing Industrial Areas), TC0 (General Townscape, Conservation and Design), TC1 (Design of New Developments), TC2 (Listed Buildings), TC3 (Development Affecting Conservation Areas), TC5 (Archaeological Sites), TC6 (Scheduled Ancient Monuments), TC7 (Other Archaeological Sites), TC10 (Landscaping), C7 (Sites of Special Scientific Interest and Nature Reserves), C8 (Sites of Nature Conservation Interest), LT8 (Public Rights of Way), T0 (General Policy for Transport), T1 (Impact of Development on the Highway Network), T3 (Development not well related to the Primary and District Distributor Network), T14 (CTRL), R1 (The Commercial Riverside – Maintenance of the River Frontage for Water Transport) and R2 (The Commercial Riverside – Wharves).
36. **Gravesham Local Plan Second Review Deposit Version (May 2000)** – These include Policies MDS3 (Major Development Site – Northfleet Cement Works / Land

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East of Grove Road), T1 (Location of Development), T12 (New Access on Highway and Public Transport Network), T14 (Freight), T15 (Construction Traffic), T16 (Car Parking Standards), NE2 (Special Landscape Areas), NE6 (Trees and Landscaping within New Developments), NE7 (New Landscaping and Wildlife Enhancement Initiatives), NE9 (Internationally and Nationally Important Nature Conservation Sites), NE10 (Strategically Important Nature Conservation Sites), NE11 (Wildlife Habitats), NE12 (Statutorily Protected Species), NE15 (Contaminated Land and Landfill Sites), NE16 (Air Quality), NE19 (Noise-Generating Development), NE20 (Artificial Lighting), NE21 (Water Quality), NE23 (Tidal Flood Risk Area), NE24 (Energy Efficiency), NE25 (Renewable Energy) BE1 (Townscape, Conservation and Design), BE2 (Conservation Area Designation, Review and Protection), BE4 (New Development Within or Adjacent to Conservation Areas), BE7 (Statutorily Listed Buildings), BE9 (Scheduled Ancient Monuments, Sites of Archaeological Interest and other Historic Sites), BE10 (Locally Important Archaeological Sites), TR3 (Public Access to the Riverside), TR4 (Thames Tidal Defences) LT11 (Development Affecting a Public Right of Way) and LT12 (Improvements to the Public Rights of Way Network).

Consultations

37. **Gravesham Borough Council** – NO OBJECTION in principle to the bulk aggregates import terminal (BAIT) but requests that if the County Council resolves to grant planning permission, planning conditions and other satisfactory safeguards should be imposed to control the use and limit the impact of the development in relation to potential harm to local amenity and in terms of traffic generated by the development using local highways. It has requested that a number of planning conditions be imposed. These are set out in [Appendix 2](#). In addition, it:-

- supports the concerns of Dartford Borough Council and Kent Highway Services in seeking to limit the amount of material transported by road, including a limitation on the number of vehicle movements and ensuring that rail and river transport are available upon the operation of the BAIT;
- supports Kent Highway Services in ensuring that maintenance of the main road access to the site through existing tunnels is properly secured for the future;
- requests that public access along the existing public footpath (NU42) from Lawn Road to the Shore is retained and that the developers are encouraged to provide an attractive sea walk within the development of the former Cement Works site as a whole;
- notes that the two existing statutorily listed structures within the aggregates site (Northfleet Lower Lighthouse and Bevans War Memorial) would be retained and that the latter will be relocated;
- will expect to see that the historic tunnels and other historic artefacts within the former Northfleet Cement Works as a whole are, where possible, preserved and maintained; and
- requests that the responses of the other various consultees and local residents are carefully considered and taken into account in determining the application.

38. **Dartford Borough Council** – Has raised concerns about the impact of additional

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traffic on the character of the areas within Dartford through which traffic would pass, residential amenity, air quality and junctions in the area. It urges KCC to:-

- Limit the number of HGV trips (a daily figure to be based on 40% of exports by road);
- Impose controls on HGV routing (to avoid the use of the A226 westbound);
- Obtain an additional contribution from the applicants for the improvement of the Southfleet Road (B259) / Ebbsfleet Link Road (A2260) junction (to mitigate the impact of the traffic generated by the development in terms of traffic flows and to ensure ease of pedestrians access within future development in the Ebbsfleet Valley).

It has also requested that the following issues be taken into account in considering the planning application:-

- The enforceability of routing controls and the desirability of securing a routing strategy by legal obligation should planning permission be granted;
- The possible need for changes to the approved Ebbsfleet Valley Masterplan to avoid detriment to the environment and residential amenity in the area as a result of a significant number of HGV movements;
- Any significant increase in HGV movements through the Ebbsfleet Valley could have a negative effect on sustainable modes of transport (possibly reducing the estimated modal shift for development in the area);
- It has yet to agree that the final arrangement for the junction of Southfleet Road (B259) and the Ebbsfleet Link Road (A2260) will be a T-junction and advises that the Highways Agency was concerned that this arrangement might not be appropriate for the level of traffic anticipated at this junction;
- The transport assessment does not include the provision of pedestrian crossings on Southfleet Road (to the south and north of the junction to serve the permitted housing development at the Northfleet West Sub-Station site) that are required by the relevant planning permission;
- A pedestrian and cycle link between the sub-station site and Ebbsfleet for is critical to encouraging the use of sustainable modes of transport and its absence would discourage pedestrians and provide a barrier to movement. Its preference is for a car-free / "land bridge" over the road at this location rather than an at-grade crossing. However, it states that as this is not covered by the Strategic Transport Infrastructure Programme (STIPs) scheme the applicant should be requested to contribute to the improvements required at this junction to deal with the increased development traffic and the need to provide a segregated pedestrian / cyclist crossing in the vicinity of the junction;
- It is concerned about the adverse impacts on residential amenity (e.g. noise and disturbance) from significant numbers of HGV movements in the early morning period (i.e. between 0500 and 0800 hours). It states that there would be 46 vehicles between 0500 and 0600, 38 between 0600 and 0700 and 31 between 0700 and 0800 assuming 40% of movements by road.

39. **SEEPB (South East England Partnership Board) / formerly SEERA – Comments**

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received before revocation of South East Plan and abolition of SEEPB. Stated that the proposal was consistent, in principle, with the regional minerals strategy of significantly increasing the contribution of marine dredged aggregates as part of the overall minerals supply mix and that the principle of industrial use of the on-site wharf facility was well established. Advised that KCC should be satisfied that the proposed development is consistent with sustainable resource principles and that if minded to grant planning permission, it should secure measures (by condition and/or legal agreement) to: further promote sustainable forms of transport; prevent and mitigate against air and noise pollution; control traffic generation and impact, including (if possible) a further shift in mineral transportation from road to rail and water; and provide for sustainable construction practices. Also advised that KCC should be satisfied that the proposed development would not constrain the future production and/or regional supply of cement.

40. **SEEDA** – Supports the application. Specifically welcomes the envisaged modal distribution with 40% of imported aggregate being transported from the site by rail as this complements target 8 of Regional Economic Strategy (RES) which seeks to “*reduce road congestion and pollution levels by improving travel choice, promoting public transport, managing demand and facilitating modal shifts.*” Also welcomes the proposed employment creation (during both the construction and operational phases).
41. **Highways Agency** – Has no objection to the proposals.
42. **Transport and Development Manager – Kent Thameside** – No objection subject to:-
- A limit on the amount of material transported by road to 1.2mtpa (i.e. 40% of the proposed total capacity of the bulk aggregates import terminal);
 - No more than 200 HGV movements (where one movement represents a vehicle either entering or leaving the site) between 0700 and 1000 hours and 1600 and 1900 hours in any one day;
 - No more than 13,599 HGV movements in any calendar month (based on 10% of estimated annual HGV movements);
 - The provision (reservation and making freely available) of a 15 metre wide (or as otherwise agreed with KCC) Fastrack corridor across the site;
 - The reopening and maintenance of footpath NU42 to a standard suitable for cycling with lighting. Re-routing may be permissible if agreed by KCC and provision must be made for employees to access the import terminal on foot and cycle via this footpath;
 - All HGVs leaving the site undergoing a full wheel and body wash;
 - A contribution under the Strategic Transport Infrastructure Programme (STIP's) of £245,000 towards Kent Thameside highway works (with staged payments and other matters as set out in the Heads of Terms at [Appendix 3](#));
 - The applicant complying with an agreed Routing Strategy which:-
 - provides for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible;

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- precludes the use of Grove Road;
 - only allows the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined);
 - includes some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives, a means of monitoring and controlling HGVs and details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels;
- The applicant operating in accordance with an agreed Travel Plan that seeks to reduce car usage and encourage non-car modes of transport by employees;
 - The applicant complying with an agreed report on the outcome of an investigation of the current condition survey of the main road access tunnels (TU23 and TU24) and the cliffs above the tunnel portals, that includes details of proposed repairs and remedial measures, monitoring, maintenance and management of the tunnels and cliffs above the portals during the life of the bulk aggregates import terminal; and
 - The applicant contributing up to £1,000 a year for 10 years from the commencement of HGV movements associated with the operation of the bulk aggregates import terminal towards the Highway Authority's costs in monitoring HGV movements during the peak hours and the Routing Strategy.
43. **Port of London Authority** – Fully supports the proposals which, it says, are supported by a range of national, regional and local planning and other policies. It states that the navigational and other characteristics of the site are excellent and that the proposed aggregate terminal and associated infrastructure works, together with the adjacent operational bulk powder facility, represent essential and welcome investment in the Port of London's cargo-handling infrastructure. It advises that the site is the only currently available location within the Thames Estuary where a multi-modal aggregates terminal of this scale could be developed. It supports unconstrained hours of operation for the handling of aggregates at the berth and rail link and advises that this would be consistent with comparable cargo-handling operations within the Port of London. It supports the proposed use of the River Thames for transporting material to and from the site and recommends that implementation of this be secured by condition or legal agreement. It also recommends that appropriate air quality, noise and vibration mitigation (both in relation to the aggregates application in isolation and cumulatively with the proposed mixed-use development) be secured by condition to protect residential amenity. It further requests that arrangements be made (via a legal agreement) to ensure that existing navigational equipment located on a building within the application site (proposed to be demolished) is satisfactorily replaced and operational before its loss.
44. **Network Rail** – Rail freight issues (London office): Has confirmed that the proposed reconnection scheme at Northfleet is the subject of fairly advanced formal technical engagement between Lafarge and Network Rail and that there appear to be no intractable issues with the emerging design. It has also advised that the proposed rail volumes referred to in the application equate to about three "block train" circulations per day and that subject to normal timetable studies in due course should not pose a

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capacity problem. It further advises that Network Rail and Lafarge are working to a target date of April 2011 for installation of the new physical connection and August 2011 for the subsequent signalling commissioning. Has also advised that whilst unable to comment on the availability of specific long distance rail paths (which are subject to the complexities of wider national timetabling) it does not believe that there should be any significant risk of these being unavailable and that such paths are routinely requested and resolved for other traffic. Geotechnical / network protection issues (Derby Office): Has expressed concerns about the safe operation of the railway and / or that the integrity of railway infrastructure may be jeopardised by the proposed works and recommends that any planning permission be subject to a number of detailed conditions designed to overcome these concerns. The proposed conditions relate to stand-off's for any extractive operations, tipping or buildings (to ensure the stability of railway infrastructure), drainage (to maintain the integrity of existing systems and prevent flooding of railway infrastructure or land), plant and machinery (to maintain safety of railway operations), fencing (to prevent public access to railway property) and restoration and aftercare (to avoid trees being blown onto tracks). It has also recommended that a number of operational and safety informatives be passed to the applicant / operator (including those relating to tree species and effective liaison with Network Rail).

