

SW/10/774 – The proposed construction and operation of a Biomass Combined Heat and Power plant including external and covered waste wood storage area, associated weighbridge, parking and underground pipework to pumping station at Ridham Dock, Iwade, Nr Sittingbourne.

A report by Head of Planning Applications Group to Planning Applications Committee on 14 June 2011

This application has been submitted by SLR Consulting on behalf of Biomass Power Plant Ridham Ltd for the proposed development of a combined heat and power plant including the external provision of a waste wood storage area, weighbridge, parking and ancillary piping works for the pumping station, Ridham Dock, Iwade.

Recommendation: Subject to provision of suitable reed bed compensation area, permission be granted subject to conditions and subject to a legal agreement.

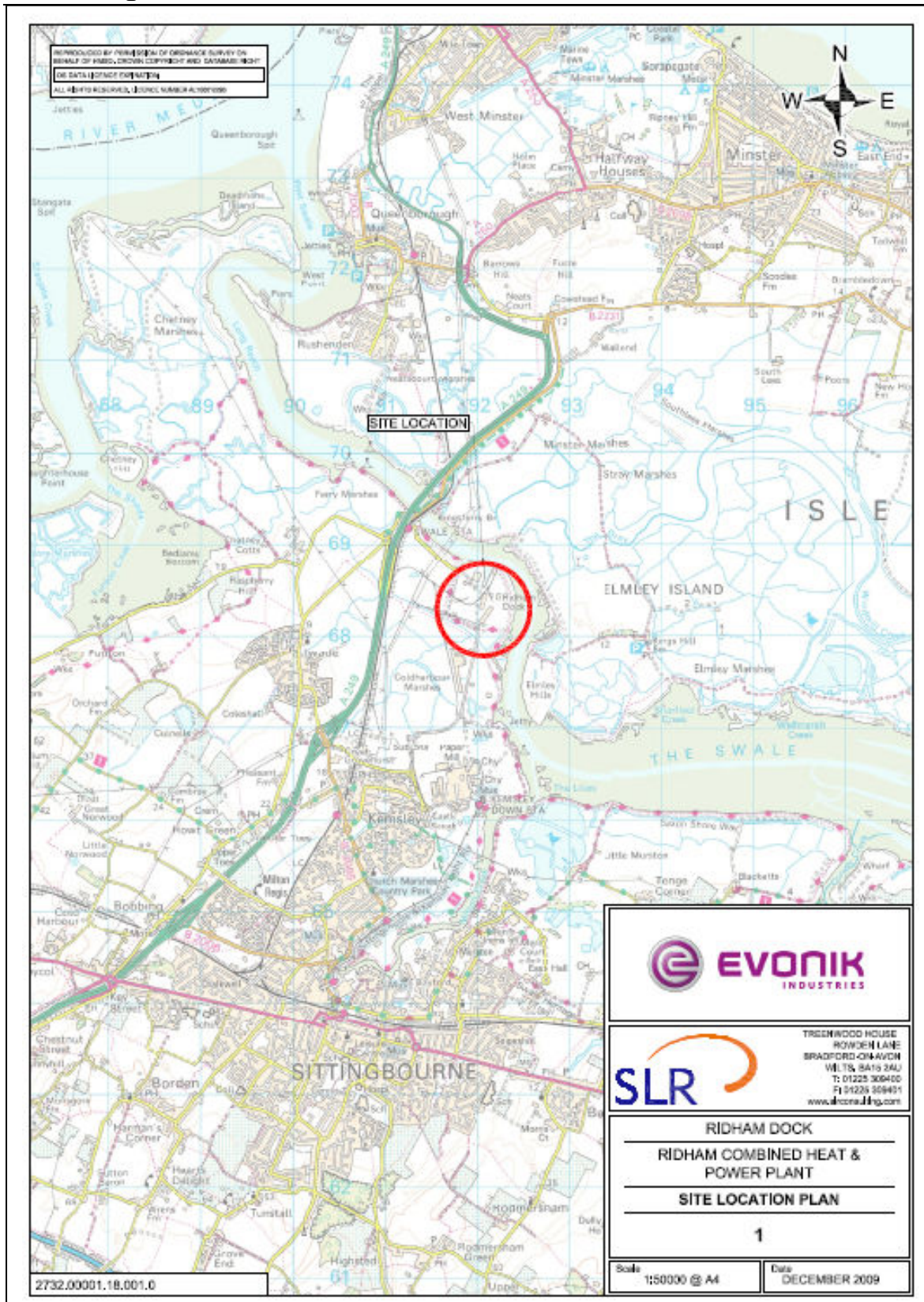
Local Member: Mr. M. Whiting and Mr. A. Willicombe

Unrestricted

Site Description

1. The application site is located on Ridham Dock, which is a well established commercial and industrial wharf situated adjacent to the river Swale. The dock is also surrounded by sensitive site designations including the Swale Special Protection Area (SPA), Ramsar site and a Site of Special Scientific Interest (SSSI). The Elmley National Nature Reserve is located east of the site, on the other side of the river.
2. The River Swale straddles the eastern and northern boundary of the dock and flows into the Thames estuary. The inlet point for the dock is located at the point the river sweeps across the northern boundary. The dock site is protected from flooding by the Ridham Dock wall flood defence (see Fig 2: Site Location Plan) which is located along the eastern and northern boundary. The toe of the flood defence wall is located 15 metres from the application site.
3. The dock is currently used to import, export and store a wide range of cargo such as timber, steel, grain, aggregate and concrete products and contains various large scale buildings. Aside from the general wharf activity, the dock also harbours a range of industrial businesses such as Brett Aggregate, European Metal Recovery, Morgan Este and Arcelor Steel.

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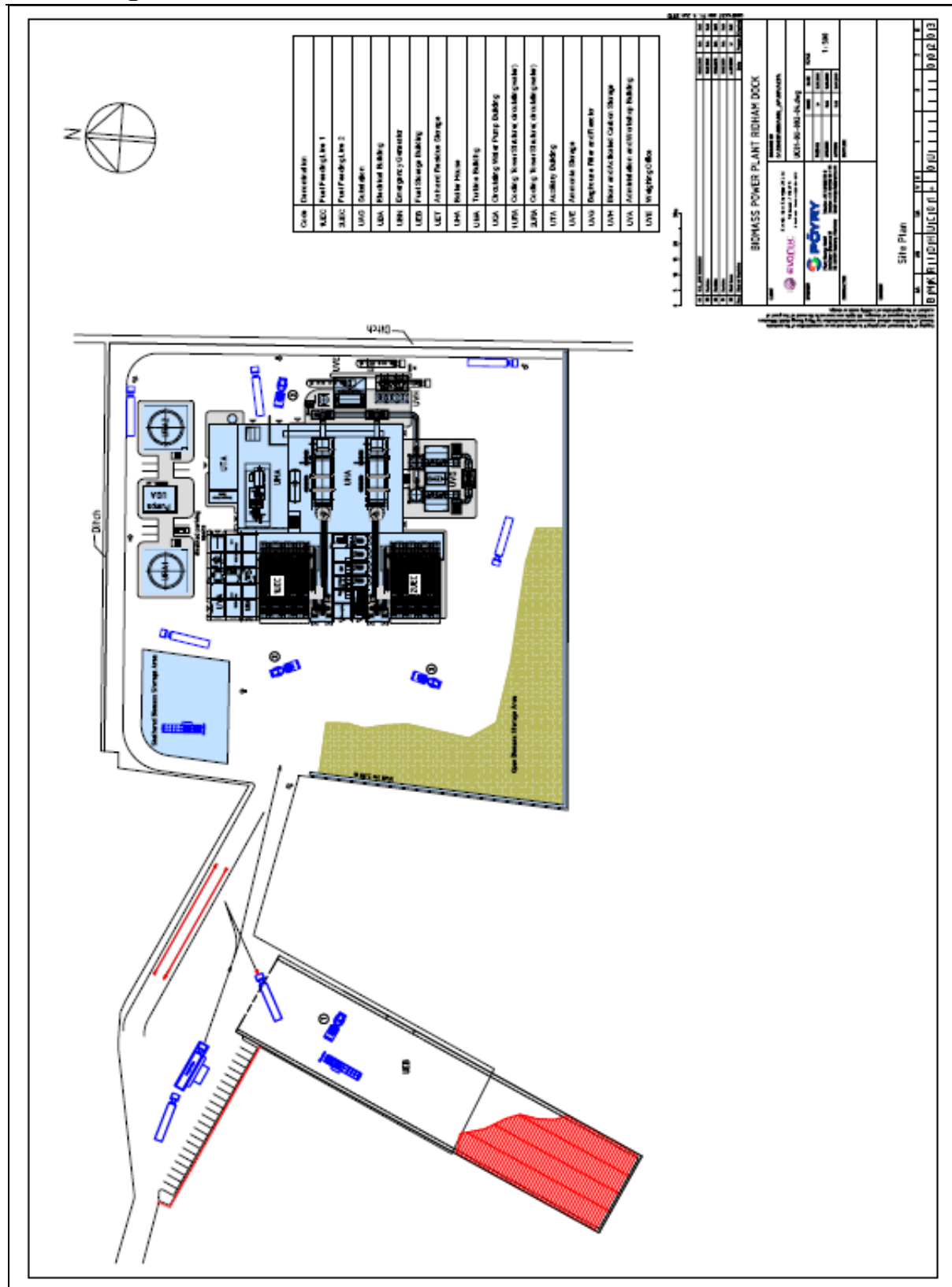
Site Location Plan (1)

