

Use of building 15B for Materials Recycling Facility and Refuse Derived Fuel Facility, Unit 15B Ridham Dock Industrial Estate, Sittingbourne – KCC/SW/0209/2011

A report by Head of Planning Applications Group to Planning Applications Committee on 6 September 2011.

Application by Sita UK Limited for the use of building 15B to install and operate a Materials Recycling Facility (MRF) and a Refuse Derived Fuel (RDF) Facility and use of the existing weighbridge, weighbridge office, site office and washrooms/toilets to the south of Unit 15A at unit 15B Ridham Dock Industrial Estate, Ridham Dock Road, Ridham, Sittingbourne (KCC/SW/0209/2011).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. M. Whiting and Mr. A. Willicombe

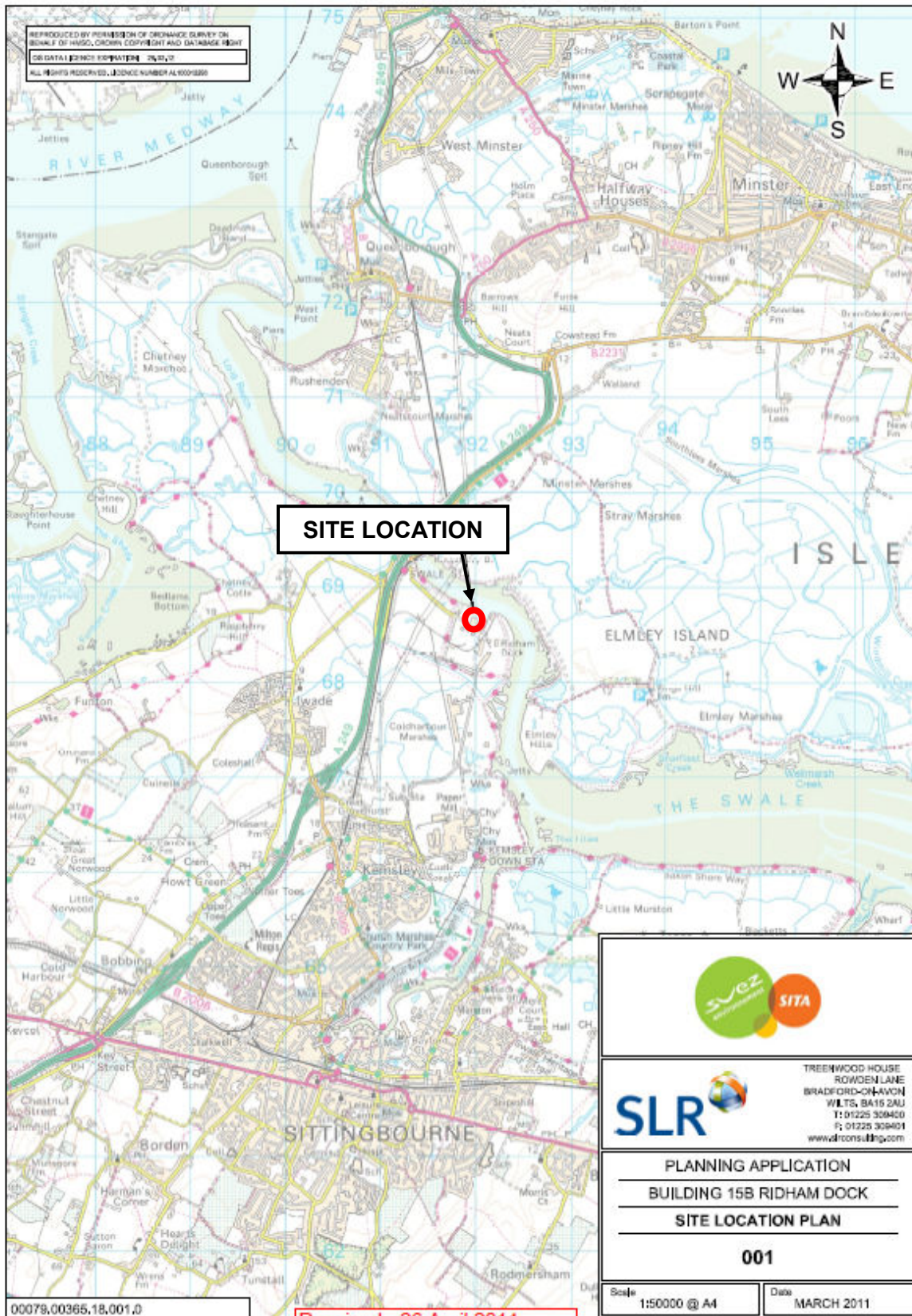
Classification: Unrestricted

Site Description

1. The application site is located on Ridham Dock Industrial Estate, which is a well established commercial and industrial wharf situated adjacent to the River Swale. The Dock is 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. The River Swale is a designated SPA under EC Directive 79/409 on the Conservation of Wild Birds and Ramsar citation as a wetland of national and international importance. It regularly supports internationally important numbers of wintering and breeding migratory waterfowl. The mudflats of the Swale are also rich in invertebrates and are rich in plant life, rare and common.
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 which is located along the eastern and northern boundary.
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 Aggregates, European Metal Recovery, Morgan Este and Arcelor Steel. Located within 2 kilometres of the dock are Kemsley Paper Mill and Knauf plasterboard facilities, together with a Countrystyle Recycling facility, Morrisons distribution warehouse and Ridham Sea Terminals.
4. The dock is accessed via a private spine road that traverses Ridham Dock, providing access to all land uses contained within the dock area. The private spine road connects to the public highway by becoming Sheppey Way to the north and via a four-arm roundabout with Barge Way to the south. Sheppey Way connects to the Strategic Road Network via a grade-separated roundabout and dedicated slip-roads, providing access to and from the south along the A249, approximately 1km to the west of the application site.
5. The nearest residential areas in the surrounding environment are Kemsley (approximately 1.9km south), Iwade (approximately 1.5km west), Queenborough

