

Plant to process incinerator bottom ash into secondary aggregates for recycling, Ridham Dock – ref. SW/05/1203

A report by Head of Planning Applications Group to Planning Applications Committee on 21 March 2006.

Proposal: A plant to process incinerator bottom ash into secondary aggregates for recycling at Ridham Dock industrial complex, nr Iwade, Sittingbourne.

Recommendation: Permission be granted subject to conditions.

Local Member: Ms B. Simpson & Mr R. Truelove

Unrestricted

Site

1. The application site is approximately 0.9 hectares in size and is located within the Ridham Dock industrial complex. Ridham Dock is allocated in the Swale Local Plan 2000 as an employment area, whilst the Ridham / Kemsley location is defined in the Kent Waste Local Plan 1998 as being suitable in principle for the preparation of category A waste for re-use. Ridham Dock is also near to a number of nature conservation designations including The Swale Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI) and the North Kent Marshes Special Landscape Area (SLA). The Saxon Shore Way passes along the southern boundary of the industrial complex, which is also within an area of flood risk. The site is accessed via a private, unadopted road from the A249 near to Kingsferry Bridge / Sheppey Crossing (under construction). There are no residential properties within the vicinity of the site and the nearest population centre is the village of Iwade some 1.8 km to the south west. A site location plan is attached.

Proposal

2. The proposal from Ballast Phoenix Limited (BPL) is for a plant to process Incinerator Bottom Ash (IBA) from the Allington Waste to Energy facility in Maidstone. The Allington facility is due to become operational in June 2006 and will produce an estimated 60,000 tons of IBA (approximately 11% of the original waste bulk being incinerated). Around 40,000 tons of boiler ash and around 6000 tons of flue gas fines would also be produced, and would be disposed of by landfill. Rather than landfill the IBA material, the applicant proposes to recycle it.
3. The IBA material produced at Allington would comprise coarse material, with a maximum particle size of 300mm, that has the appearance of shot blasted glass and ceramics, mixed with pieces of ferrous and non-ferrous metals, which would constitute up to 3.6% by weight. The applicant, Ballast Phoenix Ltd, has operated since 1996 and together with Dutch firm Feniks Recycling has developed a process to convert the IBA into secondary aggregate. This recycled product would be of suitable quality for use in a variety of construction situations, including sub-base for new roads and the manufacture of asphalt and concrete. The company already operates three recycling facilities: Edmonton (London), Castle Bromwich (Birmingham) and Billingham (North Teeside).

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4. The application site currently includes one third of an existing building, the remainder of which would continue to be used by an established tenant. Ballast Phoenix proposes to demolish the end of the building and replace it with a building on new piles and a concrete base. The new building would be 47 metres long, 27 metres wide and 10.5 metres high, and would be of single ridged, steel frame construction with pale grey steel cladding. The external areas of the site would accommodate storage bays with concrete walls (to hold both incoming IBA material and recycled product), a site office, a weighbridge, water sprays, wheel wash, parking for employees and visitors. The site perimeter would be securely fenced.
5. The plant would process an estimated 50 tonnes of IBA per hour. The quality of incoming IBA material would be a contractual matter between WRG Kent Enviropower and Ballast Phoenix. Material that fell short of the contracted quality would not be accepted. All re-processing activities would take place inside the proposed new building. A 'trommel' screen would be used to segregate the material according to size, and non-ferrous metals would be removed for re-use. Any wastes produced at the site (domestic wastes, sludges, oily residues, wastes from the production process) would be stored inside the building in containers or separate bays and removed from site by licenced contractors. The final aggregate product would be differentiated by size grading according to its intended uses. The facility would operate 0800-1800 hours Monday to Friday, with maintenance as required on Saturdays. Operations would only take place at other times in the event of an emergency. The facility would require 4-5 staff.
6. Access to the site would be via an unadopted road owned by the landlord and over which right of access has been granted in perpetuity to tenants. A public road is under construction that would in 2007 connect the Dock area, at a point just south of the site, to the public highway (A249 at its junction with the B2006). The applicant estimates that there would be an average of 40 HGV movements per day and a maximum of 60 movements per day associated with the operation. The vehicles used would typically have a 25 ton capacity and would be sheeted.
7. The application is supported by a Flood Risk Assessment, a Phase 1 Ecological Survey and a Contaminated Land Phase 1 Desk Study.