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Site Location Plan (2)

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Proposed General Site Arrangement

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4. The villages of Iwade and Kemsley are the nearest settlements to Ridham Dock. Kemsley is located south and Iwade is located south-west of the dock. The village of Iwade is distinctly separate from the dock by the A249. Both settlements are approximately 2 kilometres away.
5. The application site is located close to the south eastern corner of the dock site and would occupy a site area of approximately 3.6 hectares. The site is currently surrounded by various industrial uses. To the north is a metal recycling facility and to the south is an aggregate processing works. To the west is the site access and main access route in and out of the dock site. To the east of the site is a ditch that runs along the eastern boundary of the dock and the flood defence wall.
6. The application site currently comprises an open area of derelict land and part of a large rectangular warehouse along the western boundary. Part of the north eastern section of the site is on lower ground than the rest of the site and as a result has become wet resulting in the establishment of a reed bed area.
7. There are two access routes to the dock site. The main access route is from the south via an unnamed road connected to Barge Way and at the north-western corner known as Sheppey Way.

Proposal

8. The proposal seeks to establish a new combined heat and power plant at the Ridham Dock site. The proposed plant would create 5,155m² of new building floor space and would be known as the Ridham Combined Heat and Power Plant (RCHPP). The proposed plant would exploit the energy content of low grade, used waste wood material such as chipboard, MDF, plywood and other types of fibre and particle board. This type of waste wood material would ordinarily have been disposed of at landfill, as it is difficult to recycle. The typical waste wood fuels include:
 - Wooden packaging containers;
 - Disused pallets;
 - Disused furniture not suitable for direct recycling;
 - Wood fraction from construction and demolition waste; and
 - Wood waste from landscape maintenance and gardening.
9. The proposed RCHPP would process approximately 150,000 tonnes of waste wood per annum, However the plant would have the capacity to process up to 177,200 tonnes per annum. In view of this, the applicant has used the 'up to' throughput rate in each of the technical assessments submitted in support of the application proposal to assess the potential impacts of the plant operating at maximum capacity and to assess the 'worst case scenario'.

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10. Based upon the maximum throughput rate the plant would have the capacity to generate approximately 25MW_e of electrical output (per hour) and 8MW_{th} thermal power, which would be used, in combination, to feed the energy demands of plant operations and any surplus exported into the National Grid. The steam produced in the two boilers will be supplied to the steam turbine generator, where the energy content of the steam will be transformed to electricity. The applicant is actively seeking a user for the surplus heat.
11. The proposed RCHPP would comprise of a single main building that would be made up of the following components:
 - Common reception and storage area
 - 2 feeding systems, one for each boiler, with oversize and metal separation
 - 2 moving grate boilers
 - 2 flue gas cleaning systems
 - Common energy utilisation system including turbine, generator and water-steam cycle
 - Common cooling water supply and return system
 - Common storage for reagents and ash
 - Common auxiliary systems like demineralised water or compressed air plant
 - Single stack
12. The main building, at some 37m in height, would also comprise a 90 metre high gas flue stack that would be attached to the southern side of the building (See Proposed Elevations). The height of the proposed stack is based upon finding of an air quality dispersion modelling assessment that the applicant carried out before this application was submitted.
13. The applicant has also consulted with the Civil Aviation Authority (CAA) as result of the height of the proposed stack. The CAA advised that a low intensity red light should be installed on the stack to increase it's visibility to low flying aircraft. This now forms part of the proposed design.
14. Outside the main building would be the following components:
 - Sheltered waste wood storage area and open storage area;
 - Weighbridge and portacabin for operatives; and
 - Cooling tower and pumping station
15. Essentially, the proposed operation would involve waste material being delivered in bulk containers vehicles via the existing purpose built road serving the industrial estate. Each vehicle would pass over a weighbridge to be recorded before the contents are deposited at specific locations within the site. A wheel loader would then collect the waste wood material and feed it into the shredder. The shredded wood material would then be stored in an external storage area that is located in the south western corner of the site. The shredded wood storage area would be big enough to accommodate approximately 3-4 days worth of material. An additional covered

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storage area is proposed in the north western corner of the site (see Proposed Site Layout Plan). The shredded wood would then be screened for oversized and ferrous materials. Any such material would be re-shredded or removed for recycling. The remainder would then be conveyed to the feeding buffers for each incinerator chamber within the main building.

16. The applicant proposes to operate the proposed RCHPP 24 hours a day, 7 days a week. However, the majority of the HGV movements would be limited to take place between the hours of 06.00 to 20.00. The applicant estimates that the facility would generate 6 two way HGV trips (3 in 3 out) per hour which I estimate to be some 84 movements per day.
17. In terms of staff and staff car parking numbers, the applicant anticipates, during the construction phase, temporary employment opportunities for up to 90 workers. During the operational phase the applicant estimates that the proposed power plant could provide direct employment for approximately 26 permanent staff. To cater for the proposed staffing levels the applicant is proposing to create 32 parking spaces (including 1 disabled space) on site.
18. The applicant anticipates that subject to planning permission being granted, the construction phase of the RCHPP would take at least two years and a further year before the plant would come on-line.
19. The application is accompanied by an environmental statement which includes an assessment of the possible effects of the proposed development in relation to the existing conditions on site and its surroundings together with measures proposed to mitigate any adverse effects. Having regard to the specified information as required under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (as amended), the following key matters have been taken into account;
 - i) Need
 - ii) Traffic
 - iii) Air Quality
 - iv) Landscape and visual Impact
 - v) Nature Conservation
 - vi) Hydrology
 - vii) Noise
 - viii) Socio Economic Impacts

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Proposed East Elevation

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Planning Policy Context

20. Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was abolished and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.
21. The key National and Development Plan Policies most relevant to the proposal are summarised below:
22. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - Encouraging decisions taken on planning applications to contribute to the delivery of sustainable development. The Supplement to PPS1 – Planning and Climate Change sets out how planning should contribute to reducing emissions and stabilising climate change. Tackling climate change is a key government priority in the planning system.
23. *Waste Strategy 2007* – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled. Energy should be recovered from other waste where possible.
24. *Planning Policy Statement 7 (PPS7): Biodiversity and Geological Conservation* – This sets out planning policies on protection of biodiversity and the geological conservation through the planning system.
25. *Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management* – Underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.
26. The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.
27. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.
28. *Planning Policy Statement 22 (PPS22): Renewable Energy* – This sets out the valuable role that renewable energy can play in meeting Governments' commitment to addressing the impacts of climate change and maintaining reliable and competitive energy supplies. Renewable energy will contribute to the Governments' sustainable

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development strategy by meeting energy needs, reducing greenhouse gas emissions and the impact of climate change, the prudent use of natural resources and a reduction in the reliance on fossil fuels. Development proposals should demonstrate any environmental, economic and social benefits as well as how environmental and social impacts have been minimised through careful consideration of location, scale and design.

29. In decision making, local planning authorities should also have regard to the following key principles. Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed: development plan policies should promote and encourage such development; the wider environmental and economic benefits of renewable energy projects irrespective of scale should be given significant weight in decision making; assumptions about the technical and commercial feasibility of the project is not a consideration and developments should demonstrate any environmental, economic and social benefits as well as how any environmental benefits have been minimised through location, scale and design considerations.
30. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* – LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co operation with the E.A. and or the pollution control authority and other relevant bodies. It states that controls under the planning and pollution control regimes should compliment and not duplicate each other. In considering proposals LPAs should take account of the risks of pollution and land contamination and how these can be managed or reduced. The policy advice is clear in that the Planning System should focus on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than the control of those processes or emissions themselves. Planning Authorities should work on the assumption that the relevant control regime will be properly applied and enforced. The need to avoid duplication in regulatory processes is reiterated in the supplement to PPS1 Planning and Climate Change.
31. *Planning Policy Statement 24 (PPS24): Planning and Noise* – Outlines the consideration to be given to those developments with the potential to generate noise and the need to ensure that adequate mitigation can be put in place to prevent any adverse effects on nearby noise sensitive land uses.
32. *Planning Policy Statement 25 (PPS25): Development and Flood Risk* – The aim of planning policy should be to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct developments away from areas at high risk. Where new development is necessary in such areas policy aims to make it safe without increasing flood risk elsewhere.
33. **South East Plan (2009)** – The most relevant policies are: W3 (Regional Self Sufficiency), W4 (Sub-Regional Self Sufficiency), W5 (Targets for Diversion from Landfill), W11 (Biomass), W12 (Other Recovery and Diversion Technologies), W17

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(Location of Waste Management Facilities), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM4 (Sustainable Design and Construction), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM11 (Development Design for Energy Efficiency and Renewable Energy), NRM12 (Combined Heat and Power), NRM13 (Renewable Energy Targets), NRM14 (Sub Regional Targets for Land Based Renewable Energy), NRM15 (Location of Renewable Energy Development), and NRM16 (Renewable Energy Development Criteria).