45. **Environment Agency** – No objection subject to conditions to: (i) protect groundwater interests (given that the site is underlain by upper chalk principal aquifer and is located within Source Protection Zone II for a number of groundwater abstractions); (ii) prevent increased risk of flooding and unavoidable harm to the environment; and (iii) improve and protect water quality, habitat and amenity. Specifically, it has sought conditions to:-
- address all aspects of potential contamination at the site;
 - prevent piling or other foundation designs using penetrative methods or infiltration of surface water drainage into the ground unless it has been demonstrated that there is no resultant unacceptable risk to groundwater or controlled waters;
 - ensure that the development is carried out in accordance with details in the approved Flood Risk Assessment (FRA) by Peter Brett Associates (Jan 2009) and the mitigation measures detailed within this:
 - provide a suitable surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development,
 - provide for the implementation of a method statement to ensure that Japanese Knotweed present on site is prevented from spreading or eradicated;
 - provide for the implementation of a Code of Construction Practice, include method statements, detailing how adverse environmental impacts will be prevented during construction and the mudflats to the east of the development are protected; and
 - the temporary removal of structures (as necessary) to provide access to maintain the flood defence wall.
46. **KCC Noise, Vibration, Dust and Air Quality Consultant (Jacobs)** – Advises that the proposed development is acceptable if the various mitigation proposed in the environmental statement is secured and conditions are imposed to restrict activities on

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site to those demonstrated to be acceptable.

Noise / vibration: Is satisfied that all activities associated with the bulk aggregates import terminal could take place during the day and meet the +3dB noise limit proposed by Gravesham Borough Council. However, advises that the only activities that have been demonstrated to meet the proposed noise limit of +3dB at night (including the evening and early morning periods) are ship, barge and rail loading, unloading and shipment and HGV movements. Whilst the noise modelling work undertaken by the applicant has, so far, been inconclusive in demonstrating the acceptability or otherwise of other activities during the night, the applicant is confident that at least some of the other activities could reasonably take place during the night, still meet the proposed noise limit and not give rise to noise nuisance even when considered cumulatively. This view is supported by the fact that the noise modelling work undertaken so far has been based on worst case scenarios (e.g. assumed direct line of sight between noise sources and sensitive receptors) and excluded any noise mitigation that could be readily employed (e.g. acoustic cladding or noise barriers). On this basis, he recommends that suitably worded conditions be employed to secure the following:-

- Ship, barge and rail arrival, departure, loading and unloading and HGV movements be permitted 24 hours a day 7 days a week.
- All other activities (e.g. crusher and washing / screening plant associated with crushed rock, the washing plant associated with the sea dredged sand and gravel, loading shovels for moving materials, the ready mixed concrete plant and the loading of any HGVs at night) be restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these. To obtain such approval the applicant would need to successfully demonstrate that these would meet the appropriate noise limit (i.e. be supported by further detailed noise assessments and, potentially, additional noise mitigation measures) or that there are other overriding reasons to allow some change.
- The measures set out in the Environmental Statement to minimise noise and vibration.

Dust / air quality: Advises that the area was identified as an air quality management area (AQMA) for particulates, principally because of emissions from the cement works, and that the closure and removal of the cement works will result in a significant reduction on emissions in future. Is satisfied that the proposed bulk aggregates import terminal should not give rise to significant dust impacts if the proposed mitigation measures are in place.

47. **KCC Geotechnical Consultant (Jacobs)** – Has provided detailed advice on geotechnical stability issues relating to the cliffs and tunnels and the management and associated measures that could be undertaken to minimise potential adverse impacts. Recommends that conditions be imposed to secure the following if permission is granted:-

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- No development to take place until full details of cliff stabilisation works (including the methodology, phasing, final treatment and future management of the cliff faces and lower slopes) and the treatment of the stand-off distances at the base of the cliffs, treatment of the standoff distance at the crest of the cliffs and the management of vegetation and boundary fences at the crest of the cliffs have been submitted to and approved in writing by the Planning Authority.
- No development to take place until a detailed structural assessment, safety review and future management plan for the tunnels that are to be retained within the development and proposals for the ongoing maintenance and/or backfilling of the tunnels that will not be used within the proposed development has been submitted to and approved in writing by the Planning Authority.

Has also suggested that clarification be sought as to whether the retained road tunnels are expected to be adopted by the Local Authority.

48. **Natural England** – No objection subject to conditions to secure the following:-

- The submission and approval of detailed bat and reptile mitigation strategies prior to the commencement of any works which may affect these species or their breeding sites, resting places or habitats and for the strategy to be implemented thereafter.
- Site clearance works to be conducted outside the breeding bird season and replacement nesting opportunities to be provided through a landscape strategy.
- The pedestrian / cycle path alongside the proposed Fastrack link (which would form part of the proposed City to Sea Path linking Thames Path and Greenwich to the Saxon Shore Way at Gravesend) should be a multi-user path, have (if possible) a minimum width of 4m and be landscaped with native trees and shrubs providing screening from traffic and a link between other green spaces. In this way, it would accord with the Green Grid Programmes for Kent Thameside, Medway and Swale.
- The biodiversity enhancement measures set out in the application (e.g. roosting opportunities for bats, bird nest boxes, native species landscape planting and brown roofs).

49. **Kent Wildlife Trust** – No objection subject to the imposition of conditions to ensure the delivery of adequate mitigation and compensation. States that there is a need to deliver the mitigation for the application and that for mixed use development being considered by Gravesham Borough Council in a holistic fashion due to the mosaic of habitats across both sites and the species using them (such as Black Redstarts). Has specifically suggested the provision of properly specified brown roofs of sufficient area to provide some mitigation for the loss of black redstart forage area. Conditions suggested include those relating to brown roofs, black redstarts, breeding birds and reptiles. Has also suggested that a steering group of relevant organisations be in place during the construction period to ensure that a habitat management strategy to deliver mitigation and enhancement is adhered to and reviewed as necessary. The strategy should allow for habitat management for a minimum period of 5-years after completion of the final phase of development.

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50. **KCC Biodiversity Projects Officer** – Has provided detailed comments on habitats, bats, breeding birds, black redstarts, green/brown roofs, badgers, invertebrate report, reptiles, monitoring and management, biodiversity enhancement, climate change and connectivity and other matters. Recommends that conditions be imposed to secure a detailed site management plan containing habitat mitigation, compensation, enhancement and monitoring that addresses these and related issues.
51. **KCC Landscape Consultant (Jacobs)** – Advises that the development would not create any significantly greater adverse visual effects than those already experienced from the cement works and in many cases there would be some visual benefits. Advises that landscape and townscape character impacts would be of a similar significance. Advises that, in many respects, the development depends on the adjoining mixed use application to provide a landscape setting and to provide some screening of the new buildings and on this basis it is important that both applications are considered in tandem. Also suggests that as the only new landscape proposals included with the aggregates terminal are a very narrow corridor of landscape alongside the Fastrack route [*which would link to a broader area just to the east, but outside, of the application site where the illustrative Masterplan indicates that the war memorial would be relocated to*], and these plans have clearly not been fully developed in detail, it would be beneficial to explore the feasibility of:-
- a generous landscape belt alongside the proposed boundary fences to soften the built edge and provide additional screening;
 - a greatly increased width of landscaping along Fastrack to give planting on both sides of the route and to give a better segregation of the cycleway/footpaths from the bus route;
 - a footpath link to the historical light house, if this would not conflict with the operation of the site; and
 - submission of more worked up designs for fencing, hard landscape proposals and features such as the Fastrack stations.
52. **KCC Rights of Way (Countryside Access Service)** – Welcomes the proposed pedestrian/cycle access across the site and the adjoining proposed mixed use development. Subject to the use of appropriate materials and furniture, the access improvements would meet several objectives of the Countryside Access Improvement Plan (CAIP). Advises that Public Footpath NU42, which crosses the application site, is not that well used and is often closed due to works or for health and safety reasons. Indeed all public footpaths across the entire Northfleet Works site are currently closed to allow works to take place. The proposed pedestrian/cycle track adjacent to the Fastrack Route would provide a vital link between Crete Hall Road and the routes proposed in the mixed use development site and in the network for the City to Sea Project which seeks to run a cycle route alongside the Thames from London out to Swale and beyond. Advises that the existing Public Footpath will need to be formally extinguished under the Town and Country Planning Act 1990 so that it is no longer shown on the Definitive Map with the route obstructed on the ground. This also applies to other rights of way on the mixed use development site. Notes that the application proposes to close rights of way during re-development and states that these and related issues need to be satisfactorily addressed. Also states that the

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provision of a temporary route(s) across both sites would be beneficial and that appropriate routing could be agreed with Lafarge and contractors to ensure that access is not denied for the entire implementation period (through to 2022) across both sites. Would welcome the opportunity to work closely with Lafarge at an early stage so that the above matters are satisfactorily addressed and is involved in ongoing discussions on these issues.

53. **English Heritage** – No detailed comments, but offers the following general observations and requests that these be addressed:-

- The proposals would not affect the setting of Aspdin's Kiln (scheduled ancient monument – SAM) which lies outside the application site within the area of the mixed use application.
- The proposals would be unlikely to result in any harmful impact on the character or appearance of "The Hill Conservation Area" which is located adjacent to the site on a cliff above the works site. The only impact would be from the demolition of the two tall chimney stacks that are a major feature of the townscape of Northfleet. This change would be neutral rather than negative in terms of impact on the conservation area. The character of the area would not be affected by the change in industrial processes on the Lafarge site.
- Notes that the site contains two listed buildings (the war memorial and lighthouse – both Grade II) that would be affected by the proposals. The proposed removal / repositioning of the war memorial would require a separate listed building consent application which should be requested immediately and be determined in parallel with the planning application. Any permission should include a condition requiring the protection of these structures during the demolition and redevelopment process.
- Notes and welcomes the fact that the applicant has provided for a full record of the present structures on site to be made and that the Environmental Statement reflects this. Suggests that there may be salvageable structures relating to the industrial heritage of the site that could be re-used within the redevelopment or housed in a local museum or archive and that the County Council may wish to impose an appropriate condition to that effect.
- Matters relating to the evaluation and recording of any archaeology on the site through trial excavation or watching brief are for the County Archaeological Officer to advise on.

54. **KCC Archaeology and Conservation** – No objection subject to:-

- The recording of any archaeological interest revealed during the removal of that part of the Lawn Road chalk spine within the application site that would need to be removed to accommodate the rail sidings (as this includes some of the original / unexcavated landform);
- The protection and long term conservation of the listed lighthouse;
- The protection of the war memorial and its re-siting being guided by the need for public access and the need to retain the connection with the people who worked at the cement works during the wars;

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- The recording of the heritage interest associated with the former cement works and the integration of this with the record and interpretation proposed for the mixed use development proposals on the grounds that although the mixed-use development proposals lend themselves better to providing for heritage interpretation as part of a long term vision for the site, something should also be done as part of the bulk aggregates import terminal.

Has also requested that the applicant discuss heritage issues with local groups in order to obtain useful information and for consideration be given, so far as possible, to the preservation of visible historic industrial features (e.g. railway lines) within the application site.

55. **National Grid** – States that there would be a negligible risk to its electricity and gas transmission apparatus.
56. **EDF** – No objections.
57. **BT (Openreach)** – Has provided information on the positions of its plant in the area and recommended that its advice be sought by the developer prior to any works affecting these.
58. **Southern Water** – No objection subject to the imposition of conditions requiring the submission and approval of details of surface water disposal and measures to divert and protect existing sewers and water mains (that cross the site) prior to the commencement of development. It has also asked to be consulted on such details.
59. No responses have been received from **Union Railways, Southern Gas Networks** and **South East Water**.