Background

8. Ridham Dock accommodates a number of commercial and industrial enterprises. The land the subject of this application was used by Ridham Sea Terminals and then Lionhope for timber storage until 1998, when it was acquired by Brett Group for general storage and parking. The site immediately to the north of the application site, which uses the northern part of the building that covers both sites, has the benefit of a recent planning permission from the County Council for gypsum recycling (ref. SW/04/1442).
9. For information, the Allington Waste to Energy plant, which would constitute the source of the IBA waste requiring treatment, was permitted by the County Council in July 2000 (ref. MA/98/1212) and is due to become operational in June 2006.

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Planning Policy & other Material Planning Considerations

10. The following policy and guidance is particularly relevant for this application:

National Planning Policy

11. The most relevant National Planning Policies are set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control), PPG25 (Development and Flood Risk) and Waste Strategy 2000 (as amended).

12. PPS 10 suggests the following criteria for assessing development proposals/sites:

- (i) assess their suitability for development against each of the following criteria:
 - the extent to which they support the policies in this PPS;
 - the physical and environmental constraints on development;
 - the cumulative effect of previous waste disposal facilities on the well-being of the local community;
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery.
- (ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.

13. PPS23 states that “in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The local planning authority should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990”.

14. PPG25 states that planning authorities should “ensure that flood risk is properly taken into account in the planning of developments to reduce the risk of flooding and the damage which floods cause”. There should be no reasonable options available in a lower-[flood]risk category, consistent with other sustainable development objectives. Planning authorities should address the problems which flooding can cause by [amongst other matters]:

- recognising that susceptibility of land to flooding is a material planning consideration;
- giving appropriate weight to information on flood-risk;
- consulting the Environment Agency and other relevant organisations; and
- applying the precautionary principle to decision-making so that risk is avoided where possible and managed elsewhere.

Regional Planning Policy

15. The most relevant Regional Planning Policies are set out in RPG9 (South East England), the ‘Proposed Changes to the RPG for the South East – Waste and Minerals’, and the Draft South East Plan Part 1 – Core Regional Policies (July 2005).

16. Relevant policies in the ‘Proposed Changes to the RPG for the South East – Waste and Minerals’ including: W1, W3, W4, W5, W6, W7, W16 and W17. In particular, Policy W17

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relates to the location of waste management facilities including the suitability potential new sites, which should be assessed on the basis of the following characteristics:

- good accessibility from existing urban areas;
- good transport connections including, where possible, rail or water;
- compatible land uses;
- capability of meeting a range of locally based environmental and amenity criteria.

17. The Draft South East Plan (July 2005), which sets out a vision for the region through to 2026, contains a policy relating to flood risk. Policy NRM3 states that “inappropriate development should not be allocated or permitted in zones 2 and 3 of the floodplain [...] unless there is over-riding need and absence of suitable alternatives” [Ridham Dock is in Zone 3]. The Policy requires local authorities to seek advice from the Environment Agency. It also requires developments to be “designed to be resilient to flooding”.