34. **Kent Waste Local Plan (1998)** – The most relevant saved policies are: W3 (Locational Criteria), W6 (Consideration of need), W7(i) (Ridham area identified for Category A waste for re-use), W9 (Waste separation and transfer), W11 (Other Processing: Waste to Energy), W17 (Protecting the Environment: Air Quality – Incinerator), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W21 (Nature Conservation), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).

35. **Swale Borough Local Plan**

Policy SP2: In order to provide a robust, adaptable and enhanced environment, planning policies and development proposals will protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense.

Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will require adverse impacts to be minimized and mitigated. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

Policy E12: Sites designated for their importance to biodiversity or geological conservation.

Policy B2: Providing for new employment.

Policy U3: Renewable Energy - The Borough Council will permit proposals for renewable energy schemes where they demonstrate environmental, economic and social benefits and minimise adverse impacts. Before planning permission is granted, the Borough Council will consider such matters including the contribution to the regional requirement for renewable energy.

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Policy B10: Ridham as an existing committed employment site.

Policy B11: Identifies the area in which the application site falls as having outline permission for a mix of employment uses including general industrial and storage and distribution. In this context the Borough Local Plan considers the area to be of strategic importance and considers it is unique within the borough and the wider sub-region for the range of plot sizes it can accommodate.

36. **Consultations**

Swale Borough Council: Views awaited.

Bobbing Parish Council: No comments to make.

Minster Parish Council: The Parish Council raise objections in relation to the following:

- The effects of the increase in traffic on the A249 and Northern Relief Road and wish to see alternative methods of transporting materials to the site i.e. by barge.
- They raise concerns over the use of outdated traffic data in the application
- The lack of justification for another proposal such as this in the Ridham area raising specific concerns as to the potential increase in carbon emissions.
- The effects of the proposed development on Elmley and Brambledown which would be effected by particles carried by the prevailing wind.

Protect Kent (Campaign to Protect Rural England): Raise objections to the proposal on the grounds of cumulative impact (emissions), origin of fuel source, traffic impact and heat end-user. Protect Kent also comment that of the three most recent proposals in the Ridham area, this proposal in their view represents the weakest on the basis that it is not integrated with an existing operation.

South East England Partnership Board: No comments to make.

SEEDA: No comments to make on the basis that in their view the application does not have any strategic economic implications.

English Heritage: No comments to make.

KCC Archaeological Officer: No objection is raised subject to the imposition of the following condition:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (i) *archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local*

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- Planning Authority; and*
- (ii) *following on from the elevation, any safeguard measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.*

The Archaeological Officer further comments that an initial archaeological evaluation would include geoarchaeological boreholing and also archaeological trial; trenching or test-pitting. Following the results of that first stage of works, it would be possible to formulate appropriate mitigation works in their view.

Health Protection Agency: No comments received.

Jacobs Landscape, Noise, Odour and Dust: – comments are as follow:

The Landscape advisor states the following in relation to the proposal:

“The development would not directly affect the designated SLA and, although there are major adverse landscape and visual effects, they are generally localised and they represent an intensification of an existing industrialised landscape. Whilst industrial development in this location would not be inappropriate to the existing context, the scale and bulk of the proposed development on the edge of the Swale, does raise considerable landscape concerns. However, the landscape arguments are extremely finely balanced, so that I do not feel that there would be an overriding landscape objection in the absence of any other material objections to the planning application.”

In terms of dust and odour, Jacobs indicate that the proposed site is unlikely cause a detriment to the nearest residential receptors and ecological sites in terms of air quality.

They further comment that appropriate mitigation measures to ensure there is no impact from the site access road during the temporary construction period.

In relation to noise, having regard to the supporting information provided by the applicant the facility is unlikely to result in advise impacts on the nearest residential premises or nearby designated areas. Therefore no objection is raised to the application on noise grounds.

Natural England: Raise no objection subject to a condition requiring the monitoring of over wintering birds in order to ascertain impact following construction for a two year period.

Royal Society for the Protection of Birds (RSPB): - The RSPB have outstanding concerns regarding the limitations of the breeding bird surveys, which did not cover the full breeding season from late March to early July. They remain concerned that despite its limitations the breeding bird survey identified a marsh harrier as ‘possibly breeding in close proximity [to the site]’ indicating that the marsh harrier is an Annex 1 species and a qualifying feature of the Swale SPA.

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Sittingbourne Society: The Society considers that emissions quality measurements should be available in real time, on line, for public scrutiny. In addition, there should be monitoring of the fuel source. The report provided refers to “typical” fuels, which is not adequate in their view. Concerns have also been raised in relation to emissions, with the potential for noise and odour.

KCC Bio-diversity Officer: - No objection is raised subject to bat and reptile surveys being carried out prior to any commencement of development. In addition, details of the receptor site is required as part of an Environmental Management Plan.

Environment Agency: No objection is raised to the proposal subject to the imposition of conditions covering flood risk, biodiversity and land contamination.

KCC Planning Policy: The following comments have been received

“In summary, if the issues of sourcing the waste wood mainly from Kent and the final disposal route and quantities of the residues could be established and sustainable solutions agreed, then (subject to other normal environmental aspects being controlled suitably to ensure there is no significant effect upon the nearest sensitive receptors), the grant of permission may well contribute towards the aspirations of the Kent M&WDF in reducing the amount of C&I waste being sent to landfill.”

Iwade Parish Council (IPC): - The Parish Council express its extreme concern that another power plant burning waste wood containing substantial quantities of plastic material is proposed on the edge of a 2km arc ENE to SE of the village of Iwade.

In summary their specific concerns relate to the cumulative effects from emissions on residents as well as on the Swale SSSI Ramsar site and route into Ridham Dock to be used by HGVs, i.e. the A249, which would have a detrimental effect on the highway and local residents.

Divisional Transportation Manager (DTM): The DTM raises no objection to the proposal indicating that the traffic generated by the proposed Biomass Combined Heat and Power Plant *“is considered to be fairly insignificant in terms of its increase on the local network.”*

Whilst no objections are raised the DTM would wish conditions to be imposed on any permission which would cover the following:

- a) Mitigation to prevent the deposit of mud debris on to the public highway
- b) Site parking details
- c) Vehicle parking area shall be completed and thereafter used for no other purpose
- d) The vehicle loading, off-loading and turning space shall be completed and thereafter used for no other purpose.

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Publicity

37. The application was publicised by the posting of a site notice, advertisement in the local newspaper and the individual notification of 14 neighbouring units.

Representations

38. Two letters of representation have been received raising objections to the proposal. In particular concerns are raised over the level of emissions of CO² in Swale, source of waste and principle of burning waste rather than recycling it.
39. A letter of objection has also been received from the Member of Parliament for Sittingbourne and Sheppey, Gordon Henderson in which he expresses concerns relating to increased levels of traffic flow, need to upgrade the highway network to accommodate a proposal to this scale, EIA and Transport Assessment do not adequately consider the potential impacts, and fallout affects on the sensitive designations that surround the dock site.

Letter of support

40. The letter received in support of the proposal indicates that they would wish further consideration to be given to using the railway line at the dock for the importation of waste material in order to reduce traffic on the local road network.

Local Member

41. The County Council Members Alan Willicombe (Swale Central) and Mike Whiting (Swale Central) and Members for the adjoining areas Keith Ferrin (Swale West), Andrew Bowles (Swale East), Adrian Crowther (Sheppey) and Ken Pugh (Sheerness) were also consulted. To date, no comments have been received.

Discussion

42. 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.
43. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.

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44. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
45. Until such time considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against relevant saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
46. Policy exists at both the national, regional and local level which give support in principle for the establishment of alternative waste management facilities to landfill. These include Waste to Energy Plants, particularly where they also involve combined heat and power generation (CHP), where waste should be recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards reducing the carbon footprint by lowering emissions and stabilising climate change.