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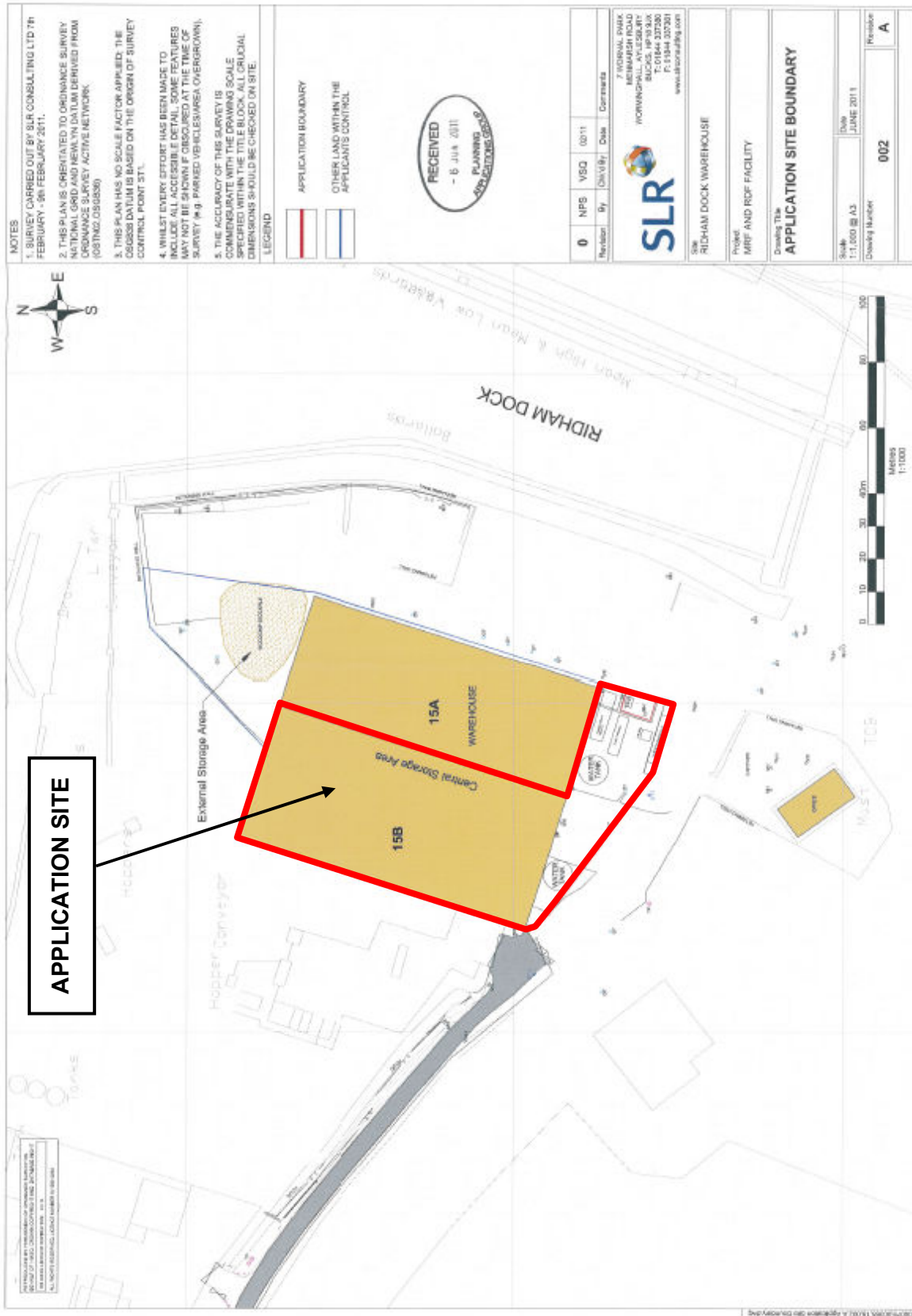
General Location Plan



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Planning Applications Group

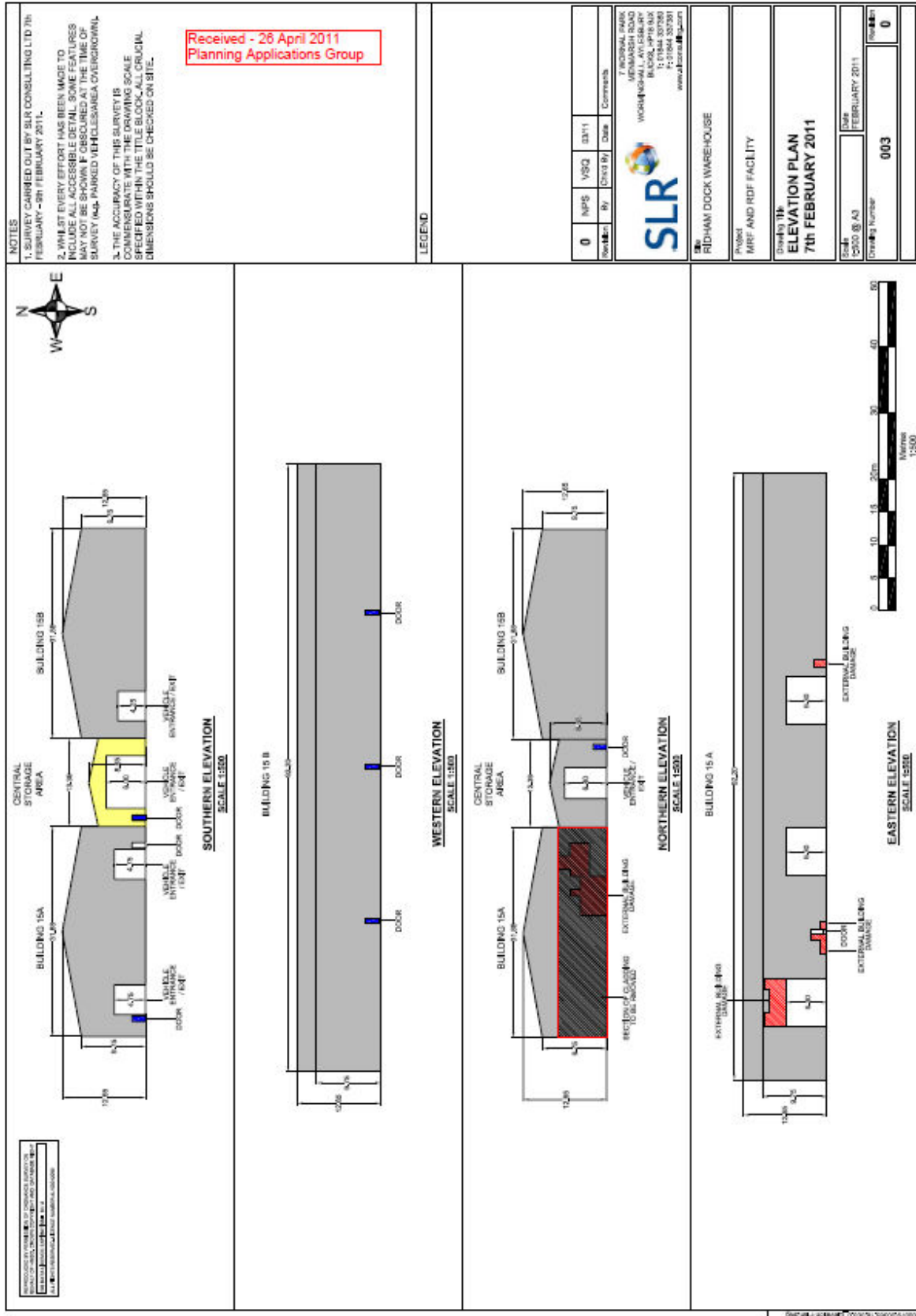
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Application Site Boundary