Representations

60. The application was publicised both by site notice and newspaper advertisement and 1,028 local residents / business properties were notified. A public exhibition on the proposals was held by the applicant over three days towards the end of 2007. The additional information was also subject to re-consultation and notification (including advertisement).
61. At the time of writing this report, letters have been received from three local residents / businesses. Although none of the letters actually states support for, or objection to, the proposals, all raise issues of concern that need to be addressed. The main issues of concern (in one or more of the letters) are as follows:-
 - concerns about noise and vibration impacts associated with the re-opening of a rail link through Church Path Pit and other operations in the Pit;
 - the desirability of the two main chimneys being retained and listed due to their architectural or historic interest (and as landmark features);
 - concerns about impacts of construction and demolition traffic (river and rail links should be implemented first);

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- experiences during implementation of the CTRL rail sidings in Church Path Pit;
- rail use should not be permitted at night, at weekends and on public holidays;
- concerns about noise more generally from the proposed construction and operations;
- road access should not be permitted through Granby Road; and
- past experiences of dust nuisance (including that associated with loading and discharging).

More supportive statements (in the letters) include:-

- an acceptance that some form of re-development of the main site is desirable;
- the retention of a deep water wharf is laudable; and
- the revival of the rail link for the transportation of bulk materials is sensible (despite concerns about potential adverse noise impacts experienced in the past and the need for enforceable and permanent conditions to control development).

Local Members

62. County Council Members Mr Christie and Mr Parker were notified in April 2008. County Council Members Mr Christie and Mr Craske (who replaced Mr Parker) were notified in September 2009. Mr Lees was also notified as an adjoining Member in September 2009.

Discussion

63. 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 34 to 36 are of greatest relevance. Material considerations include the Planning Policy Statements and Planning Policy Guidance set out in paragraph 33. They also include the letter from Steve Quartermain, Chief Planner, Communities and Local Government (CLG) advising of the revocation of Regional Strategies (dated 6 July 2010) in which he makes it clear that mineral planning authorities should continue to plan for a steady and adequate supply of aggregate minerals to support economic growth and should do this within the long standing arrangements for minerals planning (including the technical advice provided by the Aggregate Working Parties in sub-apportioning the CLG Guidelines). The letter also states that planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3 of the South East Plan published on 19 March 2010.
64. The main issues to be considered in this case include:-
- the principle of the development of the site as a new Bulk Aggregates Import Terminal;
 - the need or otherwise for new capacity for the importation of crushed rock and sea-dredged aggregates;

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- transportation issues (e.g. junction and road capacity, Fastrack and the sustainability of the proposals in terms of water, rail and road use);
- noise, dust, vibration and air quality impacts (from the development on site and associated transportation);
- biodiversity impacts;
- landscape and visual impact;
- impacts on archaeology and buildings and other features of historic interest (including scheduled ancient monuments, listed buildings and conservation areas);
- groundwater and surface water impacts; and
- rights of way.

The principle of the development of the site as a new Bulk Aggregates Import Terminal

65. National planning policy for minerals is set out in Mineral Policy Statement (MPS)1. Paragraph 9 states that one of the Government's objectives is to promote the sustainable transport of minerals by rail, sea or inland waterways. Paragraph 10 states that in order to achieve this and other objectives, Mineral Planning Authorities (MPAs) should (amongst other things) carry out their development control functions in accordance with national minerals policies. In terms of the bulk transportation of minerals, paragraph 16 states that MPAs should seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation and promote facilities at ports and rail links that have good communications inland, so that bulk minerals can be landed by sea and distributed from ports, so far as is practicable, by rail or water.
66. The application site is not identified as one of the locations for a wharf or rail depot in Policy CA4 of the Kent Minerals Local Plan Construction Aggregates nor is it allocated for any other purpose in the Plan. The key Minerals Local Plan policies relating to aggregates wharves and depots are therefore Policies CA1, CA2C and CA3. Policy CA1 states that potential locations for aggregates wharves and depots should have no undue impact on road safety and congestion, avoid residential areas and (in the case of wharves) be capable of linking to the rail network. Policy CA2C states that wharves or depots to receive aggregates will not normally be permitted outside of existing port, industrial or railway operational areas and the locations areas identified in Policy CA4 unless special circumstances are demonstrated that justify such an exception. Policy CA3 states that proposals for aggregates wharves or depots should not adversely affect local features of identified importance or their setting and/or compromise specific protection areas identified in local plans, should be carried out consistent with the Plan's general policies and should not be unduly obtrusive in the landscape.
67. The application site is allocated as part of an existing industrial area in the adopted Gravesham Local Plan First Review (1994) where Policy E1 states that priority will be given to the need for employment and where employment development will normally be permitted. Active reclamation (of derelict sites) is also sought by Policy M1. Policy R1 states that there will be a preference for development in the commercial riverside adjacent to the river which requires a riverside location and makes use of the river as a means of transport and that any new buildings should be set back sufficiently from

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the water's edge to enable access to the river for wharfage purposes. Policy R2 states that applications for the expansion of port related traffic at existing wharves fronting the commercial riverside and the development of new wharves on sites fronting the commercial riverside will be supported in principle subject to the surrounding road system being adequate to deal with additional traffic. The site is part of the Northfleet Cement Works / Land East of Grove Road Major Development Site allocated in the Gravesham Local Plan Second Review Deposit Version (May 2000) where Policy MDS3 proposes mixed use development including port related and distribution employment uses. Policy E4 also encourages businesses able to benefit from rail and sea connections. The Gravesham Borough Council Local Development Framework Core Strategy and Development Management DPD, which will replace the Gravesham Local Plans, is expected to be adopted in August 2011. Consultations on Key Issues and Options and the Core Strategy and Development Management DPD took place in October 2007 and January / March 2010 respectively. These both envisage the redevelopment of Northfleet Works as a major regeneration opportunity (part of Northfleet Embankment West), emphasising the importance of wharf capacity and road and rail access to the river in the context of sustainable transport. Development of the Northfleet Works site for a range of residential and commercial uses whilst preserving valuable wharf facilities has also been envisaged for many years in the masterplan strategy for the area.

68. It is worth noting that 42 Wharf was identified as a "Mineral Resource Area" in the Kent Minerals Development Framework (MDF) Construction Aggregates (CA) Development Plan Document (DPD) (November 2006), on the basis of being a potential area for a new wharf and rail depot. However, this DPD was withdrawn along with two others (i.e. Core Minerals Strategy and Primary Mineral Development Control Policies) in 2008 prior to the commencement of the Examination in Public (EiP). Work on wharves and depots in Kent (and Medway) will be undertaken in preparing the Kent Minerals and Waste Development Framework (MWDF). The Kent Minerals and Waste Development Scheme (MWDS) 2010 estimates that the new MWDF Core Strategy (including development management policies) will be adopted in December 2012 and the Mineral Sites DPD in December 2013 (as opposed to November 2009 and November 2012 respectively in the adopted Kent MWDS 2nd Review: May 2009)
69. The proposed use of part of the former Northfleet Works site for a bulk aggregates import terminal can be viewed favourably against the national minerals and regional transport policies referred to above. It is also generally consistent with Policy CA2C, given the previous and current use of the application site and adjoining land, and on this basis it is not necessary for special circumstances to be demonstrated. Compliance with Policies CA1 and CA3 is addressed where appropriate elsewhere in this report. The proposal is also consistent with the above development plan policies that seek employment uses as part of the regeneration of the site and would accord with those policies that seek continued wharf capacity and road and rail access to the river in the context of sustainable transport. The proposed use of barges to re-export imported materials by river clearly also accords with these sustainable transport objectives. When viewed alongside the mixed use application, the proposals can also be viewed favourably in terms of the major regeneration opportunity sought by the masterplan strategy for the area and the emerging Gravesham LDF Core Strategy. It

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should also be noted that the Port of London Authority (PLA) has advised that the site is the only currently available location within the Thames Estuary where a multi-modal aggregates terminal of this scale could be developed.

The need or otherwise for new capacity for the importation of crushed rock and sea-dredged aggregates

70. Paragraph 61 of the Practice Guide to MPS1 acknowledges that there are significant regional imbalances in the occurrence of suitable natural aggregate resources (e.g. London and the South East, including major growth areas) and that these depend significantly on imported crushed rock aggregate. Paragraph 6.1 of MPS1 states that it is Government policy to encourage the supply of marine-dredged sand and gravel to the extent that environmentally acceptable sources can be identified and exploited, within the principles of sustainable development, and that it is assumed that marine dredging of sand and gravel is likely to continue to contribute to meeting part of the national and regional demand for aggregates at a proportion no lower than that of the recent past.
71. The National and Regional Guidelines for Aggregates Provision in England 2005 – 2020 set out information for Mineral Planning Authorities to take account of in preparing Local Development Frameworks (LDFs). The Guidelines indicate that 121 million tonnes (mt) of the South East region's requirements should come from marine-dredged sand and gravel and 31mt from net imports. Although these figures were reflected in the Proposed Changes to South East Plan Policy M3 (19 March 2010), none of the policies in the Plan included any specific figures for marine-dredged sand and gravel or imported aggregates (e.g. crushed rock). On this basis, CLG's advice relating to the apportionment set out in Policy M3 is of limited relevance to the application. Indeed, the only references to wharves and depots for imports in the South East Plan were paragraph 10.89 (which stated that MDDs should set criteria against which planning applications for wharves and depots for imports can be assessed and ensure that adequate facilities are available to meet future demand), Policy M5 (which stated that MPAs should assess the need for wharf and rail facilities for the handling and distribution of imported minerals and processed materials and identify strategic sites for safeguarding in their MDFs and that these strategic facilities should be safeguarded from other inappropriate development in LDDs) and paragraph 10.99 (which stated that the strategic criteria used to identify such sites should include their capacity to supply imported material to the region, proximity to markets, value of the specialist infrastructure and adequacy of existing or potential environmental safeguards).
72. A report by MDS Transmodal Ltd for SEERA titled "Aggregate Wharves and Rail Depots in South East England" dated February 2009 designed to establish existing and potential capacity of active and inactive wharves and rail terminals in the South East Region and identify any significant constraints on that capacity, identify current and proposed wharves and terminals that are safeguarded in Mineral/Local Development Documents and recommend strategic sites that warrant safeguarding concluded that "*The existing wharf and rail depot capacity in the South East Region is sufficient to handle the forecast growth in aggregates demand. However, Regional*

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and sub-regional policy should adopt suitable measures which will permit the development of new wharves or rail served depots at suitable locations when proposals are brought forward by operators. This will ensure and enhance the geographical choice across the South East Region". This report included the Kent Aggregates Import Study report undertaken by Land & Mineral Management Ltd for Kent County Council in February 2006 as an appendix. This concluded that (amongst other things): there had been no overall loss in the number of aggregate import facilities and consequently no reduction in capacity in Kent and Medway since 1990 (albeit that six wharves have been "lost" and six "gained" during this period, demonstrating the pressure from alternative development); there was a good geographical spread of facilities to meet most of the main market areas they are intended to serve; many existing facilities had benefitted from some improvements in terms of accessibility; existing facilities were operating well below their previous best years throughputs; and existing facilities had reasonably good expansion potential (particularly where improved transshipment facilities are possible). Notwithstanding this, the report also recommended that consideration be given to the possibility of new sites to serve the growing needs in London and the rest of the South East for imported aggregates and to the safeguarding of existing and potential sites (given the possibility of sites or land being lost to other forms of development). It is also worth noting that despite concerns expressed by Associated British Ports at the EIP for the Partial Review of the Regional Spatial Strategy for the South East in October 2009 that the Port of Southampton was no longer available for the importation of aggregates, the Inspector's report (dated 27 November 2009) accepted that there was ample current wharf capacity in the South East Region to accommodate the landings assumed in the guidelines.