Main Determining Issues

47. In the light of the above policy considerations and the issues raised, I consider the key determining issues to be:
 - Need
 - Traffic
 - Air Quality
 - Water Quality and Floodrisk
 - Landscape
 - Nature conservation and ecology
 - Noise
 - Employment

Need

48. In support of their case of need the applicant draws attention to the Waste Strategy for England 2007 (DEFRA May 2007) which states that of the 7.5 million tonnes of waste wood arising in the UK, the vast majority (80%) is landfilled, 1.2 million tonnes (16%) re used and recycled, with energy being recovered from just 0.3 million tonnes (4%). In terms of the south east, the report 'Wood Recovery Infrastructure in South East England April 2005' (commissioned by WRAP) estimated that the total waste wood arising in SE England was in the region of 950 000 tonnes per year, arising from the following sources;

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- 35% from construction and demolition waste,
 - 30% from packaging waste,
 - 25% from municipal waste (domestic and civic amenity sites),
 - 5% from the secondary wood processing industry (mainly furniture industry) and
 - 5% from other sources.
49. In Kent, the majority of waste wood is landfilled, although some is exported to Waste Incineration Directive (WID) compliant biomass plants in the north of England and abroad. An element of this is currently exported via Ridham Dock. Although the CHP plant at Ridham represents waste recovery rather than waste recycling, in my opinion using this waste wood for CHP at the point at which it arrives is significantly more sustainable than either landfilling, or transporting the waste for incineration elsewhere.
50. I have consulted with the County Council's Policy Team who sought further clarification on waste sources associated with this proposal. The applicant indicates that a survey of waste wood currently coming into the Ridham Dock for shipment to Germany was undertaken and as a result the applicant estimates that some 75% of waste wood material would be sourced from the Kent catchment area and the remainder from the South East region.
51. Policy W3 of the South East Plan 'Regional Self Sufficiency' states that waste authorities should provide management capacity equivalent to the amount of waste arising and requiring management within the Region's boundaries, plus a declining amount of waste from London. Policy W4 requires WPAs to plan for net sub-regional self sufficiency through the provision of waste management capacity equivalent to the amount of waste arising requiring management within their boundaries with a degree of flexibility allowing the transport of waste across sub-regions. In my view this proposal is in accordance with Policy W3 as it would source waste wood primarily from Kent, with the remainder coming from London and Kent's neighbouring counties.
52. Policy exists at both the national, regional and local level which give support in principle for the establishment of alternative waste management facilities to landfill. These include Waste to Energy Plants, particularly where they also involve combined heat and power generation (CHP), where waste should be recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards reducing the carbon footprint by lowering emissions and stabilising climate change.

Traffic

53. Access for the delivery of waste to the site would be by road from the west assuming vehicles would exit at junction 5 of the M2 via the A249 and Swale Way. The applicant predicts that when operating at full capacity the proposal would generate some 6 HGV movements per hour (3 in and 3 out) between the hours of 0600 and 2000, seven

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days a week. Whilst it is currently assumed all waste would be delivered by road the applicants have indicated that they are pursuing other options for delivery by water and /or rail should this be feasible.

54. Concerns have however been raised over the potential adverse impacts from lorry traffic on the local road network in terms of the existing capacity available. Members will be aware that this issue has been raised previously as a concern in relation to other planning applications reported to the Planning Applications Committee this year.
55. A Transport Impact Assessment (TIA) has been submitted in support of the proposal and upon which the Highway Agency and Divisional Transport Manager (DTM) has been consulted. The DTM acknowledges that the TIA submitted has predicted baseline traffic flows for the operational years of 2014 to 2024 and acknowledges there being consideration of other proposed or planned projects in the area. He also notes that the TIA makes no acknowledgement of the opening of the Sittingbourne Northern Relief Road (SNRR) in November 2011, which will in the future link Swale Way through to Castle Road and the industrial centre of Sittingbourne, providing a strategic route between the town centre and the A249. Having regard to this and the traffic generation levels predicted for this development, at some 6 movements per hour, the DTM considers the traffic level associated with this development would represent approximately 2% of the total HGV traffic and therefore not represent a material increase. The proposed traffic figures provided by the applicant is shown to generate relatively insignificant increases on the local network as a whole and the DTM concurs with the conclusion that the development would have a negligible impact on the local highway network. Subsequently the DTM has raised no objection to the application subject to the imposition of appropriate conditions, including the safeguarding of mud on the public highway, on site parking details, surfaced and drained parking area and a plan showing vehicle loading, off-loading and turning space.
56. Having regard to the above comments and in the absence of any objections from the Highways Agency and DTM, I do not feel an objection on highway grounds is justified and that all other relevant matters could be controlled by way of appropriately worded planning conditions.

Air Quality

58. Concerns have been raised over the potential impacts from the proposal on local air quality both in terms of stack emissions and their effects on health and the surrounding ecological designations, together with the effects from vehicle exhaust fumes which were found to be insignificant based on the low level of trips proposed in this case. The environmental statement includes an air quality assessment and detailed dispersion modelling of combustion emissions from the CHP has been undertaken which is based on a comparison of the baseline (current and projected without the development proposals) position against the air quality impacts resulting from the development proposal scenario. The assessment also includes the effects of both stack and vehicle exhausts along with dust emissions having regard to existing

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baseline conditions, and has assessed their potential impacts on human health and the nearby habitats which form part of the Swale SPA, Ramsar site and Swale and Medway Estuary SSSI's. The potential for cumulative effects derived from other planned or proposed industrial sources within the Ridham area has also been included as part of the assessment. The assessment provided by the applicant concludes that with the appropriate mitigation measures in place, emissions from all sources when measured against existing background levels would be negligible.

59. The assessment covers construction dust management, traffic exhaust emissions and a combustion emissions risk assessment as well as an assessment of the potential effects on human health. In this regard sensitive receptors can be regarded as persons, locations or systems that may be susceptible to changes as a direct result of the proposed development.
60. The applicant assesses the site, during the construction phase, to be a high risk site based on the Control of Construction Dust Guidance. On this basis the applicant proposes that the standard mitigation measures be employed at the site in order to reduce the risk of dust impact. Once operational the applicant considers that the potential sources of dust could arise from the handling and processing of incoming waste wood and export of bottom ash. However the assessment concludes that provided all material taken to and from the site is either transported in enclosed vehicles or sheeted, dust could be managed. During unfavourable weather conditions, dampening down measures would be employed on site. Overall once the site is operational the design of the plant and handling areas would present little dust nuisance. I consider that provided the appropriate mitigation measures are put in place, dust nuisance would be negligible.
61. Residual impacts from the operational phase both from stack emissions and traffic are also considered negligible based on the findings of the submitted assessment and not likely to exceed EU Directive emission limits or local air quality standards. Accordingly residual impacts on human health risk and ecological impacts are not considered significant by the applicant despite remaining concerns.
62. In relation to air quality the EA have raised no objection to the proposal indicating that a technical assessment would be undertaken as part of their assessment of an application for an Environmental Permit. A Permit application was submitted to the EA in September 2010 and on which the County Council were formally consulted. As part of their assessment of the application the EA would look not only at the potential effects as a result of the emissions from the proposed development itself but also the combined effects of new and existing permissions, plans and projects that are relevant to an area protected under the Habitats Regulations due to the close proximity of the site to the various habitats which form part of the SPA/SSSI/Ramsar.
63. Jacobs the County Council's advisor on such matters as air quality, note that the nearest residential receptors from the site are at some 1,400 metres from the site boundary and the existing background levels are well below the air quality objectives for the area. Jacobs concur with the applicant's view that based on the findings of the air quality modelling, that whilst the proposed development may result in minor

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increases in emissions, they would still continue to be well below the objectives with the proposed development in place. I would therefore concur with Jacobs view that the proposed development, should Members be minded to grant planning permission, would be unlikely to cause a detriment to the nearest sensitive receptors and ecological sites in terms of air quality.

64. Given the EA have also not raised an objection to the proposal, in the event that Members resolve to grant planning permission for the proposed development, the applicant would be required to gain a Permit prior to operation of any plant. I am also mindful of policy advice set out in PPS23 which provides clear advice that the planning and pollution control regimes should compliment and not duplicate each other. Most fundamentally Planning Authorities are asked to work on the assumption that the relevant control regime will be properly applied and enforced. In this context, having regard to paragraph (62) above I am satisfied that there are no material reasons to justify refusing the application on the grounds of adverse effects on air quality.