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Elevation Plan



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(approximately 2.5km north) and Minster (approximately 3.5km northeast). Beyond the industrial areas of the dock, the surrounding land consists of predominantly low lying grazing, agricultural and marshland areas. *A site location plan is attached on page C2.2.*

6. The application site is Unit 15B at Ridham Dock; an existing semi detached steel portal frame warehouse adjacent to Unit 15A (proposed to be used as a wood shredding facility – as per Committee Agenda Item C1). The building has historically been used for a range of industrial and port related storage purposes since the late 1970's. Included within the application boundary (as shown on page C2.3) is an existing weighbridge, weighbridge office, mobile office and toilet/washroom (all located to the front of Unit 15A). All of these would be ancillary to the operation of the Materials Recycling Facility (MRF) and Refuse Derived Fuel (RDF) Facility. The application site comprises an area of some 0.5 hectares.

Proposal

7. The proposal seeks permission to install and operate a Materials Recycling Facility (MRF) and a Refuse Derived Fuel (RDF) Facility at the Ridham Dock site. It is proposed to import up to 25,000 tonnes per annum (tpa) of commercial and industrial waste to the MRF by road. Waste for the MRF would typically comprise mixed skip waste and would generally be bought to the site on 7 tonne skip lorries. Vehicles bringing in materials for the MRF would pass over the weighbridge before discharging their contents within a designated area within Unit 15B where it would be stored prior to processing. A 360° grabber and loading shovel would be used to convey the material to a mobile screener and then to a trommel. The trommel would be used to separate inert and fine materials before waste is conveyed to the picking station where pickers would manually separate any recyclable materials into different storage containers. The recyclable fraction of the MRF waste (approximately 50%) would be temporarily stored in a central storage area (between Unit 15A and Unit 15B) and exported by road to specialist recycling facilities and the residual 50% would go through the RDF process to extract every possible value.
8. Refuse Derived Fuel (RDF) is a fuel produced by shredding and dehydrating solid waste. RDF consists largely of combustible components of municipal waste such as plastics and biodegradable waste. The residual material can be sold in its processed form (depending on the process treatment) or it may be compressed into pellets, bricks or logs.
9. It is proposed to import up to 100,000 tpa of commercial and industrial waste to the RDF facility by road. Waste for the RDF facility would arrive at the site in 'bulked-up' loads by 22 tonne payload HGVs. Vehicles bringing in material for the RDF facility would pass over the existing weighbridge and proceed inside Unit 15B to deposit their material in a designated area. It is proposed to construct free standing concrete walls within the building to create storage bays. The RDF materials would arrive at the site pre-sorted thus would not need to go through the MRF for separation into waste streams. The RDF materials would first be fed into a low speed shredder which would shred the material to approximately 150mm in size. A magnet at the end of the shredder would remove any metal fragments. Following shredding, the materials would be conveyed to a heavy fraction separator which would remove the inert material. The remaining material would then proceed to two high speed shredders which would shred the material into particles less than 30mm in size ready for the final bailing and

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wrapping process. Once baled and wrapped, all of the RDF material would be exported from Ridham Dock by ship. Ships would have a typical capacity of 1800 tonnes.

10. Permission is sought to operate the MRF and RDF facility on a 24 hour basis, in line with the operating hours of Ridham Dock and warehouses on the dock. The proposals require the following plant and machinery: baler and wrapping machine; high speed shredders; low speed shredder; heavy fraction separator; magnet; picking station; trommel; loading shovel; 360° excavator / grab; and forklift. The MRF and RDF facility is anticipated to employ up to 16 members of staff.
11. The application site comprises the existing building, known as Unit 15B, the existing weighbridge, weighbridge office, mobile office and mobile toilet/washroom. This proposal is related to the proposal for Unit 15A (see Agenda Item C1) in so far as they would be managed by the same operator (SITA UK) and facilities such as the weighbridge, weighbridge office and welfare facilities would be shared, together with a Central Storage Area, as shown on page C2.3.