73. The applicant raises concerns about a potential shortfall in land won aggregates in Kent during the next minerals plan period due to both the quality of ragstone deposits and the speculative nature of any potential limestone mine in East Kent and suggests that the proposed development would serve to make up any shortfall that may arise. Its case is that these issues could lead to a 1.5mtpa shortfall from the limestone mine and a 1.2mtpa shortfall from ragstone (i.e. a total shortfall of 2.7mtpa). It further suggests that it would be difficult for this shortfall to be met by existing wharves in Kent and Medway due to their size and/or lack of rail links (there are only two wharves with rail links - Cliff and Grain).
74. I reject the applicant's argument in terms of the suggested shortfall in land won aggregates on the basis that ragstone is being satisfactorily used for producing crushed rock supplies and as the MDF need not place any reliance on a limestone mine for meeting Kent's apportionment during the plan period (subject to other resources being identified). Indeed, the now withdrawn MDF Construction Aggregates DPD did not propose this and draft Policy CA5 had specifically stated that "When assessing the landbank for Kent's land won construction aggregate requirements, no account will be taken of this (*limestone mining*) resource until planning permission has been granted." Whilst I accept some existing wharf facilities may have difficulty in significantly increasing their output, particularly in the absence of rail links, I also prefer to place reliance on the conclusions of the recent reports in terms of import capacity. Although further work on the suitability of different minerals for different

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uses and aggregate import facilities will be undertaken as part of the evidence base for the Kent MWDF which could lead to different conclusions being reached on these matters, I see no reason to come to a different view at this time.

75. Notwithstanding the above, it is important to note that it is not necessary for a specific need for the facility to be demonstrated provided other planning policies are satisfied. The need or otherwise for the facility could be a material planning consideration if the proposed development were to give rise to demonstrable harm. Whilst there may be no specific need for new import capacity at this time, there is strong policy support for the development of facilities capable of being served by sustainable transport links. This issue is explored further below.

Transportation issues (e.g. junction and road capacity, Fastrack and the sustainability of the proposals in terms of water, rail and road use)

76. The main national transportation planning policies of relevance to the proposals are set out in PPS1, PPG13 and MPS1. One of the national objectives for minerals planning in paragraph 9 of MPS1 is to promote the sustainable transport of minerals by rail, sea or inland waterways. Paragraph 16 seeks to promote and enable the bulk movement of minerals using these modes to reduce their environmental impact and promote facilities at ports and rail links that have good communication inland so that bulk minerals can be landed by sea and distributed from ports as far as practicable by rail or water. Paragraph 17 encourages the establishment of mineral site transport plans dealing with matters such as routing. The use of sustainable transport is also advocated in PPS1 (including the climate change supplement) and PPG13. Policy CA1 of the Kent Minerals Local Plan Construction Aggregates requires that proposals for aggregates wharves have no undue impact on road safety and road congestion and are capable of linking to the rail network. Policy CA16 states that planning permission for the supply of construction aggregates will be refused if the proposed access or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network. It also states that any highway improvements necessary to secure acceptable access should be completed before such supply commences. Policies T0, T1 and T3 of the adopted Gravesham Local Plan First Review (1994) seek to achieve the most effective use of the existing highway network, highway safety and improvement measures and ensure that new development is only permitted where it would be adequately served by the highway network and is well related to the primary and secondary distributor network. These requirements are also reflected in Policies T1 and T12 of the Gravesham Local Plan Second Review Deposit Version (May 2000), where Policy T1 additionally requires contributions towards the improvement of highways and green travel plans. Policy MDS3 proposes that any development at Northfleet Cement Works be accompanied by a Master Plan that addresses (amongst other things) possible rail connection to the North Kent Line via Church Path Pit / St Botolph's Pit and Policy T14 encourages transportation by rail and water.
77. The Transport and Development Manager – Kent Thameside is satisfied that the proposed development is acceptable in terms of highway safety and capacity subject to a range of detailed conditions and planning obligations (paragraph 42 above). The

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key highway requirements are: a limit on the amount of material transported by road to 1.2mtpa (i.e. 40% of the proposed total capacity of the facility); a limit of 13,500 HGV movements in any one calendar month (i.e. 10% of estimated annual HGV movements); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours each day; HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible; HGVs not using Grove Road and only using The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined)²; a contribution of £245,000 towards the Strategic Transport Infrastructure Programme (STIP's) (with phased payments based on the amount of materials exported by road to be used for specific schemes); compliance with an agreed Travel Plan; the provision (reservation and making freely available) of the Fastrack corridor across the site; ensuring that the tunnels used to access the site are and remain in a satisfactory condition; and contributions towards the Highway Authority's costs in monitoring HGV movements during peak periods and for routing (up to £1,000 a year for 10-years). The Highways Agency has no objection to the proposals.

78. Dartford Borough Council is concerned about the potential impact of HGV movements on residential amenity (e.g. noise, vibration and air quality impacts), particularly along the A226, and has requested that some control over HGV movements be secured. It has also recommended that HGV movements be restricted to no more than 404 per day (i.e. the estimated daily average based on 40% of the 3mt maximum annual throughput).
79. Gravesham Borough Council supports the concerns expressed by Dartford Borough Council and Kent Highway Services in seeking to limit the amount of material transported by road including a limitation on the number of HGV movements and to ensure that rail and water transport are available upon operation of the bulk aggregate import terminal.
80. There is clear planning policy support at both the national and local level for the provision of facilities that lead to the transfer of freight from road to rail and by water. However, although the application is predicated on the basis of a modal split of 40% road, 40% rail and 20% barge / water, there would be nothing to prevent some alternative split unless some form of control were to be imposed to prevent this occurring. This could conceivably be addressed by the imposition of conditions restricting road use in some way and / or a requirement for the proposed rail sidings to be available for use prior to aggregates being imported. Given the costs associated with implementing the proposed rail link and as a more limited operation could satisfactorily take place without it being in place, I consider that making its implementation a pre-condition of the use commencing is unreasonable. I also consider that imposing a daily maximum figure would be unnecessary as the transport assessment has demonstrated that a worst case scenario (i.e. with 100% of materials being exported by road) would not lead to undue impact in terms of highway and

² Possibly the area to the east of the bulk aggregates import terminal on land to the north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226) in Gravesend.

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junction capacity and safety. I also consider that such a daily limit would be unreasonable as none of the other development in the area (e.g. Bulk Powders Terminal) has any specific restrictions on vehicle movements and it is unlikely that similar restrictions would be imposed on other new employment uses. However, I do think that limiting the amount of materials exported by road to no more than 1.2mtpa (i.e. 40% of the proposed maximum throughput of the facility) would ensure that the proposed development meets the sustainable transport objectives set out in the above policies whilst still providing a reasonable degree of control over traffic movements. It would also accord with the views expressed by SEEDA, SEEPB and the Port of London Authority.

81. Notwithstanding the above, I consider that it would be desirable to impose limits on the number of HGVs using the site during the peak periods of the day and the total number of HGVs using the site each month. The Divisional Transportation Manager has recommended that up to 200 HGV movements (where one movement represents a vehicle either entering or leaving the site) be permitted during the hours stated above and a monthly restriction be based on 10% of estimated annual HGV movements and I see no reason to depart from his advice on this occasion. If such limits were imposed, mechanisms to assist in monitoring these would also be necessary. Although the implementation of a travel plan would be of limited use for the bulk aggregates import terminal, given that most of the employees would not travel during peak periods and many would arrive at the site and leave at the end of their working days in HGVs, it would assist in seeking sustainable transport objectives. A travel plan could be secured by condition.
82. Obtaining developer contributions towards necessary improvements to transport infrastructure as part of the major redevelopment of the Thames Gateway area is a longstanding objective of the County Council and its Borough Council partners and is supported by the Highways Agency. The Divisional Transportation Manager has proposed that a contribution of £245,000 would be appropriate in this instance. He proposes that this be phased and linked to the amount of materials exported from the facility by road. The applicant has agreed to this sum and the associated phasing arrangements. The proposed arrangements are also supported by KCC's Head of Urban Regeneration. The details of these payments are set out in the Heads of Terms at [Appendix 3](#). It should be noted that significant additional payments will be required as part of the mixed use development proposals and that this will be a matter for Gravesham Borough Council in consultation with the Highway Authority.
83. I also consider that some control on HGV routing would be desirable. This would go some way to securing the objectives of Dartford and Gravesham Borough Councils in wanting to limit HGV impacts on local residents on potential access routes whilst acknowledging that many of these are part of the main road network. Any routing strategy should provide for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible. It should also preclude the use of Grove Road and only allow for the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (which would need to be defined). Although the

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exact detail of this routing strategy has yet to be agreed, it is envisaged that it would include some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives and a means of monitoring and controlling HGVs. It would also need to include details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels. I am satisfied that the implementation of a routing strategy and the contributions sought by the Divisional Transportation Manager can best be secured by legal agreement (Section 106 Agreement). The proposed restrictions on the use of Grove Road, The Shore, Granby Road and Crete Hall Road could also be reinforced by planning conditions.

84. With one exception, the Divisional Transportation Manager's recommendations are all capable of being addressed by planning conditions or in a legal agreement as part of this application. The one exception is that whilst it is appropriate to safeguard the Fastrack corridor as part of this application (by condition), it will be necessary for those matters relating to its provision to be addressed as part of the mixed use development by Gravesham Borough Council. This approach has been accepted by all parties.
85. One of the representations has suggested that road access should not be allowed through Granby Road. In so far as this relates to the short length of Granby Road between The Shore and Crete Hall Road, this issue would be addressed as described above. Access through Granby Road onto Northfleet High Street by HGVs, cars and similar vehicles is no longer permitted.
86. Subject to the above matters being secured by conditions and Section 106 Agreement, I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Noise, dust, vibration and air quality impacts (from the development on site and associated transportation)

87. The main national planning policies relating to noise, dust, vibration and air quality of relevance to the proposals are set out in PPS23, PPG24, MPS1 and MPS2. One of the national objectives for minerals planning in paragraph 9 of MPS1 is to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the processing, management and transportation of minerals. Paragraph 17 sets out a range of policies designed to ensure that mineral operations minimise potential adverse environmental impacts (including ensuring that any unavoidable noise, dust and particle emissions are in conformity with national guidance and are controlled, mitigated or removed at source so as to reduce to an acceptable level any potential adverse impacts on neighbouring land and property). Although relating to the control and mitigation of environmental effects (such as noise and dust) at mineral extraction sites, MPS2 offers useful advice that can be applied to operations at aggregate wharves. PPS23 and PPG24 respectively set out policies on pollution control (e.g. air quality, including AQMAs) and noise that should be considered when determining planning applications.
88. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that

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operations at proposed wharves can be carried out consistent with the requirements of Policies CA16 to CA23. These include Policy CA18 (which specifically states that the County Council must be satisfied before granting planning permission that noise, vibration and dust from both the site and road haulage vehicles can be satisfactorily controlled) and Policy CA19 (which states that the siting and design of fixed plant and buildings should minimise noise intrusion). Policy NE16 of the Gravesham Local Plan Second Review Deposit Version (May 2000) states that development likely to result in emissions to the air (by reason of operational characteristics or traffic generation) will only be allowed if it does not have an unacceptable effect on health, amenity or the natural environment, taking into account the cumulative effects of other existing and proposed sources of air pollution in the vicinity and that consideration will also be given to whether or not the proposed development would cause current national air quality standards to be exceeded. Policy NE19 states that noise generating development will only be allowed if it does not have a significant adverse noise impact on noise-sensitive uses or if it is not located in an area with low background noise levels which is important for its quiet recreational, amenity or wildlife value.

89. Gravesham Borough Council has requested that conditions be imposed to secure various matters relating to noise, dust, vibration and air quality if planning permission is granted (paragraph 37 above and Appendix 2). These include: a restriction on hours of use that only allows ship, barge and rail loading, unloading and shipment outside normal working hours; the applicant demonstrating that the background noise level would not be increased by more than 3dB; measures to minimise noise impacts of plant, machinery and other equipment; no more than 4 ship / barge deliveries a week, a limit on barge exports and no more than 4 train movements a day unless agreed; details of means of enclosure for conveyors and stockpiles; dust control measures and scheme; no storage of crushed rock outside the aggregate storage building unless agreed; and cladding / enclosure of the screening and storage buildings and washing plant. Dartford Borough Council's concerns about noise, vibration and air quality impacts associated with HGV movements have been addressed in the above section.
90. KCC's Noise, Vibration, Dust and Air Quality Consultant is satisfied that the proposed development is acceptable if the various mitigation proposed in the environmental statement is secured and conditions are imposed to restrict activities on site to those demonstrated to be acceptable.
91. The issues raised in the representations that have been received primarily relate to the potential noise, dust, vibration and air quality impacts of the proposed development. The main concerns relate to noise and vibration associated with the re-opening of a rail link through Church Path Pit (including the use of the rail link at night, weekends and public holidays), the impacts of construction and demolition traffic and dust nuisance associated with loading and discharging. These concerns appear to be primarily based on past experiences when the former cement works was operational and during implementation of the CTRL sidings. There is no dispute that the former use of the site as a cement works gave rise to significant adverse impacts on the local area and community, as is evidenced by the designation of the area around the site as an air quality management area (AQMA). Similarly, as it has been some time since

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trains accessed the site via Church Path Pit, any potential impacts associated with their reintroduction are unlikely to be popular. Whilst such concerns are understandable, the proposals must be judged on their merits.