Kent Structure Plan 1996

18. The most relevant policies are summarised below:

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|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S1 | Local planning authorities will seek to achieve a sustainable pattern and form of development which will reduce the need to travel, facilitate energy and resource conservation and minimise pollution. |
| S2 | The quality of Kent’s environment will be conserved and enhanced, and measures will be taken to minimise, and where appropriate, mitigate, any adverse impacts arising from development and land use change. |
| ENV2 | Kent’s landscape and wildlife habitats will be conserved and enhanced. |
| ENV20 | Development will be required to be planned and designed so as to avoid or minimise pollution impacts. Where such impacts cannot be reduced to an acceptable level the proposed development will not be permitted. |
| ENV21 | Provision will be made for the waste arisings in Kent. Proposals for re-using and recycling waste which will reduce the need for landfill will normally be permitted if they are acceptable in environmental and traffic terms. |
| ENV22 | Waste management proposals will not be permitted unless the need for such development overrides material agricultural, landscape, conservation, traffic or other environmental or land use concerns. |
| NR3 | Development will not be permitted which would have an unacceptable effect on the quality or potential yield of groundwater resources. |
| NR5 | The Environment Agency will be consulted on proposals on land with drainage problems or that is at risk from tidal flooding. |
| T18 | Development which generates significant increases in traffic will normally be refused if it is not well related to the primary or secondary route network. |

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Kent & Medway Structure Plan August 2005 (Deposit Plan – Proposed Modifications)

19. The most relevant policies are summarised below:

| | |
|------|-----------------------------------------------------------------|
| SP1 | Seeks to achieve a sustainable pattern and form of development. |
| QL1 | Relates to the quality of development and design. |
| E3 | Protection and enhancement of landscape and wildlife habitats. |
| E5 | Special Landscape Areas will be protected and enhanced. |
| E6 | Relates to international and national wildlife designations. |
| E8 | Relates to the protection and enhancement of biodiversity. |
| TP11 | Development and access to the primary / secondary road network. |
| TP14 | Development traffic and heavy goods vehicles. |
| NR4 | Relates to pollution impacts. |
| NR7 | Seeks to protect groundwater resources. |
| NR9 | Development and flood risk. |
| WM1 | Promotes integrated waste management proposals. |
| WM2 | Assessment criteria for waste proposals. |

Kent Waste Local Plan 1998

20. The most relevant policies are summarised below:

| | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W1 | Provision will be made in accordance with the principles of sustainable development, for wastes arising in Kent to be dealt with in Kent, based on the waste hierarchy. Permission will be granted for proposals to re-use or recover waste materials at locations identified and under circumstances specified in the Plan. |
| W2 | Waste management proposals will not be permitted if they would cause a significantly adverse impact on areas including: <ul style="list-style-type: none">- sites where there would be a significantly harmful effect on the quality of or potential yield from groundwater resources;- sites where the nature conservation interest is of international importance;- National Nature Reserves, Sites of Special Scientific Interest, Local Nature Reserves and Sites of Nature Conservation Interest; and- areas at risk from flooding. |
| W3 | Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they: <ul style="list-style-type: none">(i) can gain ready access to the primary or secondary route network; and(ii) are located within or adjacent to an existing waste management operation, or within an area of general industrial use. |
| W7 | The following locations are considered to be suitable in principle for proposals to prepare category a waste for re-use: (1) for permanent development: [...list including Ridham / Kemsley...]. Proposals at other locations would be considered against three criteria [see plan for criteria]. |

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- W16 When considering applications for waste management facilities, the planning authority will have regard to the industry's past record in respect of the environmental management of comparable operations.
- W18 Requires satisfactory controls over noise, dust, odours and other omissions, particularly in respect of potential impacts on neighbouring land uses and amenity.
- W19 General protection of surface and groundwater interests.
- W20 The safeguarding of land drainage and flood control.
- W21 Earth science and ecological interests of the site and its surroundings shall be safeguarded.
- W22 Permission will normally be refused if the proposed access, or the effects of vehicles travelling to and from the site, would affect in a materially adverse way the safety of the highway network or the local environment.
- W23 Prevention of mud and debris being deposited on the public highway.
- W25 Consideration of details relating to siting, design and external appearance of processing plant, hard surfacing, buildings and lighting.
- W26 Permission will normally be granted for waste management facilities conditioned to operate between the hours 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Any proposals to work outside of these hours will be considered where operational factors justify greater flexibility.