Planning Policy Context

12. The key National and Development Plan Policies most relevant to the proposal are summarised below:

- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control), PPS24 (Planning and Noise) and PPS25 (Development and Flood Risk). Also relevant for consideration is the Waste Strategy for England 2007.
- (ii) **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), W17 (location of waste management facilities), CC1 (sustainable development), CC2 (climate change), CC3 (resource use), CC4 (sustainable design and construction), NRM4 (sustainable flood risk management), NRM5 (conservation and improvement of biodiversity) and NRM9 (air quality).

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposed development, in that The Plan was revoked 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 as material considerations. However the weight to be accorded is a matter for the decision makers.

- (iii) **Kent Waste Local Plan (1998)** – the most relevant saved policies are: W9 (Ridham area identified as suitable in principle for waste separation and transfer), W18 (noise, dust and odour), W19 (groundwater protection), W20 (drainage, flood control and rainwater infiltration), W21 (nature conservation), W22 (provision of adequate access arrangements, W25A (reuse of existing buildings) and W31 (visual impact and landscaping).

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- (iv) The **Swale Borough Local Plan (2008)** – the most relevant policies are summarised below:

Policy SP1 Requires development proposals to accord with sustainable development principles.

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 visual, aural, ecological, historical, atmospheric and hydrological environment 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 need are judged to be the greater, the Council will require adverse impacts to be minimised and mitigated.

Policy E2 All development proposals will minimise and mitigate pollution impacts.

Policy E4 Where there is considered to be a risk of flooding, development proposals will be accompanied by a Flood Risk Assessment.

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

Policy B2 Provides for new employment.

Policy B10 Ridham identified as an existing committed employment site.

Consultations

13. **Swale Borough Council:** raises no objections to the proposed development subject to the imposition of any conditions recommended by consultees on this proposal.

14. **Iwade Parish Council:** object to the proposed development on the following grounds:

- concern about increased traffic on the A249. In light of recent applications at this site and the surrounding area, has Kent County Council looked at all the quoted lorry/traffic movements (adding together all the extra movements from each application) to ascertain the exact impact on the highway infrastructure? The A249 is already suffering problems due to increased traffic; there are alternatives as regards transport – the river and there is an old railway line which could be regenerated – this would have an impact on decreasing emissions from vehicles and alleviate the impact on the surrounding highway network;
- fire precautions – as various combustible materials would be stored at this facility would fire breaks be placed in strategic points in the possible event of spontaneous combustion and what other precautions would be taken?

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- following a site visit with the operators, Members of the Parish Council were encouraged by the steps that the applicant is taking and how it is seeking to address environmental/health issues.
15. **Highways Agency:** raises no objections to the proposed development on the basis that the total volume of material through the site be controlled by planning condition. Based on the application details consider that there is unlikely to be a detrimental impact on the Strategic Road Network. During pre-application discussions, the applicant indicated their intention to use Sheppey Way for vehicular access to the A249. This is a marked HGV route to Ridham Dock. However, this application mentions use of the Grovehurst junction. The Grovehurst junction will potentially be coming under stress in future years from the amount of development already permitted and that planned within the developing Core Strategy for the area. Would strongly advise that traffic associated with this proposal is directed to use the marked HGV route to Ridham Dock, via Sheppey Way and not via the Grovehurst junction.
16. **Divisional Transportation Manager:** having carried out a sensitivity test using TRICS database to compare the traffic movements associated with the extant use of the site against those of the proposed development, concurs that HGV movements would be virtually similar to the extant use. Therefore raises no objections to the proposed development subject to conditions being imposed on any decision to limit traffic movements and tonnage of material brought into and out of the site to reflect the details submitted within the application, as follows:
- the application suggests 48 HGV movements per day (24 in, 24 out), so suggest that a cap of 58 two-way movements per day is reasonable to allow for daily variations and that likely under the extant use;
 - limit importation cap of 125,000 tpa [25,000 tpa for MRF and 100,000 tpa for RDF] (as being applied for); and
 - cap 14,000 tpa to be transported away from the facility by road to help achieve the applicant's shipping target.
17. **Environment Agency:** raises no objections to the proposed development subject to the imposition of conditions covering compliance with the submitted Flood Risk Assessment and the Flood Evacuation Plan. The Agency further state that: an Environmental Permit will be required for the proposed operations; that the storage of a large amount of combustible materials take place in accordance with their Draft Pollution Prevention Guide Number 29: "Safe Storage – Combustible Materials, Prevent and Control Fire"; and that consideration be given to material escaping from the facility as windblown litter and dust.
18. **The Royal Society for the Protection of Birds (RSPB):** raises no objections to the proposed development and is satisfied that the development would not have an adverse effect on the nearby Swale Special Protection Area (SPA). This is subject to the mitigation measures set out in the application being secured by appropriately worded planning condition(s).
19. **Natural England:** notes that the application site lies close to habitats which form part of the Swale SSSI and that the SSSI is part of the Swale SPA and Ramsar Site. However, raise no objection to the proposed development.

Further consider that in their view, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the designated

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sites and that the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations.

20. **County Council's Biodiversity Officer:** raises no objections to the proposed development and is satisfied that the development would have minor or no impact on the designated sites.
21. **County Council's Noise, Dust & Odour Consultant:** makes the following comments:

Noise

"Taking into account the industrial nature of the site surrounding the application site, the majority of working being enclosed within the buildings and the distance to the nearest residential properties, the site is unlikely to result in a detriment to the noise environment of the nearest residential properties. In terms of traffic [noise] impacts, I note that it is predicted that there would be approximately 48 HGV two-way movements per day. Such low vehicle numbers will not result in adverse impacts for receptors on the local road network. However, I note from the previous application for Unit 15A (see Committee Agenda Item C1) that 36 HGV movements per day are associated with wood shredding operations. When considering the combined impact of these applications, the total movements associated with Unit 15A and Unit 15B would result in a total of 84 HGV movements. The nearest residential receptors are located on Samuel Drive and Lloyd Drive, approximately 20 metres from Swale Way [these properties are the relatively new housing constructed immediately south of Barge Way, the main spine road into the Ridham Dock Industrial Estate].