92. As planning permission already exists for rail access to the site, there is technically nothing to prevent its reinstatement and use on the same alignment. However, as noted in paragraph 18 above the proposed alignment is slightly different. This amendment is intended to maximise the radius of the horizontal track curvature in Church Path Pit as far as possible and thereby reduce noise (e.g. wheel squeal) associated with trains entering and leaving the site. The applicant also proposes a number of other measures designed to minimise noise and vibration associated with the rail link. These include using modern track and components, resilient pads, stiffer rail sections, new ballast, a reduction in joints (welding where possible), improved alignment at any joints, a new automatic water sprinkler system to lubricate the rails, a regular maintenance and replacement system, speed limits, modern rolling stock (bogied as opposed to fixed wheels) and new diesel locomotives. The applicant also proposes that trains will not stop in Church Path Pit. It should be noted that the rail link has now been reinstated in Church Path Pit as far as the tunnel entrance (including that segment on the proposed new alignment) and that the proposed rail tunnel itself has been re-opened and is currently gated. Existing track within the tunnel would need to be removed and replaced. Gravesham Borough Council supports the proposed measures and want these secured as part of any planning permission. I am satisfied that these measures can be secured by condition.
93. The majority of demolition work has already been completed and has been undertaken in accordance with the requirements of Gravesham Borough Council's Environmental Health Officers and the mitigation proposed in the environmental statement. Notwithstanding this, it would still be necessary to ensure that future development works take place in a satisfactory manner. This could be secured by a condition requiring a comprehensive Code of Construction Practice as proposed by the applicant and Gravesham Borough Council.
94. Based on his assessment of the information submitted in support of the application, KCC's Noise Consultant is satisfied that all activities associated with the bulk aggregates import terminal could take place during the day and meet the +3dB noise limit proposed by Gravesham Borough Council. On this basis, and as Gravesham Borough Council has not sought to distinguish between different days of the week, it could be argued that there is little reason further restrict activities during the daytime (i.e. between 0700 and 1800 hours) on any day. However, the majority of planning permissions for aggregate facilities on wharves in the area include restrictions such that many operations are not normally permitted to take place on Saturday afternoons,³ Sundays, Bank and Public Holidays in order to minimise impacts on local amenity.³ Exceptions to this are some older permissions and the Bulk Powders Terminal (which does not involve aggregates). KCC's Noise Consultant has recommended that similar restrictions should be applied in this case such that only the activities referred to in paragraph 95 below should be permitted outside the hours of 0700 and 1800 hours

³ These are normally regarded as "normal working hours" for the purposes of mineral working.

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Monday to Friday, 0700 and 1300 hours on Saturdays, with no working on Sundays, Bank and Public Holidays unless agreed beforehand in writing by the Mineral Planning Authority.

95. KCC's Noise Consultant has also advised that the only activities that have been demonstrated to meet the proposed noise limit of +3dB at night (including the evening and early morning periods) are ship, barge and rail loading, unloading and shipment (i.e. those proposed to be allowed at any time by Gravesham Borough Council) and HGV movements (which Gravesham Borough Council proposes be excluded from the requirement for meeting the +3dB noise limit). The applicant considers it essential that these activities be allowed to take place on a 24 hour basis due to specific constraints (i.e. ship, barge and rail arrival, departure, loading and unloading that are dependent to some degree on tides, weather, turn-around times or the availability of train paths) and that either need to take place prior to 0700 or after 1800 hours to minimise impact on the highway during peak periods⁴ or to serve contracts requiring "out of hours" deliveries to take place. The applicant also points out that HGVs have previously entered and left the site 24 hours a day to serve the former cement works and that they continue to do so to serve the Bulk Powders Terminal and that additional HGV movements would be indistinguishable from these.
96. Noise modelling work undertaken by the applicant has, so far, been inconclusive in demonstrating the acceptability or otherwise of other activities during the night. As the noise modelling work has been based on worst case scenarios (e.g. assumed direct line of sight between noise sources and sensitive receptors) and excluded any noise mitigation that could be readily employed (e.g. acoustic cladding or noise barriers), the applicant is confident that other activities could reasonably take place during the night, still meet the proposed noise limit and not give rise to noise nuisance even when considered cumulatively. However, KCC's Noise consultant does not consider that it would be appropriate to allow these other activities until it has been demonstrated that they could take place satisfactorily. A suitably worded condition could set out those activities permitted to take place at night (as referred to in paragraph 95 above) but provide scope for other activities to take place if and when the applicant has demonstrated their acceptability (i.e. with the prior written agreement of the County Council). This would require further detailed noise assessments and, potentially, additional noise mitigation measures to be submitted pursuant to a condition(s). Subject to KCC's Noise Consultant and Gravesham Borough Council's Environmental Health Officers being satisfied with any additional noise assessment(s), the range of activities could be potentially be extended.
97. The proposed approach would currently not allow the crusher and washing / screening plant associated with crushed rock, the washing plant associated with the sea dredged sand and gravel, loading shovels for moving materials, the ready mixed concrete plant and the loading of any HGVs at night. It would also be likely to preclude or significantly reduce the number of HGVs delivering ready mixed concrete due to the time constraints associated with transporting that product. Whilst this would reduce

⁴ The applicant's highway assessment assumes that HGVs will enter and leave the site between 0500 and 0700 hours to minimise impact between 0700 and 1000 hours.

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the range of activities that could be undertaken until such a time as additional ones are shown to be acceptable, it would enable those activities considered to be essential to take place.

98. In view of the potential disturbance from vehicle and plant reversing warning devices (particularly at night), it would also be appropriate to impose a condition requiring that no such devices should be used that are audible at noise sensitive properties. This would require quiet modern warning devices to be used as is the case at many other wharves located close to housing or other sensitive uses.
99. I do not consider it either reasonable or necessary to impose limits on the number of ships, barges or trains permitted to use the site as has been suggested by the Borough Council. Such restrictions could adversely affect the sustainability of the facility and are not justified on the results of the potential noise impacts. It should also be noted that no such restrictions have been imposed on the Bulk Powders Terminal. The number of ships, barges and trains able to use the site would, in any event, be self-limiting to a significant degree because of the physical capacity of the site to handle imported materials, the fact that only one ship or barge could offload at any one time and the availability of train paths on the rail network.
100. KCC's Dust and Air Quality Consultant supports the various measures proposed by the applicant and / or Gravesham Borough Council designed to minimise dust and air quality impacts during demolition, construction and operation. These include the requirement for a Code of Construction Practice, a dust management plan, the use of covered conveyors, only storing crushed rock outside the aggregate storage building exceptionally (such as in the event of plant or equipment failure or as may otherwise be agreed) and appropriate cladding / enclosure of plant. These can all be secured by condition. The Borough Council is content that any concerns about air quality associated with HGV movements can be satisfactorily addressed by appropriate routing arrangements. This can be secured by the proposed routing strategy referred to in paragraph 83 above and in the Heads of Terms at [Appendix 3](#).
101. Subject to the above matters being secured by conditions and Section 106 Agreement, I am satisfied that the proposed development would be acceptable in terms of noise, vibration, dust and air quality issues and would accord with the above policies.

Biodiversity impacts

102. The main national planning policies relating to ecology are set out in PPS9. Paragraph 1 states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests and that where granting planning permission would result in significant harm to these interests, local planning authorities should be satisfied that the development cannot reasonably be located on any other sites that would result in less or no harm. In the absence of such alternatives, adequate mitigation measures should be put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated

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against or compensated for then planning permission should be refused. MPS1 also includes policies designed to protect and enhance biodiversity interests. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves do not adversely affect local features of identified importance. Policies C7 and C8 of the adopted Gravesham Local Plan First Review (1994) respectively seek to protect Sites of Special Scientific Interest and Nature Reserves and habitats or features of importance for nature conservation. Policies NE9, NE10, NE11 and NE12 of the Gravesham Local Plan Second Review Deposit Version (May 2000) seek to protect international, national and locally important nature conservation interests, wildlife habitats and protected species.

103. The application site is all previously developed and the majority comprises hardstanding associated with the remains of the cement works (now largely demolished apart from the main multi-storey office building). Other areas include the operational wharf, the road access and a small section of rail link within Church Path Pit. It would not be possible for the bulk aggregates import terminal to deliver much habitat compensation or enhancement since it lies in the centre of existing and proposed employment uses and immediately adjacent to the River Thames. However, one of the proposed buildings could support a “brown roof”.⁵ Habitat compensation and enhancement is primarily proposed as part of the mixed use development proposals where this can more realistically be secured.
104. No objections have been raised by Natural England, Kent Wildlife Trust or KCC’s Biodiversity Projects Officer subject to various conditions to secure appropriate mitigation and compensation, including that set out in the environmental statement (see paragraphs 48, 49 and 50 above). Kent Wildlife Trust has stated that there is a need to deliver the mitigation for both this application and the mixed use application in a holistic fashion and has suggested the establishment of a steering group of relevant organisations during the construction period to ensure the satisfactory delivery of any habitat management strategy.
105. As most of the former cement works has already been demolished, it is no longer possible for all of the proposed mitigation during the demolition phase to be secured as part of any planning permission. However, it is understood that the mitigation proposed in the environmental statement was implemented during this phase. Whilst appropriate mitigation can be secured by a condition(s) requiring the submission, approval and implementation of an Ecological Management Plan (to address the various issues set out in the environmental statement), I do not believe that it is necessary for a formal steering group to be established to ensure the delivery of a habitat management strategy specifically for the bulk aggregates import terminal. The majority of the biodiversity mitigation and enhancement associated with the redevelopment of Northfleet Works relates to the area covered by the mixed-use development proposals where the nature and extent of that development more obviously lends itself to securing the stated wider biodiversity aims and objectives. Establishing a formal steering group for the bulk aggregates import terminal could also lead to unnecessary delays in implementing the proposals. In any event, all relevant

⁵ i.e. one designed to encourage biodiversity by providing a suitable growing medium.

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organisations would be consulted on any detailed proposals that would need to be approved pursuant to a condition(s) and the applicant could be encouraged (by an informative) to discuss its detailed proposals with relevant organisations prior to submitting these for approval. This would also enable appropriate discussions between the parties on securing a holistic approach to be achieved. It may be appropriate for Gravesham Borough Council to secure a steering group to address biodiversity issues for the rest of the site and in considering any detailed proposals this could still have appropriate regard to any mitigation and enhancement associated with the bulk aggregates import terminal.

106. As noted at paragraph 45 above, the Environment Agency has requested that a condition be imposed to require the implementation of a method statement to ensure that Japanese Knotweed present on the site is prevented from spreading and eradicated. The Phase 1 Habitat Survey only recorded the presence of Japanese Knotweed in two small areas within the mixed use development site (one in the south east corner of Church Path Pit and the other near the centre of the Lawn Road chalk spine). Given this and as the proposed bulk aggregates import terminal site has largely been cleared of vegetation and soils I see no reason to impose such a condition. It will be for Gravesham Borough Council to decide whether such controls are necessary in the affected areas.
107. I am satisfied that the proposed development is acceptable in terms of its biodiversity impacts and would meet the requirements of the above policies subject to the imposition of a condition to secure an Ecological Management Plan (which would also address bat and mitigation strategies as necessary).