Water Quality and Flood Risk

65. The eastern boundary of the site is with the Ridham Wall flood defence which runs adjacent to the west bank of the Swale tidal river. A Metal Fragmentation Plant site adjoins the northern boundary of the site and existing industrial development is located north-west and south of the site. Existing and former land uses are heavy industrial. The site is located adjacent to the Ferry Reach of the Swale tidal river. The Ridham Wall flood defence abuts the eastern boundary of the site.
66. An unnamed drain runs adjacent and outside of the northern site boundary before running adjacent to the Ridham Wall within the eastern site boundary. The EA have confirmed that the unnamed drain is designated as an ordinary watercourse, which outfalls to Ridham Fleet, approximately 250m south of the site which is designated as Main River and is under the jurisdiction of the Environment Agency (EA). Ridham Fleet flows easterly passing approximately 180m south of the site at its closest point prior to outfalling to the Swale via a gravity flapped outfall. The applicant indicates that surface water runoff from the existing site currently drains via overland routes or via the underlying groundwater table to the unnamed drain which runs around the northern and eastern site boundaries. A large proportion of the surface water runoff will flow (via groundwater or overland routes) into the low lying marsh land first, eventually draining to the unnamed drain and the Swale tidal river when tidal conditions allow.
67. The applicant has assessed the likely impact the development may have on contamination of ground and surface waters, the potential for flooding to be caused by the development and other potential impacts.
68. The application site is shown to lie within 'high probability' Flood Zone 3 which represents an annual probability of greater than 0.5% of a tidal flood occurring in any one year or greater than 1% of a fluvial flood occurring in any one year.

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69. The site benefits from tidal flood defences, deemed by the EA to be offering a standard of protection of between 5 and 50 year standard, despite crest heights exceeding the 1:200 year tidal level incorporating an allowance for sea level risk to 2070. The primary risk of flooding associated with the site is fluvial and which may be exacerbated by tide-locking of the Ridham Fleet outlet to the Swale River during tidal flood conditions. However, the greatest flood consequence could result from a breach of tidal defences coinciding with significant tidal conditions. It is proposed to manage the risk by elevating finished floor levels of vulnerable development wherever practical to do so, thereby providing safe refuge within buildings, and by implementation of robust flood warning measures linked to tidal conditions and an evacuation plan. Surface water management facilities would be designed to limit off-site runoff rates to those generated by the existing site. Due to space constraints the use of 'hard' SuDS are proposed in the form of underground tank storage would be provided in the form of an open surface water attenuation pond, supplemented with attenuation provided in the form of carefully profiled above ground storage areas designed to temporarily detain floodwater to a shallow depth (<300mm).
70. Flood risks and residual flood risks are deemed to be manageable by the Applicant over the lifetime of the development, subject to proposed mitigation, management and resilience measures being implemented.
71. The EA have been consulted and have sought to raise no objection to the application on the grounds of flood risk provided a condition is imposed on any future permission requiring the development to be carried out in accordance with the FRA submitted as part of the application and subject to the imposition of a number of planning conditions covering, amongst other matters, flood risk and an evacuation plan, along with the submission of a surface water drainage scheme. On this basis I am satisfied that there are no overriding objections on the grounds of risk from flooding.

Landscape and Visual Impact

72. The proposed site is located within the existing Ridham Dock Industrial Estate and is surrounded by a number of other major developments including the Thamesteel site to the immediate north, the Knauf Plasterboard factory and the Morrisons Distribution depot. To the south of the site is the existing Countrystyle Recycling Ltd site and Kemsley Paper Mill, for which the County Council have recently granted planning permission for the development of a sustainable energy plant to serve it.
73. The applicants have undertaken a landscape and visual appraisal of the proposed development which includes an assessment of the visual impact when viewed from various locations surrounding the site that are considered most sensitive to the development. These are identified in the table below.

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**Table 11-2
Selected Viewpoints**

Viewpoint		Grid Reference		Description
		Easting	Northing	
A	Saxon Shore Way Nr Ferry Reach	591493	168981	View from the Saxon Shore Way (long distance path) near The Sheppey Crossing and Kingsferry Bridge
B	Public Footpath	592341	168092	View from public footpath adjacent to eastern boundary of the application site
C	Saxon Shore Way	592129	167804	Direct view looking north from the Saxon Shore Way
D	Elmley NNR	592899	168099	Direct view over the Swale from the Elmley NNR
E	Edge of Iwade (New Housing)	590295	167534	View from a new housing development on the edge of Iwade
F	Edge of Kemsley	591291	166538	View from the area of new housing on the northern edge of Kemsley
G	Saxon Shore Way Nr Little Mursdon	592815	166235	View north along the Swale from the Saxon Shore Way (long distance path) adjacent to Little Mursdon Nature Reserve
H	Cheyney Fm / Beefsteak Cottages	592720	170387	Representational of views from adjacent residential properties and public footpath
I	Thistle Hill, Southern edge of Minster	593971	171636	Representational of views from road junction / housing

Source: page 11-7 SLR Landscape and visual assessment

74. The assessment provided by the applicant includes comparative photomontages which identifies that, when viewed from viewpoints E, F, I and J minor or minor to moderate visual impacts are considered. Views from viewpoints A, G and H are assessed by the applicant as being moderate in terms of significant of visual impact. Having viewed the site from a distance, I consider that the more distant views are already dominated by large industrial buildings. In my opinion the additional visual impacts from the proposed development would not therefore significantly alter this industrial landscape.
75. When in close proximity to the site, particularly when viewed from the Saxon Shore Way, the impact would be more severe and is assessed by the applicant as moderate to major when assessed from viewpoint B, C and major at viewpoint D (Elmley NNR). In order to help mitigate the visual impact of the proposed development particularly when viewed from a distance, the applicants propose that the external finish of the building and stack reflect the character of the local landscape and that the proposed colours be used in a way which would break up the mass of the building and help reduce its impact when seen against the sky. The applicant therefore proposes a graduated colour scheme such that at the lower level the colour would graduate from a

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reed green towards a green beige leading to a pale in order to reflect the range of shades seen in the adjacent marshes and grassland throughout the seasons and allow for a subtle progression into a pale grey colour for the upper section of the proposed building and chimney stack.

76. The County Council's landscape consultants Jacobs, have been consulted and agree with the applicant's assessment that major adverse effects would occur as a result of the proposal. They also consider that it should be recognised these are localised major adverse impacts on the landscape character and that the development is set within an existing partly industrialised landscape. Jacobs consider that the visual impact should be considered and weighed up in terms of the cumulative effect it would have when viewed within the context of both existing and other proposed development in the area. Jacobs consider that the proposed colour scheme for the structure and chimney stack has been carefully considered by the applicant and is of the view that this would provide mitigation as much as possible. On the basis of the supporting information I concur with the views of the County Councils landscape consultant that the landscape arguments are finely balanced and that it would be difficult to sustain an objection on landscape grounds alone. This view is also likely, in my opinion, to become more predominant as further industrial development becomes established given the strategic importance of the area for future employment as reflected in those policies set out in the Swale Borough Local Plan. Having considered the proposal within its current and future landscape context, I do not therefore consider there are any overriding landscape objections to the proposal.

Nature Conservation and Ecology

77. The proposed site includes a 0.9 ha reedbed area which would be lost as a result of the development. Whilst the site itself is not covered by any statutory nature conservation designations it lies close to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes SSSI. These SSSIs are part of the Swale SPA and Ramsar Site and the Medway Estuary and Marshes SPA and Ramsar Site. Natural England (NE) initially raised an objection to the proposal on the basis that the applicant had not supplied sufficient information to determine the possible effects on the Swale SPA and Ramsar site. They requested further information on air quality, noise disturbance to SPA bird interests, bird data for the adjacent grazing marsh and visual impact on bird interest. Further information has been supplied by the applicant and as such NE have removed their objection to the proposal provided a condition be placed on any permission requiring the applicant to undertake monitoring of over-wintering birds, in order to ascertain impact from the proposed building, on birds for a two year period following construction. On this basis the County Council as the 'Competent Authority' consider that having regard to the Habitats Regulations there would be no likely significant adverse effect upon the Swale SPA and Ramsar. NE now confirm that based on the information contained in the application it is their view that the proposal is not likely to have a significant effect on the Swale SPA and Ramsar Site, either alone or in-combination with other plans and projects in the area.

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78. The applicant has assessed the potential impacts on ecology and nature conservation including a desk based study together with walkover surveys of the site and surrounding areas. These surveys sought to identify: Reptiles, Invertebrates, Birds, Water Voles, Great Crested Newts and Macroinvertebrates.