Swale Borough Local Plan 2000 / Swale Borough Local Plan First Review (Re-deposit Draft) July 2005 [in italics]

21. The most relevant policies are summarised below:

- G1 All development will be expected to accord with certain criteria including:
- having regard to the characteristics and features of the site and locality;
 - avoiding unacceptable impacts on the natural and built environment;
 - be well sited and of an appropriate scale, design and appearance;
 - cause no demonstrable harm to residential amenity.
- (This policy is carried forward in the form of Policy E1 of the emerging Local Plan).*
- B1 Permission for new employment development will be granted for sites shown as such on the Proposals Map and which satisfy the appropriate criteria in Policy G1.
- B30 Planning permission has been granted for a 120 hectare business park at Ridham. Alternative employment proposals for this site will be considered against the policies of this Plan.

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- E1 On sites suspected to be contaminated, applications should include a detailed site investigation of all likely contaminants and appropriate measures to deal with any unacceptable risks to health or the environment. *(This policy is carried forward in the form of Policy E3 of the emerging Local Plan, which states that permission will only be granted if the developer agrees to undertake effective investigation and remediation work to overcome any acceptable hazard).*
- E3 Development will not be permitted where it will have an unacceptable effect on water supply sources or would lead to changes in local hydrology which would adversely affect flora or fauna.
- E4 Development will not be permitted which would lead to the pollution of surface or groundwater. *(This policy is carried forward and extended in scope in the form of Policy E2 of the emerging Local Plan, which states that all development proposals will minimise and mitigate pollution impacts, and that proposals will not be permitted that would give rise to pollution significantly adversely affecting human health, residential amenity, flora and fauna, and local hydrology).*
- E14 The North Kent Marshes Special Landscape Area will be afforded long term protection. *(This policy is carried forward in the form of Policy E9 of the emerging Local Plan).*
- E24 Development will not be permitted within areas at risk of tidal flooding unless it is otherwise acceptable to the Planning Authority and suitable measures are incorporated regarding flood containment and public safety. *(This policy is carried forward in the form of Policy E4 of the emerging Local Plan, which states that permission will not be granted where acceptable sites at lesser risk of flooding are available to accommodate the development, and requires the submission of a flood risk assessment).*
- E28 Long term protection will be given to Ramsar sites, Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest. *(This policy is carried forward in the form of Policy E12 of the emerging Local Plan).*
- E70 In considering development proposals in northern Sittingbourne, the Borough Council will seek the highest standards of development.
- IN4 All development proposals must: be appropriately related to the primary and secondary route network; not generate traffic in excess of the capacity of the highway; not involve a new access onto a primary or secondary route; and have full regard to the highway impact on the landscape. *(This policy is carried forward in the form of Policy T1 of the emerging Local Plan).*
- IN21 Adequate provision shall be made for the disposal of surface and foul water.

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Consultations

22. **Swale Borough Council:** Comments awaited following the Borough Council's Planning Committee meeting on 2 March 2006.

Iwade Parish Council: Objects.

- The Parish Council remains concerned that the inhabitants of Iwade would be at risk from wind borne dust that contains toxic and carcinogenic chemicals. It is noted that the original application proposes stockpiles of a maximum height of 7.5 metres yet the concrete 'A' frames to separate the stockpiles and act as wind breaks appear to be less than 3 metres. There would still be a high risk that dust would escape into the atmosphere, particularly when the material is initially tipped or when moved by vehicles. We are not convinced the wind breaks and water sprays would be a sufficient protection. At present Iwade is frequently dusted with white power believed to be gypsum from stockpiles at Ridham.
- The management of surface water appears to be satisfactory. We question whether 50cm of bunding would be sufficient in case of tidal flooding, as the leachate characterisation lists 18 toxic and carcinogenic chemicals.

Minster-on-Sea Parish Council (neighbouring Parish): Objects.

- The site is an area of flood land with no current flood protection. There is no effective way of disposing of surface water other than into the SSSI or the Swale.
- Dust control is a serious issue because prevailing winds would carry any free dust over Sheppey including the SSSI.
- Some of the statements in the report are incorrect. The site is clearly visible from many houses in Minster. The Parish Council has concerns about dust carrying to residential areas; we already experience carriage from Sheerness Steel Works.
- The Parish Council is also concerned about the extra generation of carbon emissions that this would create during transportation.