Landscape and visual impact

108. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in PPS1 and MPS1. PPS1 promotes sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. MPS1 seeks (amongst other things) to protect and enhance the character of urban areas by careful planning and design of minerals development. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves are not unduly obtrusive in the landscape. Policies CA19 and CA20 seek to ensure that the siting and design of fixed plant and buildings at mineral sites is carefully controlled to minimise scale and impact and assist integration into the local landscape. Policy TC1 of the adopted Gravesham Local Plan First Review (1994) states that the design and massing of buildings should normally be in keeping with their surroundings. Policy TC10 states that details of landscaping proposals will normally be required for new developments. Policies MDS3, NE6 and BE1 of the Gravesham Local Plan Second Review Deposit Version (May 2000) are also relevant. Policy MDS3 states that proposals for the redevelopment Northfleet Cement Works should include open space and landscaping. Policy NE6 states that development on sites containing or directly adjacent to trees or hedgerows of amenity, wildlife or landscape value will only be allowed if these landscape features are protected and retained in the long term and all proposals for new development must incorporate new landscaping as an integral part of the

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scheme. Policy BE1 states that priority will be given to conserving and enhancing the built environment in urban areas and particular importance will be attached to the design of new development and environmental improvement schemes.

109. In considering the landscape and visual impact of the proposed development, regard must be had to the former use of the site as a cement works as well as existing, permitted and proposed development in the area (including the proposed mixed use development on the rest of the Northfleet Works site). The former cement works comprised very large older industrial and office buildings and built structures which were located at a lower level than much of the surrounding land. The proposed bulk aggregates terminal would comprise smaller buildings and structures of a similar nature on only part of the site and would have less landscape impact than the cement works. It would be bounded to the east by the bulk powders facility, to the south and west by new employment development and the north by the River Thames. The proposed enclosed aggregate storage building would be similar in scale and design to the existing bulk powders building (which has yet to be fully implemented). The applicant has suggested that various detailed design issues (e.g. the gatehouse / security lodge, fencing / other means of enclosure, parking areas, materials and colours) be reserved for future consideration.
110. No landscape or visual impact objections have been raised to the proposed development. KCC's Landscape Consultant has advised that the proposed development would provide some visual benefits compared to the previous use but has suggested that it would be beneficial if additional landscape planting could be incorporated into the design (possibly adjacent to the proposed Fastrack corridor). He has also advised that as the mixed-use development would provide much of the landscape setting for the proposal, the application needs to be considered in that context. Gravesham Borough Council's EHOs have requested that a detailed lighting scheme should be required prior to any lighting being used at the site.
111. I am satisfied that sufficient information has been submitted to enable an assessment of the landscape implications of the proposals to be made, that it would be appropriate to allow the various design details referred to above to be submitted at a later date and that this can be secured by condition. With the exception of a limited amount of hard and / or soft landscaping that could be accommodated within the bulk aggregates import terminal given the size and layout of the site, the nature of the proposed development and its relationship with existing and proposed employment uses (the details of which could be secured by condition) I am satisfied that no significant landscaping works are necessary in this case. The "Illustrative Master Plan" included on page C1.5 indicates that landscaping will be provided as part of the mixed-use development and I consider this to be the appropriate mechanism to secure landscaping in the area. I agree that detailed lighting proposals should be submitted for consideration and am also satisfied that this can be secured by condition. In addition to the landscape benefits, this would also serve to ensure that due consideration is given to potential visual amenity issues and that the interests of those living near the site are appropriately protected from potential light pollution.
112. Subject to the imposition of the above conditions (and further consideration of details

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submitted pursuant thereto) and the need or otherwise for additional landscaping being considered by Gravesham Borough Council as part of the mixed-use application (which I understand to be the case), I am satisfied that the proposed development would be consistent with the above policies.

Impacts on archaeology and buildings and other features of historic interest (including scheduled ancient monuments, listed buildings and conservation areas)

113. The main national planning policies relating to the historic environment (including archaeology, scheduled ancient monuments, listed buildings and conservation areas) are set out in PPS5. This contains a number of development management policies (HE6 to HE12) that set out the information required from applicants to enable an assessment of proposals, the principles for determining applications relating to all heritage assets or their settings (designated or otherwise) and the role of recording information relating to such assets. MPS1 also makes clear the need to adopt a presumption in favour of the preservation of listed buildings, nationally important archaeological remains (including scheduled ancient monuments) in situ, and their settings, if mineral proposals would cause damage or have a significant impact on them, unless there are overriding reasons of national importance for the development to proceed. Policy CA3 of the Kent Minerals Local Plan Construction Aggregates requires that proposed wharves do not adversely affect areas of conservation significance. Policies TC0, TC1, TC2, TC3, TC5, TC6 and TC7 of the adopted Gravesham Local Plan First Review (1994) are all relevant. These (*variously*) seek to conserve and enhance the built environment, protect listed buildings, conservation areas and scheduled ancient monuments and their settings and promote the identification, recording, protection and enhancement of archaeological sites, ancient monuments and historic landscape features and their educational, recreational and tourist potential through management and interpretation. Policies BE1, BE2, BE4, BE7, BE9 and BE10 of the Gravesham Local Plan Second Review Deposit Version (May 2000) are also relevant. These effectively cover the same issues as the adopted Plan.
114. No objections have been received from English Heritage subject to the protection of the two listed buildings (i.e. the lighthouse and war memorial) during demolition and redevelopment and the repositioning of the war memorial being secured via a listed building application (being dealt with by Gravesham Borough Council). It has also welcomed the proposed full record of structures on site and suggested that salvageable structures relating to the industrial heritage of the site should be re-used within the redevelopment of the area or housed within a local museum or archive. Gravesham Borough Council has recommended that a condition be imposed (see condition 18 in Appendix 2) requiring the recording / preservation of any remaining artefacts / materials within the application site associated with the former cement use.
115. No objections have been received from KCC Archaeology and Conservation subject to conditions to secure the recording of any archaeological interest revealed during the removal of that part of the Lawn Road chalk spine within the application site that would need to be removed to accommodate the rail sidings (as this includes some of the original / unexcavated landform), the protection and long term conservation of the

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listed lighthouse, the protection of the war memorial and its re-siting being guided by the need for public access and the need to retain the connection with the people who worked at the cement works during the wars and the recording of the heritage interest associated with the former cement works and the integration of this with the record and interpretation proposed for the mixed use development proposals on the grounds that although the mixed-use development proposals lend themselves better to providing for heritage interpretation as part of a long term vision for the site, something should also be done as part of the bulk aggregates import terminal. It also requested that the applicant discuss heritage issues with local groups in order to obtain useful information and for consideration be given, so far as possible, to the preservation of visible historic industrial features (e.g. railway lines) within the application site.

116. It is important that the listed lighthouse and war memorial be protected and I am satisfied that this can be secured by condition. Relocation of the war memorial will only be possible when listed building consent has been granted by Gravesham Borough Council. Whilst it is for the Borough Council to determine the degree of public access that should be afforded to the relocated war memorial, the location illustrated on the most recent masterplan is consistent with that proposed in the listed building application and appears capable of providing the accessibility sought by KCC Archaeology and Conservation. As there is the potential for that part of the Lawn Road chalk spine within the application site to contain archaeological interest, it would be appropriate for any such interest to be recorded as works progress. This can also be secured by condition. The applicant has already undertaken recording of heritage interest within the bulk aggregates import terminal site and proposes that this be combined with that for the mixed use development site and appropriate interpretation provided as part of the mixed use development proposals. I am satisfied that this is the appropriate means for dealing with the heritage interest in this case and am content to leave the detailed mechanisms for this to the Borough Council when it determines the mixed use development application. However, it would be appropriate to include in informative on any permission for the bulk aggregates import terminal reminding the applicant of these obligations. The applicant has discussed its proposals with local heritage groups to ensure that relevant information is captured and considered. However, it would not be practicable to preserve visible historic industrial features such as old railway lines within the application site as this would interfere with the proposed operations. Where possible, some features may be relocated for interpretative use elsewhere.
117. Subject to the above matters being secured by condition and the imposition of an informative reminding the applicant of its obligations relating to interpretation, I am satisfied that the proposed development would be acceptable in terms of archaeology and heritage issues and would accord with the above policies.

Groundwater and surface water impacts

118. The main national planning policies relating to groundwater and surface water interests (including flooding) of relevance to the proposals are set out in PPS23, PPS25 and MPS1. PPS23 sets out policies on pollution control (including those relating to water resource interests) that should be considered when determining

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planning applications and emphasises the need for close working between the planning and pollution control authorities. PPS25 sets out policies on appraising, managing and reducing the risk of flooding (tidal, fluvial or other) and emphasises the need to consult the Environment Agency on applications in order to avoid inappropriate development in areas at risk from flooding. Paragraph 17 of MPS1 states that consideration should be given (in association with the Environment Agency) to a range of issues relating to groundwater, surface water and flooding and ensure that any impacts of development relating to these are acceptable. Policies NE21 and NE23 of the Gravesham Local Plan Second Review Deposit Version (May 2000) respectively state that development will only be allowed if it does not result in a deterioration of quality of groundwater or surface water and that development within the tidal flood risk area will only be allowed if it can be demonstrated that it does not harm the integrity of any flood defence structure or the ability to carry out any flood control or maintenance work and provides a means of escape for non-residential uses in the event of a flood. Policy TR4 also specifically states that development that would affect the integrity of, or impinge on access to, the Thames tidal defences will not be permitted and that all works affecting these defences should be appropriately managed, designed and implemented.

119. The Environment Agency has no objection to the proposals in so far as they relate to groundwater and surface water issues (including potential flooding) subject to various conditions designed to ensure that these interests are protected (see paragraph 45 above). These include compliance with the submitted Flood Risk Assessment (FRA), a suitable surface water drainage system being installed and the temporary removal of any structures within 15m of the flood defence wall should this prove necessary to provide access for maintenance. Southern Water has no objection subject to the prior approval of details of surface water disposal and measures to divert and protect existing sewers and water mains on the site. All these issues are capable of being addressed by conditions.
120. The implications of the potential need for structures (e.g. fences and street furniture) to be temporarily removed in that part of the proposed Fastrack corridor within 15m of the flood defence wall has been discussed with the Divisional Transportation Engineer and the Fastrack Project Manager. It is understood that they are satisfied that access to the flood defence wall should be possible without needing to move street furniture but that any associated fences should remain in private ownership to avoid the possibility of the Highway Authority being liable for the costs of moving these. The details of the Fastrack route will be for Gravesham Borough Council to consider as part of the mixed use development proposals and I am satisfied that the County Council's interests can be satisfactorily secured by the Highway Authority as part of that process.
121. Subject to the imposition of the conditions to address those matters raised by the Environment Agency and Southern Water, I am satisfied that the proposed development would be consistent with the above policies.