Marsh Harrier

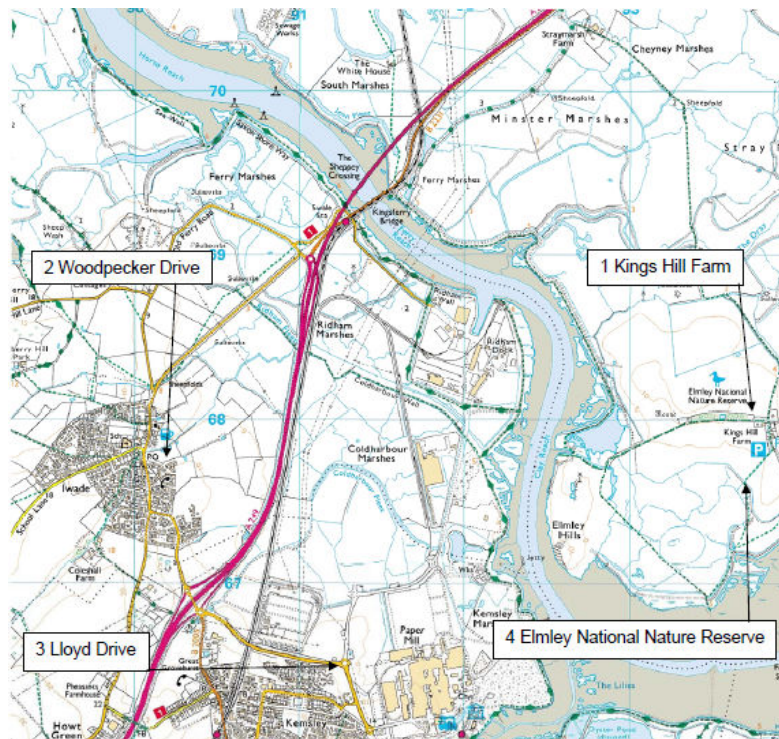
79. Whilst the applicant carried out a breeding bird survey in support of the planning application, the RSPB have raised some concern over the timings of the survey work undertaken by the applicant. The RSPB confirm that the marsh harrier is an Annex I species and a qualifying feature of the Swale SPA. They further confirm that just 24 pairs of marsh harrier are listed on the Swale SPA citation and that the survey undertaken was limited in their view. At the time of reporting the recent Kemsley Paper Mill proposal to Members, NE confirmed that that they were aware from RPS, consultants for Regis Paper, that a pair of marsh harrier were nesting in a reedbed 1km to the south of Ridham Dock last year. Notwithstanding the timing of the survey work undertaken by the applicant for the proposed site, which found no birds to be present as a precautionary approach I would recommend that if Members are minded to grant permission, that further breeding bird surveys are conditioned before any works take place and if marsh harrier are found to be present on site, that no works may take place that would impact the reed bed, until the end of the breeding season. This in my view could be conditioned. Additionally, to maintain the amount of breeding and foraging habitat for marsh harrier it would be appropriate for the loss of reed bed to be compensated. NE has advised that this was the stance taken in respect of the Kemsley Mill proposal. Although in this particular case the reed bed was not directly impacted there were concerns that the building works and operation may deter marsh harrier from using the reed bed as a result a 1 ha area of reed bed is to be created and managed at a separate site on the Isle of Sheppey adjacent to a core breeding area to offset these potential effects. Having regard to this recent approach and to the advice provided by NE, I consider that a suitable area to compensate for the lost reed bed habitat, should be provided and managed offsite in line with the requirements of the Conservation of Habitats and Species Regulations 2010, in order to secure this, in the event that members resolve to grant planning permission, this could be secured by way of a formal section 106 legal agreement the proposed Heads of Terms for which are appended to this report (Appendix 2).
80. The results of on site surveys revealed that the most likely potential significant impacts from the development as being the direct impacts resulting from the loss of suitable habitat for reptiles and invertebrate from the development site. As a precautionary approach it is proposed that appropriate mitigation measures for reptiles and water voles would be included within an Environmental Management Plan (EMP) for the development including the use of a suitable receptor site which has been identified to the west of the proposed site.
81. Water vole mitigation would require habitat creation/enhancement works whether to an on or off-site receptor and we propose that within an EMP for the development proposals would be included that will compensate for some of the reed bed habitat

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that would be lost as part of the development with benefits for some of the other species of fauna that have the potential to be affected by the development.

Noise

82. A Noise Assessment has been submitted in support of the application and which has considered both the potential for the construction and operational phases of the proposed development. The applicant identifies the nearest sensitive receptors as being Kings Hill Farm, Woodpecker Drive and Lloyd Drive as show on the location plan below:



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Construction Phase

83. The assessment concludes that construction noise levels are predicted to be below the 75dB criterion adopted for at all receptors. However by way of on site mitigation to reduce noise levels the applicant proposes the use of Best Practice methods to control noise impacts during construction activities. These would typically include amongst others, the use of machinery that would have silencers, the delivery of materials during the daytime only and the use of screens and barriers to reduce noise potential impacts. NE however have commented that in their view there would be a slight increase in the existing noise levels during the construction stage particularly when piling works would be programmed to take place. Whilst piling works themselves would only take place over a 24 week period, they consider that the noise generated from this activity would not allow for over-wintering and passage birds sufficient time to become accustomed to such activities due to its temporary nature. I would therefore agree with NE that in the event that Members are minded to grant planning permission for this proposed development that any piling works should be restricted to being carried out outside the period of October to February inclusive. This could in my view be controlled by way of a suitably worded planning condition.

Operational Phase

84. In terms of potential noise impacts once operational, a BS4142 noise assessment has been carried out in order to determine whether noise emissions from fixed plant would be likely to give rise to complaints from the nearest sensitive receptors identified above.

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Table 8-9
Midweek BS4142 Assessment, free-field, dB

Location	Period	Measured Background Noise Level L_{A90}	Predicted Rating Level $L_{Ar,T}$	Difference
1. Kings Hill Farm	Night-time	51.2	30.5	-20.7
	Daytime	43.5	32.4	-11.1
2. Woodpecker Drive	Night-time	38.0	25.9	-12.1
	Daytime	43.8	33.1	-10.7
3. Lloyd Drive	Night-time	40.3	25.4	-14.9
	Daytime	47.3	33.0	-14.3

8.76 The Sunday BS4142 assessment is shown in Table 8-10 below.

Table 8-10
Sunday BS4142 Assessment, free-field, dB

Location	Period	Measured Background Noise Level L_{A90}	Predicted Rating Level $L_{Ar,T}$	Difference
1. Kings Hill Farm	Daytime	40.8	32.4	-8.4
2. Woodpecker Drive	Daytime	44.6	33.1	-11.5
3. Lloyd Drive	Daytime	46.4	33.0	-13.4

Source: page 8.12 Appendix 8 SLR Environmental Assessment

85. BS4142 advises that a difference of around 10dB or higher indicates that complaints are likely. A difference of around 5dB is of marginal significance and a difference of -10dB is a positive indication that complaints are unlikely. Both tables above indicate that the noise rating levels generated by the proposed development would lead to a situation where there would be a positive indication that complaints would be unlikely during the midweek daytime and night-time periods and on Sundays at all locations assessed. The County Council's noise advisor Jacobs has been consulted on the application and advises that on the basis of the information submitted in support of the proposal the proposed development is unlikely to result in any adverse impacts on the nearest residential receptors and therefore no objection is raised to the application on noise grounds. In my view having regard to the conclusions of the Noise Assessment and the comments made by Jacobs I do not consider there are any overriding noise objections to the proposal.

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Employment

86. The applicant estimates that at the construction stage, the development could provide temporary employment opportunities for up to 90 workers at any one time. Once operational the RCHPP would provide direct employment for around 26 permanent staff. The applicant states that staff would be employed in a number of roles within the site, including: weighbridge operation, facility operation, clerical and administration staff as well as plant management. There may also be a need for temporary and contract workers for periodic maintenance and other irregular tasks.
87. Members may be aware of an announcement made in the coalition government's Budget in March when the Chancellor of the Exchequer issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The Government's top priority is to promote sustainable economic growth and jobs, and as a fundamental means to achieve this considers the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. Government's clear expectation therefore is that there should be a strong presumption in favour of development except where this would compromise the key sustainable development principles set out in national planning policy. In my view whilst this particular proposal would not generate the same level of employment opportunities as say, that recently related to the Kemsley Mill proposal, the proposed development in itself still meets the requirements of Policy B2 of the Swale Borough Local Plan which supports employment opportunities in the area.

Conclusion

88. In conclusion, I am satisfied that there is a need for this facility based on the available waste stream of which some is currently being shipped to Germany from the Ridham area. The site is one identified as suitable in the KWLP and has ready access via a purpose built route via the A249/barge Way. Whilst a number of issues of concern have been recently raised in relation to vehicle capacity in the locality, this proposal in itself represents a relatively small increase on the local road network. Both the Highway Authority and DTM have been consulted on the proposal and neither have sought to raise objections on highway grounds. Having considered their views and the sites close location to the existing highway network and purpose built road to the industrial estate, I am satisfied that the proposal meets the requirements of Policy W22 of the KWLP.
89. In terms of air quality, the potential impacts from construction related dust and stack emissions have been considered and in my view the dust mitigation measures put forward by the applicant are suitable and can be controlled by way of suitably worded conditions and therefore satisfy the criteria of W18 of the KWLP and policy NRM9 of the SEP. With regard to potential stack emissions, the EA have been consulted and do not raise any objections to the proposed development on air quality grounds. In the event that members resolve to grant planning permission, the applicant would be

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required to submit an Environmental Permit to the Agency who would be the regulating authority for such matters. This is wholly consistent with the requirements and advice set out in PPS23.