The noise assessment assumes that vehicle movements would be restricted to daytime hours. Should HGV movements occur through the night we would wish for the noise impact to be considered further in particular on the nearest residential receptors alongside the road access to the facility.

Dust and Odour

"The nearest residential receptors from the site is approximately 1,400 metres from the site boundary and the existing background levels are well below the Air Quality Objectives. The containment of the processing activities within the building, I am of the opinion that the proposed site is unlikely to cause a detriment to the nearest residential receptors and ecological sites in terms of air quality.

I note from previous assessments in this area that Swale Borough Council have highlighted concerns regarding the re-suspension of dust by traffic along the site access road. We would wish the applicant to consider the use of appropriate mitigation measures to ensure there is no impact from the site access road".

Local Member

22. The local County Members, Mr. M. Whiting and Mr. A. Willicombe, were notified of the application on the 14 June 2011.

Publicity

23. The application was publicised by the posting of a site notice at the entrance to the Ridham Dock Industrial Estate, a newspaper advertisement in the Kent on Sunday, and the individual notification of business premises within 250 metres from the application site boundary.

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Representations

24. I have not received any letters of representation to date in respect of this application.

Further information provided by the Applicant in support of their Proposal

25. Following views received from consultees the applicant has supplied further information in support of their proposals as follows:

- details of fire safety risk assessment and fire response procedure;
- confirmation that employees vehicles would be parked within an existing car parking area adjacent to the Ridham Dock Sea Terminals office;
- confirmation that HGVs would only be permitted to/from the site between the hours of 07:00 and 19:00 seven days per week;
- submission of a Flood Evacuation Plan for site personnel; and

Discussion

Introduction

26. The application seeks planning permission to install and operate a Materials Recycling Facility (MRF) and a Refuse Derived Fuel (RDF) Facility at the Ridham Dock site. The MRF and RDF facility would import mixed commercial and industrial waste from Kent, East London and Surrey. It is proposed that up to 25,000 (tpa) of commercial and industrial waste would be imported to the MRF and up to 100,000 tpa of commercial and industrial waste imported to the RDF, both streams arriving at the site by road. The application is being reported to the Planning Applications Committee as a result of the objection received from Iwade Parish Council. In considering this proposal, regard must be had to the key National and Development Plan Policies outlined in paragraph (12).
27. 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. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
28. Former government advice required waste planning authorities to consider whether waste development proposals 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. Subsequent advice in PPS10 moved the consideration of BPEO principles to the plan making stage where it is to be 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 the current Kent Waste Local Plan), it is appropriate to consider applications against the principles of BPEO.
29. Until such time as the **Kent Waste Development Framework** (KWDF) reaches a more advanced stage, applications will be considered against the 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.

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30. The application site falls within an area identified in the Kent Waste Local Plan as being suitable in principle for waste re-use, separation and transfer.
31. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- Need;
 - Highway Issues;
 - Noise, Dust and Odour;
 - Nature Conservation and Ecology;
 - Flood Risk;
 - Employment; and
 - Any other issues arising from consultation/publicity including cumulative impacts arising from other developments.

Need

32. In support of their case of need the applicant highlights that around 106 million tonnes of commercial, industrial and municipal waste is produced in England and Wales each year. Around 54% of commercial and industrial waste and 83% of municipal waste is landfilled. Regulatory and environmental pressures require that these landfill levels are greatly reduced. One means of reducing waste going to landfill is to process waste into fuels for manufacturing and renewable energy industries. This type of fuel is referred to as a Refuse Derived Fuel (RDF). It has recently been reflected in an update to PPS10 following changes to the Waste Framework Directive that there is strong policy support for the increased use of waste as a resource, including its use as a fuel, particularly in energy from waste plants.
33. As part of the evidence base being used in the preparation of the KWDF a needs assessment undertaken on behalf of the County Council by its consultants Jacobs has identified a shortfall in capacity in Kent for dealing with commercial and industrial and construction and demolition waste during the early part of the plan period.
34. Policy W3 of the South East Plan (Regional Self Sufficiency) states that waste planning 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 (Sub-Regional Self Sufficiency) requires waste planning authorities 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. The MRF and RDF facility would bring in mixed commercial and industrial waste from Kent, East London and Surrey which would make a contribution to managing waste arising in the Region. In my view therefore I consider the proposal to be in accordance with South East Plan Policies W3 and W4.
35. Policy W5 of the South East Plan sets out overall diversion targets for the diversion of waste from landfill by encouraging the re-use, recycling and thermal treatment (energy recovery) of waste. As the Landfill Directive sets increasing targets for the reduction of biodegradable material going to landfill, increasing proportions of biodegradable material will be removed from landfill and so be available as a source of biomass fuel. In my view, given that the proposed development seeks to use waste which is likely to otherwise have been landfilled, to create a biomass fuel source, it is in accordance with Policy W5. Furthermore, I note that policy exists at the national, regional and local level which gives support in principle for the establishment of alternative waste management

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facilities to landfill, particularly those where waste is recovered as a resource to produce energy.