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Rights of way

122. The main national planning policies relating to rights of way of relevance to the proposals are set out in PPS1, PPG13 and PPG17. PPS1 seeks to promote sustainable development by various means, including through the provision of access that avoids the need for vehicular transport. PPG13 promotes walking and cycling together with other measures designed to increase accessibility and reduce reliance on cars. Paragraph 32 of PPG17 states that rights of way are an important recreational facility which local authorities should protect and enhance and that opportunities to provide better facilities for walkers and cyclists by adding links to existing rights of way networks should be sought. Policy CA21 of the Kent Minerals Local Plan Construction Aggregates states that where proposals to supply construction aggregates could adversely affect a public right of way, the County Council will take account of the interests of its users. Policy LT8 of the adopted Gravesham Local Plan First Review (1994) seeks to maintain and improve the public rights of way network and, as opportunities arise, seek to provide new recreational footpaths and cycleways in the Borough. Policy R1 states that development in the commercial riverside should provide a public riverside walkway or riverside access where appropriate and consistent with safety. Policies LT11 and LT12 of the Gravesham Local Plan Second Review Deposit Version (May 2000) respectively state that development affecting a public right of way will only be allowed if it includes either its maintenance or diversion on a route no less attractive, safe and convenient for public use and proposals to improve and extend the existing network will be positively encouraged where they provide a shorter or more convenient route (in both cases, they should positively contribute to the Green Grid network and objectives). Policy TR3 also promotes public access to the riverside through the protection of existing rights of way and the provision of new footpaths and cycleways, including green grid connections.
123. As set out in paragraph 4 above, a number of public rights of way (footpaths) are affected by the proposed development. Whilst Footpath NU7A would not be directly affected, HGV and other traffic would continue to use the tunnel between Thames Way (A226) and Vineyard Pit immediately adjacent to it and users would continue to experience impacts associated with this. Footpath NU42 was temporarily closed until 1 October 2010 for health and safety reasons as a result of the demolition works. Gravesham Borough Council has requested that public access be retained along Footpath NU42 between The Shore and Lawn Road and that the developer be encouraged to provide an attractive sea walk as part of the redevelopment of the site. Following discussions with KCC Rights of Way, the applicant has recently made an application to the County Council for a further 18-month temporary closure of footpath NU42 between The Shore and Factory Road to enable the construction of the proposed rail sidings and allow recontouring works on part of the site. It proposes an alternative route via public highways between Granby Road, Northfleet High Street and Lawn Road. It is understood that this temporary arrangement is likely to be acceptable, although further discussions and detailed arrangements will be required for any period between this and when the proposed development is finally completed and a permanent new rights of way network established as part of the overall redevelopment of Northfleet Works (provided for as part of the mixed-use

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development proposals). Draft proposals being considered in the context of emerging Crossrail proposals indicate that a replacement footpath route for NU42 could be recreated between 42 Wharf and the proposed rail sidings. Ultimately, it is envisaged that footpath NU42 will be replaced by a pedestrian and cycle link forming part of the proposed Fastrack link. Any impacts on these rights of way need to be considered in the broader context of the previous use of the site and the improved footpath and other links proposed as part of both this and the mixed-use development proposals (including those associated with the Fastrack route).

124. The Divisional Transportation Manager's suggestion that cycle access be provided along footpath NU42 can only be addressed as part of the access arrangements associated with the mixed use development proposals and associated Fastrack route.
125. Subject to footpath NU42 and other existing public rights of way being kept free of obstruction and available for public use or suitable alternative arrangements being provided (such as those described above), I am satisfied that the proposed development would be consistent with the above policies. Protection of rights of way is dealt with under other legislation but it would be appropriate to reinforce this in this case by condition. The introduction of improved long term arrangements for pedestrians and cyclists as part of the mixed use development proposals (including that associated with the proposed Fastrack route) is welcomed.

Other issues

126. Ground stability (e.g. tunnels and cliffs): The main national planning policies relating to ground stability of relevance to the proposals (i.e. the potential instability of tunnels and cliffs) are set out in PPG14. PPG14 makes it clear that applications should include appropriate information on actual or potential instability, that decisions should have regard to these issues and that conditions should be used to secure any necessary controls or measures. There are no specific policies on ground stability in the Kent Minerals Local Plan Construction Aggregates or the Gravesham Local Plans.
127. As the proposed bulk aggregates import terminal does not lie immediately adjacent to the cliffs that surround most of Northfleet Works, the only part of the application site that could be affected by potential cliff instability is the main vehicle access which passes through two tunnels between the site and the A226 Thames Way. These are still in use and have been used for many years. There are cliffs above the tunnel portals. Although not part of the application site, the portals of the proposed rail tunnel between the site and Church Path Pit are also under exposed cliff faces. Although the vast majority of the cliff faces and tunnels associated with the former Northfleet Works lie within the mixed-use development application site, there are also a number of sub-surface voids (e.g. service and conveyor system tunnel and basements) under parts of the proposed bulk aggregates import terminal.
128. The application is supported by a land stability statement which recommends a range of active management and mitigation measures designed to ensure the continuing stability of the cliff faces. It also proposes the sealing and backfilling of tunnels not required for the proposed development. For those tunnels that would be retained as

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part of the development proposals, the statement recommends that detailed assessments of the condition and remaining design life be undertaken in order that the need for repair or further support and reinforcement can be established. The statement further recommends that a full investigation of the location, depth and condition of all sub-surface structures (including basements and tunnels) should be undertaken once demolition of existing structures has been completed and that a risk-management strategy for their backfilling to ensure long term stability be developed as part of the detailed design for the site.

129. KCC's Geotechnical Consultant (Jacobs) is satisfied with the suggested approach subject to these matters being secured by condition. It had also recommended that clarification be sought as to whether the retained road tunnels are to be adopted by the Highway Authority. Following discussions between Kent Highways and the applicant it has been agreed that the road tunnels should remain private and not be adopted (at least in terms of their use in connection with the bulk aggregates import terminal). In part, this reflects the acknowledged difficulties associated with bringing all of the tunnels up to adoptable standards as a result of their size and alignment. The Divisional Transportation Manager is satisfied with this approach provided his other requirements are met (including the need for the tunnels assessment, remedial works as necessary, an ongoing commitment to their upkeep to ensure that they remain available for use). The question of whether the tunnels should remain private if they are to be used by the public to access other development on the former Northfleet Cement Works and the detailed arrangements for cliffs and tunnels that have no impact on the bulk aggregates import terminal are matters that will need to be considered further by Gravesham Borough Council when it determines the mixed-use development application.
130. Ground contamination (past uses): The main national planning policies relating to ground contamination are set out in PPS23. This states that the potential for contamination to be present must be properly assessed and any necessary remediation or subsequent management measures secured when permissions are granted. Annex 2 to PPS23 sets out more detailed requirements for this. Policy NE15 of the Gravesham Local Plan Second Review Deposit Version (May 2000) states that development on or in the vicinity of land known or suspected to be contaminated shall be accompanied by the findings of an investigation and assessment identifying the extent and nature of contamination and outline remedial measures to avoid risk to future occupiers and the environment and that any agreed remedial measures must be satisfactorily implemented.
131. Both the Environment Agency and Gravesham Borough Council's Environmental Health Officers are satisfied with the submitted information on ground contamination and with the proposed remedial measures (subject to specific measures being implemented). I am satisfied that any issues relating to ground contamination can be addressed by condition(s).
132. Economic development (employment benefits): The main national planning policies relating to economic development of relevance to the proposals are set out in PPS4. Policy EC10 states that local planning authorities should adopt a positive and

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constructive approach towards applications for economic development and that applications that secure sustainable economic growth should be treated favourably. It also sets out a number of impact considerations that the proposal should be assessed against (e.g. limit carbon dioxide emissions, resilience to climate change, accessibility, economic and physical regeneration and local employment). These are complemented by the national objectives and policies for minerals planning in MPS1.

133. The proposed development would provide 99 full time equivalent jobs (see paragraph 25 above). Together with those permanent jobs that would be created as part of the employment element of the mixed-use development proposals, and temporary jobs associated with the development of both proposals, these would make a valuable contribution to local employment opportunities. The proposed bulk aggregates import terminal would also contribute to the physical redevelopment of the former cement works. The sustainability of the proposed development and its resilience to climate change have been addressed above. It is considered that the proposed development can be viewed favourably against these issues.

Port of London Authority (navigational equipment)

134. The Port of London Authority has requested that arrangements be made (via a legal agreement) to ensure that existing navigational equipment located on top of the existing multi-storey office block (which would be demolished) is satisfactorily replaced and operational before its loss. As stated in paragraph 9 above, an application has already been submitted to Gravesham Borough Council to relocate the equipment on land at 42 Wharf (application GR/09/385). I am satisfied that the Port of London Authority's concerns can be satisfactorily overcome by a condition requiring that the integrity or operation of its equipment is safeguarded.

Time for implementation

135. As noted at paragraph 32 above, the applicant has requested that the time limit for implementing any permission be extended to 7 or 8 years. Whilst I agree that 3 years would be unnecessarily short, I believe that a 5 year period would be appropriate in this instance. This should provide sufficient time for implementation without leading to unnecessary uncertainty about the redevelopment of the site. In coming to this view, I am mindful that the applicant need not initially construct all of the proposed development in order to implement any planning permission that may be granted. Indeed, subject to the outcome of any application that may be submitted by Crossrail (referred to in paragraph 9 above), the applicant has indicated that it may decide to initially only implement the rail sidings element of the proposed development and delay constructing the rest of the proposed bulk aggregates import terminal until after Crossrail has vacated the site. Although not directly relevant to the determination of the current application, this illustrates the potential complexities associated with the future development of the site.

Network Rail issues

136. As set out in paragraph 44 above, Network Rail has requested that a number of

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conditions be imposed. Having carefully considered these, I am satisfied that none are necessary as the proposed bulk aggregates import terminal would not adjoin the railway, a number of the activities referred to would not take place (e.g. blasting) and any operations required to reconnect the rail sidings to the rail network would have to be undertaken with the full cooperation of Network Rail. Some of the issues raised by Network Rail may be relevant to the mixed use development proposals. However, these are for Gravesham Borough Council to address when it determines that application.

Vermin control

137. One of the conditions proposed by Gravesham Borough Council (see condition 17 in Appendix 2) seeks the implementation of vermin control during demolition and construction phases in accordance with a scheme to be submitted to and approved by the County Council. Given that the vast majority of demolition has already occurred and there is little evidence of vermin within the application site, I see no reason to impose such a condition. If so minded, the Borough Council could impose its own conditions when determining the mixed use development proposals and could require that these apply to other land within the same applicant's control.

Cumulative impact

138. The environmental statement accompanying the application considers the cumulative impact of the proposed development with existing, permitted and proposed development (including, specifically, the mixed-use development proposals). It concludes that any cumulative impacts would not be significant and could be satisfactorily addressed by mitigation provided as part of each individual development. Having considered all of the above, I see no reason to depart from this conclusion.

Conclusion

139. For the reasons set out above, I am satisfied that subject to various conditions and the prior completion of a Section 106 Agreement to secure the Heads of Terms set out in Appendix 3, the proposed development accords with relevant development plan policies and that there are no material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.

Recommendation

140. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions covering amongst other matters: 5 years to implement the permission; maximum 3 million tonnes per annum imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless

Appendix 1 to Item C2

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otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures, monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours); no more than 1.2 million tonnes of materials exported by road each year; safeguarding of Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise that is audible at noise sensitive properties; no commercial operations until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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Appendix 1 to Item C2

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APPENDIX 1 TO ITEM C3

NOTES of a site visit held The Shore, Northfleet on Tuesday, 6 October 2009.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs V J Dagger, Mr W A Hayton, Mr C Hibberd, Mr M Robertson, Mr C P Smith and Mr K Smith.

LOCAL MEMBERS: Mr L Christie and Mr H Craske.

OFFICERS: Mrs S Thompson and Mr J Wooldridge (Planning), Mr P Slaughter (Highways) and Mr A Tait (Democratic Services).

GRAVESHAM BOROUGH COUNCIL: Mr P Price.

THE APPLICANTS: Mr C Down (Lafarge Cement UK), Mr D R Wardrop (Lafarge Aggregates Ltd), Mr P Copsey (David Lock Associates) and Mr D Daniels (Daniel Daniels).