90. With regard to water quality and flood risk the EA have requested that any permission would be subject to conditions requiring, amongst other matters, a flood risk and evacuation plan as well as the submission of a surface water drainage scheme. No objection is raised on the grounds of water quality or floor risk, therefore the proposal meets the requirements of PPS25 and W19 of the KWLP.
91. This view is also likely, in my opinion, to become more predominant as further industrial development becomes established given the strategic importance of the area for future employment as reflected in those policies set out in the Swale Borough Local Plan. Having considered the proposed location of the proposal within its current industrial location and future development proposed in the area which will continue to alter the landscape, having regard to policy W31 of the KWLP along with the scale of the proposed building, I consider that the applicant has sought to mitigate its impact as far as possible. In the absence of an objection from Jacobs, our landscape advisors, I do not consider there to be an overriding landscape objection in this case.
92. The site is located close to sensitive designated areas and the applicant has considered, along with advice from the relevant nature conservation bodies the necessary mitigation required in relation to the development. In particular the loss of the existing reed bed at the site would need to be recreated and managed elsewhere, as would the receptor site already identified by the applicant to the west of the proposed site. Having regard to policy NRM5 of the SEP, W21 of the KWLP and policies SP2 and E12 of the Swale Borough Local Plan a scheme for the creation and long term management of both would need to be secured by way of a formal section 106 legal agreement to ensure the proposal meets nature conservation policies.
93. Finally having assessed the potential noise impacts of the proposal on the nearest sensitive receptors being both residential and ecological and the potential for the proposal to generate employment opportunities in the area, I am satisfied that policy W18 of the KWLP and B2 of the Swale Borough local Plan can be met.
94. In view of the above, I therefore recommend that planning permission be granted subject to conditions for this proposal.

Recommendation

95. I RECOMMEND that:
 - a) SUBJECT TO within 6 months of the date of this Committees resolution, the Applicant providing an alternative 0.9 hectare site for the creation of a reed bed habitat to mitigate the loss of reed bed habitat on the development site, and

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- b) SUBJECT TO the satisfactory completion of a Legal Agreement to secure the Draft Heads of Terms as set out in Appendix 2

PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters, hours of working, waste throughput, dust management, noise restrictions, flood risk, a surface water drainage scheme, archaeology, lighting, ecology, mud on the road, vehicle parking, turning and surface details, details alternative users of power generation, construction materials and colour, along with an informative requiring the applicant to investigate the use of alternative use of rail and waste sources.

Case Officer: Angela Watts

Tel. no. 01622 221059

Background Documents: see section heading.

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APPENDIX 1

APPROPRIATE ASSESSMENT

RIDHAM COMBINED HEAT AND POWER PLANT

CONSERVATION OF HABITATS AND SPECIES REGULATIONS ASSESSMENT

Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations), requires a competent authority to make an Appropriate Assessment of the implications for European sites in view of a site’s conservation objectives, before deciding to undertake, or give consent, permission or other authorisation for, a plan or project which:

- a. is likely to have a significant effect on a European site, either alone or in combination with other plans and projects; and
- b. is not directly connected with or necessary to the management of that site.

This is a record of the Appropriate Assessment, required by Regulation 61 of the Habitats Regulations undertaken by Kent County Council as the Competent Authority, in accordance with the Habitats Directive (Council Directive 92/43 EEC). in respect of the proposed Ridham Combined Heat and Power (CHP) Plant at Ridham Dock, Sittingbourne.

Having considered that the plan or project would have a “likely significant effect” (Stage 1) on the Swale Special Protection Area and Ramsar Site and that the scheme was not directly connected with or necessary to the management of the site, an Appropriate Assessment (Stage 2) has been undertaken of the implications of the proposal in view of the site’s conservation objectives.

Natural England was consulted under the provisions of Article 10 of the Town and Country Planning (General Development Procedure Order) 1985, Section 28 of the Wildlife and Countryside Act 1981 (as amended) and Regulation 61 of the Habitats Regulations and their comments to which the County Council has had regard, are attached. The conclusions of this Appropriate Assessment are in accordance with the advice and recommendations of Natural England.

Title:	Construction and Operation of a Biomass Combined Heat and Power Plant at Ridham Dock
Location:	Ridham Dock, near Iwade, Sittingbourne, Kent
Brief Description of Proposal	Biomass Power Plant Ridham Limited is proposing to construct and operate a Biomass CHP Plant which will generate electricity and heat by the combustion of waste wood. The maximum achievable throughput of the plant will be 177,200tpa but the plant is expected to operate at a

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	<p>throughput of approximately 150,000tpa. Electrical output will be around 25 MW_e and will be used to power the CHP and have inputs into the National Grid.</p> <p>A more detailed description of the development can be found in the Environmental Statement and Planning Supporting Statement accompanying the application.</p>
<p>European Site Name and Status:</p>	<p>In accordance with Environment Agency requirements for new applications for environmental permitting the following European sites lie within a 10km radius of the proposed development including:</p> <ul style="list-style-type: none"> • The Swale Special Protection Area (SPA) and Wetland of International importance under the Ramsar Convention (Ramsar site) • Medway Estuary and Marshes SPA and Ramsar site. • Thames Estuary and Marshes SPA and Ramsar site
<p>Brief description of the European site and list of interest features</p>	<p>The Swale SPA</p> <p>The Swale was classified as a SPA in 1982 because it is an important area for breeding, feeding, wintering and migration of rare and vulnerable species of birds. The site qualifies under Article 4.1 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (Birds Directive) because it regularly supports populations of European importance of species listed on Annex I of the Directive including during the breeding season: Avocet (<i>Recurvirostra avosetta</i>); Marsh Harrier (<i>Circus aeruginosus</i>); and Mediterranean Gull (<i>Larus melanocephalus</i>); and over winter Avocet; Bar-tailed Godwit (<i>Limosa lapponica</i>); Golden Plover (<i>Pluvialis apricaria</i>); and Hen Harrier (<i>Circus cyaneus</i>).</p> <p>It also qualifies under Article 4.2 of the Birds Directive as it is regularly supports populations of European importance for migratory species including on passage: Ringed Plover (<i>Charadrius hiaticula</i>), and over winter: Black-tailed Godwit (<i>Limosa limosa islandica</i>); Grey Plover (<i>Pluvialis squatarola</i>); Knot (<i>Calidris canutus</i>); Pintail (<i>Anas acuta</i>); Redshank (<i>Tringa totanus</i>); and Shoveler (<i>Anas clypeata</i>).</p> <p>In addition to the above, the original SPA citation and 1993 updated Natura 2000 Data Form lists Dark-bellied Brent Goose (<i>Branta bernicla bernicla</i>) and Dunlin (<i>Calidris alpina alpina</i>). Where there is a mismatch between the species listed in extant citations and listed in the 2001 SPA Review, the Joint Nature Conservation Committee (JNCC) advises that the 2001 SPA Review should be taken as the definitive list of qualifying species.</p>