Highway issues

36. Access for the delivery of commercial and industrial waste for the MRF and RDF would be by road from the A249. There are two access points which link a private spine road that traverses the Ridham Dock Industrial Estate from the A249. One from the west assuming vehicles would exit the A249 at the roundabout with Old Ferry Road which leads into Sheppey Way, continuing on into the Ridham Dock Industrial Estate; the other to the south west via the Grovehurst Junction leading onto Barge Way. The applicant's Transport Statement identifies that both routes of vehicular access are considered to provide a suitable means of access to the application site.
37. The applicant predicts that the proposal would generate in the region of 24 HGV trips (48 two-way movements) between 07:00 and 19:00 seven days per week. Staff movements are predicted to generate 16 trips (32 two-way movements) over the course of the 24 hour operational day. This would equate to the hourly generation of approximately 3 HGV trips (6 two-way movements) per hour during day-time periods. The total trip generation from the proposed facility would therefore be 40 trips (80 two-way movements) over the course of an average day. These proposed trip generation figures have been calculated based on the following key principles:
- 100,000 tpa of mixed commercial and industrial waste imported to the RDF facility via the road network in articulated HGVs with an average payload of 22 tonnes;
 - 25,000 tpa of mixed commercial and industrial waste imported to the MRF via the road network in skip lorries with an average payload of 7 tonnes;
 - the MRF process having a recovery rate of 50%, resulting in 12,500 tpa of recycled waste being exported via the road network in articulated HGVs with an average payload of 20 tonnes;
 - the remaining waste from the MRF process (12,500 tpa) is sent to the RDF facility;
 - 112,500 tpa of RDF product is exported by boat directly from the application site;
 - 16 members of staff employed at the site, each driving to the application site; and
 - the site being operational for 365 days per year.
38. Concerns have 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 in the Ridham Dock area. I also note that similar concerns have been raised on the application for Unit 15A Ridham Dock, as considered under Agenda Item C1.
39. A Transport Statement has been submitted in support of the proposal which both the Highways Agency and the Divisional Transportation Manager (DTM) have been consulted on. The Transport Statement has considered the extant trip generation of the previous industrial use of Unit 15B (as Use Class B8: Storage Warehouse or Use Class B2: General Industrial Operations – both of which are known to have taken place in the building in the past), using TRICS database based on a building footprint of some 2,895 sq. metres. The extant use of Unit 15B could expect to generate in the region of 5 movements during the peak hours which, during the course of a 12 hour period, could generate in the region of 37 trips (74 two-way movements). As a result, the Transport Statement identifies that the proposed development is likely to result in a similar trip generation pattern during peak hours (07:00 to 19:00). The DTM accepts that in terms of traffic generation, the transport impacts of the proposed use is expected to be

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virtually similar to that of the extant use, and could therefore not object to the current proposals on the grounds of traffic generation. Instead, the DTM recommends that limits be placed on the volumes of commercial and industrial waste to be imported to the site and the number of HGV movements allowed per annum, reflecting the details set out in the Transport Statement. In this respect, he suggests that a cap of 58 HGV movements (29 in, 29 out) is reasonable to allow for daily variations likely to occur, over and above the anticipated 48 HGV movements per day set out in the applicant's Transport Statement. The DTM further recommends that the total volume of imported waste to the site should be capped at 125,000 tpa (100,000 tpa for the RFD and 25,000 tpa for the MRF) as detailed in the application. He also recommends that a cap be placed to allow a maximum of 14,000 tpa of processed material to be transported away from the facility by road, to help achieve the applicants shipping target. Whilst I agree with the DTM that it is necessary to cap the total amount of waste through-put at the facility to 125,000 tpa and allow a maximum of 56 HGV movements (28 in, 28 out) per day, I do not consider it necessary to cap the total amount of material taken away from the facility by road to 14,000 tpa. Instead, planning conditions restricting the total tonnage of waste imported to the facility per annum, together with limiting the daily maximum number of HGVs is sufficient in my opinion to secure the reasonable compliance with the Transport Statement as submitted by the applicant. Furthermore, I consider it appropriate to restrict the hours of HGV movements to/from the site to between the hours of 07:00 and 19:00 seven days per week, as detailed in the application.

40. I also note that the Highways Agency has raised no objection to the application subject to the total volume of material through the site being controlled by planning condition. I also note that they have advised that all HGVs accessing the site should be directed to use Sheppey Way from the A249 as opposed to using the Grovehurst junction. The applicant has suggested that they are prepared to make every reasonable attempt to instruct delivery drivers to use Sheppey Way instead of the Grovehurst junction. In light of the advisory nature of the HA advice, in my opinion it would not be appropriate or reasonable in my opinion to formally secure the routing of HGV traffic by planning condition or legal agreement in this instance. Instead, I would seek to place an informative on any decision advising the applicant to make every reasonable attempt to ensure that HGVs use Sheppey Way to gain access to/from Unit 15B.
41. I note that staff vehicles would be parked nearby to the application site within an existing car park adjacent to the Ridham Dock Sea Terminals Office. The DTM has accepted that staff parking in respect of this proposal is adequate and accordingly does not raise any objection to the proposal in respect of vehicle parking issues.
42. Having regard to the above comments and in the absence of any objections from the Highways Agency and the DTM, I do not consider that an objection on highway grounds is justified and that all relevant matters could be controlled by way of appropriately worded planning conditions. I also support the export of RDF product from the facility by ship, which is an environmental benefit, and note the sites appropriate location within the Dock.

Noise, Dust and Odour

43. The application is accompanied by an Air Quality Assessment which assesses the potential effects of the proposed development, considering the potential for the MRF and RDF facility to impact upon air quality in the vicinity of the application site at Ridham Dock. The Air Quality Assessment considers the proposed operational phases and traffic emissions against the existing baseline scenario at the site, having regard to the

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proximity of the Swale Ramsar/SPA/SSSI designations. The conclusion of the air quality assessment is that the risk of impacts from dust or traffic emissions on either human or ecological receptors is considered to be negligible. The County Council's advisor on air quality notes that the nearest residential receptors from the site are at some 1,400 metres from the site boundary and that the existing background levels are well below Air Quality Objectives. They further consider that with the containment of the processing activities within building 15B, the proposed site is unlikely to cause a detriment to the nearest residential receptors and ecological sites in terms of air quality. I therefore concur with our advisor on air quality 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.