- (1) The Chairman explained that the purpose of the visit was for Members of the Planning Applications Committee to familiarise themselves with the site and its surroundings.
- (2) Mr Wooldridge briefly introduced the application for a bulk aggregates import terminal handling up to 3 million tonnes per annum and associated infrastructure including rail access. He said that the details of the application were set out in the briefing note which everyone had received.
- (3) Mr Wooldridge drew Members' attention to the parallel mixed-use development outline application submitted to Gravesham BC. This covered the rest of the Northfleet Works site and proposed about 500 dwellings, employment, retail and community floor space, as well as a footbridge link and transport infrastructure.
- (4) Mr Copsey (David Lock Associates) gave a presentation in which he outlined the key features of the Northfleet Works site. He said that the cement works was served by a 1 mile river frontage. This included 42 Wharf, which was 42m deep enabling most boats to berth. It was the most reliable wharf within the area of the Port of London Authority. 42 Wharf would be used to import and store crushed rock and sea-dredged aggregates. The application also proposed a washing plant and ready mix concrete plant. Aggregates would be transported onwards by road, rail and barge.
- (5) Mr Copsey said that the residential area of Northfleet was on higher ground with the industrial areas at lower levels. Ebbsfleet International Station was separated from the main works by higher land and Northfleet High Street.
- (6) Mr Copsey then said that the facilities for handling crushed rock at Northfleet would be modelled on those at Mount Sorrel Quarry in Leicestershire. He showed photographs of that facility, pointing out the main feature which consisted of the conveyer being brought into the building under the roof and emptied into the storage facility through a hopper. This would enable the entire storage operation for crushed rock to be totally enclosed.

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- (7) In response to a question from Mr Hayton, Mr Copsey said that the Lighthouse at 42 Wharf was a listed building. The First World War statue of Britannia was also a listed war memorial. There was also a Scheduled Ancient Monument (Aspdin's Kiln) off site which would be unaffected by the proposed development.
- (8) In response to a question from Mr Christie, Mr Copsey said that it was hoped that 40% of aggregates would be exported by rail. He continued by saying that there was a possibility of importing Crossrail tunnel arisings by rail to Northfleet (via the proposed sidings) from 2011 for use in raising land levels to the south of the site to enable redevelopment. He added that Union Railways had recently reinstated part of the rail link in Church Path Pit from the North Kent Line. He said that SEEDA was also looking into the possibility of connecting the site to the High Speed International Line.
- (9) Following the presentation, Members were taken to the roof of the main office building from where they had an overview of the site. They were then given a bus tour of the bulk powders terminal, viewed 42 Wharf and were taken to the footpath over Church Path Pit (through which rail access was proposed to the new bulk aggregates import terminal).
- (10) The Chairman thanked everyone for attending. He also thanked Lafarge for their assistance in enabling Members to gain an understanding of the scale and scope of the issues involved in the application.

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APPENDIX 2 TO ITEM C3

Planning conditions suggested by Gravesham Borough Council

- (1) No development shall take place until a comprehensive Code of Construction Practice has been submitted to and approved in writing by the County Planning Authority. The Code shall address the matters set out in paragraph 3.8 of the Environmental Statement Volume 1 – Text (dated March 2009) and include the mitigation measures set out in the following paragraphs of the Environmental Statement:
 - Paragraph 7.6. relating to air quality;
 - Paragraph 8.6 relating to noise and vibration;
 - Paragraph 12.6 relating to geotechnics and soil contamination;
 - Paragraph 13.6 relating to waste

The Code shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (2) Measures/mitigation (including ongoing maintenance) to reduce squeal and vibration from rail use (if not covered by condition 1 above) and use of audible warnings (i.e. horns) shall be submitted for approval before the commencement of the development. Reference shall be made to the design measures that have been put in place on the railway to mitigate adverse noise/vibration effects as detailed in a separately prepared report produced by Robert Skene Consulting (RSC) including in ES Appendix D3. The measures and mitigation shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (3) The hours of use of the bulk aggregates import terminal shall be restricted to normal working hours (to be defined) other than for any ship, barge and rail loading, unloading and shipment associated with the use.
- (4) Measures to minimise noise impacts of plant, machinery and other equipment (e.g. resilient noise dampening surfaces, etc) shall be submitted for approval. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.
- (5) A noise report showing that the rating level of the noise emitted from the built development (other than noise from the exit or entry of road vehicles), shall not exceed the existing background noise level by more than 3dB shall be submitted for approval to the County Planning Authority. The noise levels shall be determined at the points nearest to adjacent existing and proposed residential premises. The measurements and assessments shall be made according to BS4142:1997. No building works shall commence until approval of this report has been given by the County Planning Authority.
- (6) No lighting shall be installed until a suitable written report has been submitted to the County Planning Authority providing sufficient information as to what extent surrounding existing and approved light sensitive properties are to be affected by the

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lighting of the bulk aggregate import terminal and associated transport routes, demonstrating best practice and detailing what works are to be carried out to minimise light disturbance. The development shall not be lit until approval of the report is received from the County Planning Authority and all measures included in the approved plan have been put into place.

- (7) Storage facilities to be provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.
- (8) No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and associated remedial strategy, together with a timetable of works, being submitted to the County Planning Authority for approval.
- a) The contaminated land assessment shall include a desk study to be submitted to the County Planning Authority for approval. The desk study shall detail the history of the site uses and if necessary propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the County Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the County Planning Authority. The County Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the County Planning Authority.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the County Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been

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carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

- f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the County Planning Authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the County Planning Authority.

- (9) A scheme for management and mitigation of traffic due to concentrations of nitrogen dioxide and PM10 (particularly as the levels of nitrogen dioxide in the area are only marginally below the objective are receptors along the B2175 through Northfleet and as additional traffic may cause the annual mean objective to be exceeded in some locations triggering the declaration of an Air Quality Management Area) shall be submitted for approval by the County Planning Authority. The measures shall be implemented as approved unless otherwise as agreed beforehand in writing by the County Planning Authority.
- (10) No more than four ship/barge deliveries per week, a limit on barge exports and no more than four train movements per day without the prior approval of the County Planning Authority having been obtained.
- (11) Full details of mitigation measures during operation of the bulk aggregates import terminal shall be submitted to the County Planning Authority before commencement of the development; such measures shall include the use of covered conveyor belts, fully enclosed stockpiles, and placing the screening within a building. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the Local Planning Authority.
- (12) Details shall be submitted for approval by the County Planning Authority of measures to address any impact on fugitive dust and PM10 emissions during demolition, construction or operation of the bulk aggregates import terminal. The measures shall be implemented as approved unless otherwise agreed beforehand in writing by the Local Planning Authority.
- (13) Open storage of crushed rock for operational reasons shall only take place on the site with the prior written agreement of the County Planning Authority.
- (14) A written dust control policy shall be submitted for the approval of the County Planning Authority before commencement of the development; the agreed policy shall be reviewed annually.

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- (15) The toast rack building (for the storage of crushed rock), the screening store, and the storage and washing plant shall be fully clad and enclosed before the aggregates terminal hereby permitted is first brought into use.
- (16) The mitigation measures in section 7.6 of the Environmental Statement to address concerns about fine particulates/dust associated with the unloading of the aggregates from the ships/barges and movement to and from stockpiles shall be implemented before the bulk aggregates import terminal is brought into use.
- (17) Vermin control during demolition and construction phases shall be implemented in accordance with details to be first submitted to and approved in writing by the County Planning Authority; such details shall include implementation of a strict baiting regime during all phases from demolition to operation and consideration of appropriate landscaping to avoid providing the ideal habitat for rats.
- (18) Any of the remaining historic artefacts within the site of the aggregates application associated with the past use of the site for the manufacture of cement shall be recorded and any materials shall be preserved.

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APPENDIX 3 TO ITEM C3

Heads of Terms for Section 106 Agreement

The applicant / landowner shall covenant as follows:-

- 1.1 On completion of the Section 106 Agreement to pay all of Kent County Council's reasonable and proper legal and administrative costs (including planning and highway costs) for the preparation and completion of the Section 106 Agreement.
- 1.2(a) To pay Kent County Council £245,000 (index linked to the Road Construction Tender Price Index from the date of the agreement) as a contribution towards Kent Thameside highway works with staged payments being made in the following way:-
- £21,000 on commencement of HGV movements associated with the operation of the Bulk Aggregates Import Terminal (BAIT);
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 150,000 tonnes per annum;
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 300,000 tonnes per annum;
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 450,000 tonnes per annum; and
 - A further £56,000 when the export of aggregates, sands and gravels and ready mixed concrete from the BAIT by road reaches 600,000 tonnes per annum.
- 1.2(b) In the event that exports from the BAIT do not reach 600,000 tonnes per annum within 15 years of the first payment (such that not all of the £245,000 has been paid), to pay the outstanding balance in its entirety to Kent County Council.
- 1.2(c) In the event that the BAIT ceases to operate within 15 years of the first payment being made, no further payments will be made. If operations recommence, payments will resume in accordance with the principles set out in Clauses 1.2(a) and 1.2(b).
- 1.2(d) In the event that not all of the payments have been used or Kent County Council has not entered into a contract to spend these within 15 years of the date of the last payment, Kent County Council will repay any unused funds.
- 1.2(e) The contribution will be ring fenced to any or all of the following schemes: Thames Way Dualling; Ebbsfleet junction; Urban Traffic Management and Control (UTMC) (i.e. linking of Traffic Signal operations); or A2 demand management directly related to the aforementioned routes and junctions. The funds can be used for any

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or all of the following activities: survey (site or traffic); traffic/transport modelling; design; utility diversions; construction; and works and measures required to enable construction.⁶

- 1.2(f) To give Kent County Council and Kent Highway Authority not less than 7 days prior written notice of the date of commencement of HGV movements associated with the operation of the BAIT and to provide Kent County Council and Kent Highway Authority with written details of the amount of exports from the BAIT by road 12 months after such commencement and each year thereafter until the entire £245,000 contribution has been paid.⁷
- 1.3 To operate in accordance with a Routing Strategy (which will be set out as a schedule in the Section 106 Agreement).

The Routing Strategy shall provide for HGVs entering and leaving the site primarily using the A226 (Thames Way) and A2260 (Ebbsfleet Gateway) to access the A2 (Ebbsfleet Junction) and avoiding the use of the A226 through the Borough of Dartford or other roads in the area where possible. It should also preclude the use of Grove Road and only allow for the use of The Shore, Granby Road and Crete Hall Road in emergencies or for local deliveries (to be defined).⁸ It should include some form of notification system, a way to inform drivers of potential problems with their usual routes with agreed alternatives and a means of monitoring and controlling HGVs. It should also include details of arrangements for when the preferred access route is temporarily unavailable such as during road closures or accidents and during the repair or maintenance on the vehicle tunnels.

- 1.4 To pay Kent County Council, on receipt of an invoice, Kent Highway Authority's costs in monitoring HGV movements during the peak hours⁹ and the Routing Strategy (provided for in Clause 1.3) for a period of 10 years from the commencement of HGV movements associated with the operation of the BAIT. The costs shall be limited to no more than £1,000 in any one year (index linked to the Retail Price Index).

⁶ Note: The £245,000 is based on a Strategic Infrastructure Transport Programme (STIP's) payment of £1,400 per HGV movement during the peak periods of 7am to 10am and 4pm to 7pm. Using 165 movements (arrivals and departures) this equates to £231,000. The 165 number reflects the estimated maximum of 200 HGV movements in the peak hours minus the 35 remaining from Bulk Powders Import Terminal. In addition, the contribution includes a payment of £2,000 per staff vehicle trip. Given 7 staff, this equates to £14,000.

⁷ These details would need to clearly indicate whether or not the next trigger is reached such that the payment should be made if it has not already been paid.

⁸ A reasonable definition would be for deliveries in the area to the east of the BAIT on land north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226).

⁹ The planning permission will contain a condition restricting HGV movements to no more than 200 in any one day between 7am and 10am and 4pm and 7pm.

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Kent County Council shall covenant as follows:-

- 2.1 To only use the payments referred to in Clause 1.2 above for the schemes and uses set out in Clause 1.2(d) and to repay any payments not used within 15 years of the date of the last payment to the applicant / landowner within 3 months of a written request for such by the applicant / landowner.
- 2.2 To provide the applicant / landowner with a copy of its assessment of HGV movements referred to in Clause 1.4 above within 3 months of a written request for such by the applicant / landowner.
- 2.3 To place payments on deposit pending utilisation and include accrued interest with any refund of unspent contributions.
- 2.4 To only use payments for their designated purposes.

Note: Likely signatories to any Section 106 Agreement are Kent County Council and Lafarge Cement UK.