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	<p>The site also qualifies under Article 4.2 as a wetland of international importance by regularly supporting at least 20,000 waterfowl including: White-fronted Goose (<i>Anser albifrons</i>); Golden Plover; Bar-tailed Godwit; Pintail; Shoveler; Grey Plover; Knot; Black-tailed Godwit; Redshank; Avocet; Comorant (<i>Phalacrocorax carbo</i>); Curlew (<i>Numenius arquata</i>); Dark-bellied Brent Goose; Shelduck (<i>Tadorna tadorna</i>); Widgeon (<i>Anas Penelope</i>); Gadwall (<i>Anas strepera</i>); Teal (<i>Anas crecca</i>); Oystercatcher (<i>Haematopus ostralegus</i>); Lapwing (<i>Vanellus vanellus</i>); Dunlin; and Little Grebe (<i>Tachybaptus ruficollis</i>), with 5 year peak mean counts 1991/2-1995/6 of 65,390 individual waterfowl.</p> <p>The Swale Ramsar Site</p> <p>Designated a Ramsar site in 1982, under the criteria adopted by the Meetings of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran 1971), the site qualifies under:</p> <ul style="list-style-type: none"> • Criterion 2 because it supports several nationally scarce plants including: Saltmarsh Goosefoot (<i>Chenopodium chenopodioides</i>), Hog's Fennel (<i>Peucedanum officinale</i>), Slender Hare's-ear (<i>Bupleurum tenuissimum</i>), Small Cord-grass (<i>Spartina maritima</i>), Golden Samphire (<i>Inula crithmoides</i>), Divided Sedge (<i>Carex divisa</i>), Sea Clover (<i>Trifolium squamosum</i>) and Sea Barley (<i>Hordeum murinum</i>); and at least seven British Red data book invertebrates including: the weevil <i>Bagous cylindrus</i>, the crane fly <i>Erioptera bivittata</i>, the hoverfly <i>Lejops vittata</i>, the rove beetle <i>Philonthus punctus</i>, the water boatman <i>Micronecta minutissima</i>, the beetle <i>Clanoptilus strangulates</i> (formerly known as <i>Malachius vulneratus</i>) and the true flies of <i>Campsicnemus magius</i>, <i>Elachiptera rufifrons</i> and <i>Myopites eximia</i>. • Criterion 5 because of its international important assemblage of waterfowl (5 year peak mean winter counts 1998/9-2002/3 of 77,501 individuals); and • Criterion 6 because, based on 5 year peak mean counts 1998/9-2002/2 the site supports: <ul style="list-style-type: none"> ○ Peak counts in spring/autumn of 1712 individuals, representing an average of 1.4% of GB population, of Common Redshank; ○ Peak counts in winter of 1633 individuals, representing an average of 1.6% of GB population 	
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	<p>of Dark-bellied Brent Goose; and 2098 individuals, representing an average of 3.9% of the GB population of Grey Plover.</p> <p>Subsequent to its designation, other species for possible future consideration under Criterion 6 include Ringed Plover for its peak counts in spring/autumn as well as Wigeon, Northern Pintail, Shoveler and Black-tailed Godwit.</p> <p>Medway Estuary and Marshes SPA</p> <p>A complex arrangement of tidal channels, which drain around large islands of saltmarsh and peninsulas of grazing marsh covering 4684.36ha.</p> <p>Classified as a SPA in 1993 because it regularly supports populations of European importance of species listed on Annex I of the Birds Directive (79/409/EEC) including: breeding Avocet and little tern; and over wintering Avocet.</p> <p>It also qualifies because it regularly supports populations of European importance for migratory species including Ringed Plover, Black-tailed Godwit, Dark-bellied Brent Goose, Dunlin, Grey Plover, Pintail, Redshank, Ringed Plover and Shelduck as well as a wetland of international importance by regularly supporting at least 20,000 waterfowl.</p> <p>Medway Estuary and Marshes Ramsar Site</p> <p>Designated in 1993 the site qualifies under:</p> <ul style="list-style-type: none"> • Criterion 2 because it supports a number of rare plants and animals, holds several nationally scarce plants and at least 12 British Red data book invertebrates; • Criterion 5 because of its international important assemblage of waterfowl (5 year peak mean winter counts 1998/9-2002/3 of 47,637 individuals); and • Criterion 6 because, based on 5 year peak mean counts 1998/9-2002/2 the site supports: <ul style="list-style-type: none"> ○ Peak counts in spring/autumn of 3103 individuals, representing an average of 1.2% of GB population, of Grey Plover and 3709 (1.4%) individuals of Common Redshank; ○ Peak counts in winter of 2575 individuals, representing an average of 1.6% of GB population of Dark-bellied Brent Goose; 2627 (3.3%) Common Shelduck, 1118 (1.8%) Northern Pintail, 540 (1.6%) Ringed Plover, 3021 (1%), Red Knot, and 8263 (1.4%) Dunlin. 	
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	<p>Subsequent to designation other species for possible future consideration under Criterion 6 include Black-tailed Godwit for its peak counts in spring/autumn.</p> <p>Thames Estuary and Marshes SPA</p> <p>Extensive marshes and intertidal areas covering 4838.94ha.</p> <p>Classified as a SPA in 2000 because it regularly supports populations of European importance of species listed on Annex I of the Birds Directive (79/409/EEC) including over wintering Avocet and Hen Harrier.</p> <p>It also qualifies because it regularly supports populations of European importance for migratory Ringed Plover as well as a wetland of international importance by regularly supporting at least 20,000 waterfowl.</p> <p>Thames Estuary and Marshes Ramsar Site</p> <p>Designated in 2000 the site qualifies under:</p> <ul style="list-style-type: none"> • Criterion 2 because it supports one endangered plant, at least 14 nationally scarce plants of wetland habitats and supports more than 20 British Red data book invertebrates; • Criterion 5 because of its international important assemblage of waterfowl (5 year peak mean winter counts 1998/9-2002/3 of 45,118 individuals); and • Criterion 6 because, based on 5 year peak mean counts 1998/9-2002/2 the site supports: <ul style="list-style-type: none"> ○ Peak counts in spring/autumn of 595 individuals, representing an average of 1.8% of GB population, of ringed plover and 1640 (4.6%) individuals of Black-tailed Godwit; <p>Peak counts in winter of 1643 individuals, representing an average of 3.1% of GB population of Grey Plover, 7279 (1.6%) Red Knot, 15171 (1.1%) Dunlin, and 1178 (1%) Common Redshank.</p>	
<p>Is the proposal directly connected with or necessary to the management of the site for nature conservation</p>	<p>No</p> <p>The proposed development is not directly connected with or necessary to the management of any of the SPAs and Ramsar sites.</p>	
<p>Is the potential</p>	<p>Yes</p>	

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<p>scale or magnitude of any effect likely to be significant alone</p>	<p>The assessment identified four potential hazards likely to have significant effects on The Swale SPA and Ramsar site from the proposed development including:</p> <ul style="list-style-type: none"> • air quality – operational emissions; • disturbance – construction noise; • visual impact of development and risk of collision; and • introduction and spread of non-native invasive species – Pacific oyster. • Marsh harrier <p>Given concerns raised by the RSPB on the impacts on Marsh Harrier, an SPA interest species, if they are using the existing Reed Bed on site, it is proposed that a replacement site be created to offset this loss.</p> <p>In addition, operational emissions were also assessed as likely to have significant effects on the Medway Estuary and Marshes SPA and Ramsar site and the Thames Estuary and Marshes SPA and Ramsar site. In particular existing background air pollution levels of NOx were found to be at a level prompting further analysis.</p> <p>The assessment has concluded that the proposed development of the Ridham CHP Plant, with appropriate avoidance and mitigation measures as set out in the appendix attached incorporated in the design of the development is not likely to have an adverse effect on the integrity of any of the European sites within the proposed development's zone of influence or on any of the qualifying features for which these sites were designated and/or classified.</p> <p>Given the concerns raised by NE it has been agreed with the applicant that they will undertake monitoring of over-wintering birds for a two year period following construction of the proposed development.</p>
<p>Is the potential scale or magnitude of any effect likely to be significant in combination with other plans or projects</p>	<p>Yes</p> <p>Consideration of the in-combination effects of other plans and projects identified that the potential significant effect on the European sites would be from the cumulative impact of other proposed combustion plants in the vicinity of the Ridham CHP Plant and the effects on air quality. A cumulative assessment of NOx on the European sites would indicate that the cumulative effects of the Ridham CHP Plant with other combustion plants would not have a significant adverse effect</p>

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	on any of the European sites.
<p>Conclusion – is the proposal likely to have a significant effect either “alone or in-combination” on a European site</p>	<p>Yes</p> <p>The E.A. have carried out an assessment and concluded that that there will be no impact on the integrity of the site either alone or in combination. It is concluded therefore that the proposed development of the Ridham CHP Plant is not likely to have any significant adverse effect either alone or in combination with other projects on The Swale SPA and Ramsar site, Medway Estuary and Marshes SPA and Ramsar site and Thames Estuary and Marshes SPA and Ramsar site.</p> <p>For those plans and projects where impacts are unknown at this time, best practice would be followed to reduce and mitigate impacts so that overall the in-combination effects would be negligible.</p>

<p>Name of County Council Officer:</p>		<p>Date:</p>
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Appendix to Appropriate Assessment

Compensation

- The provision of an alternative 0.9 hectare reed bed site to mitigate the loss of reed bed habitat on the development site and secure such site by s106 planning obligation within 6 months of the date of the resolution of this Committee

Mitigation Measures

- The creation and long - term management of the newly formed habitat on land shown on the drawings as 'Area C'.
- Deep drilled piling methods shall be used at the construction stage. No impact pile driving shall be used on site during the over-wintering season.

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Appendix 2

DRAFT HEADS OF TERMS

For Agreement in connection with Planning Application SW/10/774 – Proposed Construction and Operation of a Biomass Combined Heat and Power Plant including External and Covered Waste Wood Storage Area, Associated Weighbridge , Parking and Underground Pipework to Pumping Station at Ridham Dock, Iwade Nr Sittingbourne, Kent.

Prior to the issue of the Planning Permission the applicant shall enter into all of the necessary legal agreements required to secure the following matters at no cost to the County Council:

1. The Developer will not commence development on the application site until:-
 - (a) a scheme for the creation and long - term management of the newly formed habitat on land shown outlined in () on plan () and being land under the applicant's control has been submitted to and approved by the County Council.
 - (b) a scheme for the creation and long – term management of the area of 0.9 ha of land which is to be secured offsite for a New Reed Bed has been submitted to and approved by the County Council.
 - (c) a commuted sum in the sum of (£) has been paid in full to a nominated body for the purposes of undertaking the creation and long – term management of the area referred to in (b) above. The commuted sum will be indexed linked from the date of this Agreement to the date of payment. The Index to be the Retail Price Index.

2. The applicant to pay all the County Council's reasonable legal and professional costs prior to the completion of the Agreement.