44. The application is accompanied by a Noise Assessment which is based on noise measurements taken around the site over typical midweek daytime and night-time periods and on a Sunday daytime. The assessment considers the suitability of the site for the proposed use in terms of the potential impact from noise generated by the development on the noise-sensitive receptors close to the site. Both operational noise generated by the MRF and RDF facility and noise from road vehicles and ships accessing and leaving the site have been considered. The British Standard BS4142 assessment has shown that noise generated by site operations at the proposed facility would lead to a situation where complaints would be unlikely at the nearest noise-sensitive receptors (those located in Kings Hill Farm [within Elmley National Nature Reserve] – approximately 1.9km east; Woodpecker Drive [Iwade] – approximately 1.8km south-west; Lloyd Drive [relatively new housing adjacent to Barge Way] – approximately 2.2km south; western boundary of the application site nearest the Swale SPA and Ramsar Site – approximately 190m to the west; eastern boundary of the application site nearest the Swale SPA and Ramsar Site – approximately 250m east). The British Standard 5882 haul route assessment has shown that noise generated by vehicles accessing and egressing the site would have a minor, barely perceptible, impact at worst at the nearest residential receptor. Finally, the Noise Assessment has shown that the noise generated by all operations at the proposed MRF/RDF facility would be below the AQTAG09 noise guidance limits (note that these guidelines provide guidance to assist planning officers involved with Environmental Permit applications for installations with relevant noise emissions and relate these to the requirements of the Habitats Regulations) and therefore it is considered unlikely that there would be an adverse noise impact within the adjacent Swale SPA and Ramsar site.
45. The County Council's noise advisor has been consulted on the application and advises that taking into account the industrial nature of the site surrounding the application site, the majority of the work being enclosed within the building and the distance to the nearest residential properties, the site is unlikely to result in a detriment to the noise environment of the nearest residential properties and therefore no objection is raised to the application on noise grounds. When considering the combined noise impacts of traffic movements in respect of this proposal and the proposal for Unit 15A (see Agenda Item C1), the County Council's noise advisor notes that the nearest residential receptors are relatively new housing located some 20 metres from Barge Way, part of the Ridham Dock access road leading from the Grovehurst junction. However, he notes that the noise assessment used is based on HGV movements taking place between daytime hours only and should movements occur through the night he would wish for further noise assessment modelling to be undertaken. Accordingly, and as outlined above, I recommend that the hours of HGV movements be restricted to daytime hours (07:00 to 19:00) seven days per week should permission be granted for this proposal. I note that the same approach has also been applied on the proposal at Unit 15A Ridham Dock. In my opinion, having regard to the conclusions of the submitted Noise Assessment and

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the comments made by our noise advisor I do not consider there to be any overriding noise objections to the proposal.

Nature Conservation and Ecology

46. Whilst the application site itself is not covered by any statutory nature conservation designations, it lies close to sensitive site designations including the Swale Special Protection Area (SPA), the Swale Ramsar site, the Swale Site of Special Scientific Interest (SSSI) and the Medway Estuary and Marshes SPA, Ramsar and SSSI sites. The Elmley National Nature Reserve is located east of the site, on the other side of the river. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010, a 'Competent Authority' is required 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 along or in combination with other plans and projects; and (b) is not directly connected with or necessary to the management of that site.
47. The application is accompanied by a report which specifically assesses the likely significant effects of the proposed wood shredding operation as a stand-alone development and in-combination with other plans or projects within its zone of influence on the Swale European site. The in-combination effects take account of plans or projects within the vicinity, including the proposal at Unit 15A (Agenda Item C1). That assessment concluded that the proposed development of a MRF and RDF facility within Unit 15B would not be likely to have an adverse effect on the integrity of the Swale SPA and Ramsar site or on any of the qualifying features for which the site was designated and/or classified, either as a stand-alone development or in-combination with other plans or project within its zone of influence. Members will note that Natural England concur with this view and consider that either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on designated sites and that permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations. I also note that the Royal Society for the Protection of Birds (RSPB) have raised no objections to this proposal and is satisfied that the development would not have a significant adverse effect on the nearby Swale Special Protection Area (SPA), subject to the mitigation measures set out in the application being secured by appropriately worded planning condition(s). Similarly, the County Council's Biodiversity Officer has raised no objection to the proposal and is satisfied that the development would have minor or no impact on the nearby designated sites.
48. In my opinion, having regard to the conclusions of the applicant's report on the likely significant effects of the proposed MRF and RDF facility, which has taken into account potential cumulative impacts from noise, air quality, flood risk and traffic generation of proposals at Unit 15A and Unit 15B together with other plans and projects in the area, together with the professional advice received from Natural England, the RSPB and the County Council's own Biodiversity Officer, I am satisfied that this proposal would not have a significant effect on designated sites either as stand-alone development or in-combination with other plans or projects within the vicinity. Instead I recommend that the avoidance and mitigation measures included within the application, which include:
- Sensible management procedures to minimise the generation of excessive human disturbance and noise during the operation of the MRF and RDF facility;
 - no working or storage of material within the Swale SPA / Ramsar site or on the Ridham Wall flood defences;

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- ensuring best practice dust mitigation measures at all times during on site operations, including damping down of areas where there is a high risk of dust being generated, wheel washing of vehicles, and good housekeeping and cleaning of site during its operation; and
- use of “rainwater harvesting” techniques where the collected water is re-used in on-site for dust suppression to reduce the volume of surface water run-off being discharge from the site into the Swale estuary

be secured by appropriately worded planning condition(s), should Members be minded to resolve to grant planning permission for this proposal.

Flood Risk

49. Based on Flood Zone Maps published by the Environment Agency, 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. The site is defended from tidal ingress and thereby out of the functional floodplain of the Swale tidal river. As a result the site falls within Flood Risk Vulnerability Classification 3a (as defined in PPS25).
50. Existing tidal flood defences offer 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 from the private sewer network, which may be exacerbated by tide-locking of the private drain and outlet to the River Swale during tidal flood conditions. The greatest flood consequence would, however, result from residual risk scenarios (i.e. breach of tidal defences) coinciding with significant tidal conditions.
51. The application is accompanied by a Flood Risk Assessment (FRA). The FRA details that the applicant proposes to manage flood risk through the implementation of robust flood warning measures linked to tidal conditions, the formulation of a flood evacuation plan and the provision of a safe refuge within Unit 15B or an adjacent building. Flood risks and residual flood risks are deemed to be manageable over the lifetime of the development, subject to proposed management measures being implemented. The Environment Agency have been consulted and have not raised an objection to the application on the grounds of flood risk. Subject to the development being carried out in accordance with the details contained in the submitted Flood Risk Assessment and the Flood Evacuation Plan I am satisfied that there are no overriding objections on the grounds of risk from flooding.

Employment

52. The MRF and RDF facility is anticipated to employ some 16 members of staff, running on a continual 24 hour basis. Local Plan Policy B2 supports new employment within the Borough whilst Policy B10 identifies the Ridham Dock Industrial Estate as a committed employment site. Members will be aware that one of Government’s top priorities 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 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. It is my view that this proposal would meet the requirements of Local Plan Policy B2 which supports employment opportunities in the area.

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Any other issues arising from consultation / publicity

53. Concerns have been expressed from the Parish Council relating to fire risk within building 15B on the basis of the treatment and storage of a large amount of combustible materials. The applicant has confirmed that fire risk is a matter which is dealt with through their application for an Environmental Permit (from the Environment Agency). However, the applicant has detailed that they will install fire fighting equipment within the building, that any warm material arriving at the site would be segregated and thoroughly dampened down to reduce fire risk and that there will be an established fire response procedure in place before the facility becomes operational. I am therefore that fire risk matters have been satisfactorily addressed in this instance and will be further considered through the Environmental Permitting Regime. It is not necessary or appropriate for the Planning Authority to seek to control matters which would otherwise be dealt with under the Permitting Regime.
54. Having considered the cumulative impacts of the proposed development in terms of other existing facilities and proposed developments within the area (including the proposal for Unit 15A – see Agenda Item C1) I am satisfied that there are no overriding grounds of objection to this proposal in this instance. Furthermore, I acknowledge that neither the HA and DTM has raised any objections to the proposal when assessing the impacts in terms of existing road capacity and in cumulative terms with the proposals for Units 15A and 15B at Ridham Dock. I also do not consider there to be any overriding objections in terms of cumulative impacts in respect of noise, dust or odour and as stated within paragraph (48) I am satisfied that this proposal would not have a significant effect on ecologically designated sites either as a stand-alone development or in-combination with other plans or projects in the vicinity. I am therefore satisfied that cumulative impacts in this instance have been adequately addressed.

Conclusion

55. In conclusions, I am satisfied that there is a need for this facility based on the available commercial and industrial waste streams arising within Kent, East London and Surrey such that the proposal, in my opinion, would meet the requirements of South East Plan Policy W3 and W4. Similarly, the proposal seeks to divert waste streams from landfill which is supported by South East Plan Policy W5, and would process it into a source of biomass fuel as supported in principle through a recent change to PPS10. The site is one identified in the Kent Waste Local Plan (Policy W9) as suitable in principle for the separation and transfer of waste and has ready access via a purpose built spine road with two access points onto/from the A249. Whilst I acknowledge that concerns have been raised in relation to vehicle capacity in the locality, this proposal itself is not anticipated to result in any detrimental increase in vehicle numbers on the local highway network. Both the Highways Agency and the Divisional Transportation Manager have been consulted on this proposal and neither has sought to raise objections on highway grounds. Having considered the consultee views received and the sites close location to the existing highway network and purpose built access road to the industrial estate, I am satisfied that the proposal meets the requirements of Policy W22 of the Kent Waste Local Plan. I support the export of RDF product from the facility by ship, which is an environmental benefit, and note the sites appropriate location within the Ridham Dock Industrial Estate.
56. In terms of air quality, the potential impacts from the MRF and RDF facility, in terms of dust emissions and traffic emissions during the operational phases, have been considered and in my view do not represent a detrimental impact on nearby sensitive

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residential or ecological receptors. I therefore consider that the proposal satisfies the criteria of Policy W18 of the Kent Waste Local Plan and Policy NRM9 of the South East Plan.

57. In terms of noise, having assessed the potential noise impacts of the proposal on the nearest sensitive receptors (being both residential and ecological) I do not consider there to be any overriding noise objections to the proposal and that the proposal meets with the requirements of Kent Waste Local Plan Policy W18.
58. The site is located close to sensitive designated areas. Having considered the likely significant effects of the proposed MRF and RDF facility within Unit 15B as a stand-alone development and in-combination with other plans or projects in the vicinity (including the proposals for Unit 15A as considered under Agenda Item C1), based on the professional advice received from Natural England, the RSPB and the County Council's own Biodiversity Officer, I am satisfied that this proposal would not have a significant effect on designated sites subject to the imposition of suitably worded planning condition(s) to secure the implementation of ecological measures as detailed within the application.
59. Having considered flood risk issues, I am satisfied that the development accords with the requirements of PPS25. I am also satisfied that this proposal would meet the requirements of Local Plan Policy B2 which supports new employment opportunities in the area.
60. In view of the above, I therefore recommend that planning permission be granted for this proposal, subject to conditions as set out in paragraph (61) below.

Recommendation

61. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
 - the development to be carried out in accordance with the permitted details;
 - cap of 125,000 tpa of commercial and industrial waste to be processed at the facility per year (25,000 tpa for the MRF and 100,000tpa for the RDF);
 - daily cap of 58 HGV movements (29 in, 29 out) per day;
 - restriction of HGV movements to/from the site between 07:00 and 19:00 seven days per week;
 - full implementation of ecological avoidance measures as detailed within the application;
 - any replacement cladding to Unit 15B to match existing building in external appearance;
 - no external stockpiling of material in respect of the MRF/RDF facility;
 - development carried out in accordance with submitted Flood Risk Assessment and Flood Evacuation Plan.
62. I FURTHER RECOMMEND that the applicant BE ADVISED by way of an INFORMATIVE that they take all reasonable steps to advise HGVs entering and leaving the facility to use Sheppey Way to gain access to/from the A249 and only use the Grovehurst junction when Sheppey Way is not in use.

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Case officer – Julian Moat	01622 696978
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Background documents - See section heading