Eastchurch Parish Council (nearby Parish): No objection.

South East England Regional Assembly (SEERA): On the basis of the information provided, it is considered that the proposal does not materially conflict with or prejudice the implementation of the Regional Spatial Strategy or the Government's Proposed Changes to the Regional Minerals and Waste Strategies, and the proposal is supported. The local planning authority should be satisfied that the proposed development is capable of meeting the locally based environmental and amenity criteria referred to in Policy W17 of the Proposed Changes to RPG9 – Waste and Minerals.

Environment Agency: Has requested confirmation on two remaining issues of concern relating to potential land contamination and water management before its initial holding objection to the proposals can be fully removed. Specifically, it has requested that the applicant: (i) undertake a full existing land contamination study (incorporating intrusive investigation) and provide suitable mitigation proposals should this prove necessary; and (ii) provide a detailed design for the proposed lagoon and an appropriate siltation management plan. Notwithstanding this, it has suggested conditions to address these and other matters in the event that the County Council is minded to grant planning permission. Its detailed responses indicate that its objections could be overcome by the requirement for further details to be submitted for approval and for these to be implemented as approved.

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The following summarise the Environment Agency's comments:-

- The site is in an environmentally sensitive area particularly due to its proximity to The Swale SPA, Ramsar and SSSI.
- Potential contamination – The previous use of this site may have left contamination that could impact on the proposed development. The applicant's Phase 1 investigation has been carried out in line with relevant guidance. Any required remediation works should be carried out and relevant proposals agreed with the County Planning Authority before any site works are commenced. The possibility of made ground identified on site that may leach contaminants into adjacent water courses, through the subsurface, needs to be appropriately addressed before determination to ensure compliance with PPS23. Any relevant planning conditions should not be discharged until such time as all relevant works are complete and a verification report is submitted and approved by the County Planning Authority. Any construction on site should not commence until this approval has been granted. Further evidence would be required that existing contamination would not become mobile during the construction phase and adversely affect the SPA.
- Water management – Site surfacing should be impermeable and drain to a sealed drainage system. Run-off from stockpiled IBA may be contaminated with metals and this should be allowed for in analysis for excess loads tankered away for the purpose of waste carriage regulations and Duty of Care. It is noted that the applicant is no longer proposing to discharge any effluent, trade effluent, foul effluent or other matter from the site to a surface watercourse. However, an objection is maintained on water management grounds due to the lack of a detailed lagoon design and a siltation management plan.
- Waste management – There should be provision for outside stockpiles of unsorted materials to be covered in some way prior to processing until the sampling over the first year shows run-off and dust controls do not give rise to sediment or dust with high metal levels escaping from the site in any way. Specifically, the proposed 'A' frames should be orientated on site to provide a containment area for the IBA that takes into account the predominant wind direction. The IBA to be stored externally should be stored to within 0.5 metres of the top of the 'A' frames.
- Water resources – The site lies on alluvium deposits which overlie London Clay. This is classified as a minor aquifer overlying a non-aquifer. The site does not lie within a Source Protection Zone. Any oil/petrol/diesel storage tank bunding should be 110% of the tank volume and all filling points and hoses should still be enclosed within a suitable bund. The source of water for dust suppression and other associated processes has been confirmed as "town water". Therefore in respect of water resources we have no further comments to make.
- Flood risk – The site is within a High Risk Flood Zone and records suggest that the site has been affected by flooding in the past. The Ridham Dock area does not benefit from an appropriate form of flood defence. The estimated 200yr return period tidal condition is 5.32 metres Ordnance Datum Newlyn (mODN) at this location. The site varies from 2m to 4m ODN and is therefore at risk from flooding. The intention to raise office accommodation to 6.5 metres ODN is acceptable, although this should be included in the risk assessment. There is no objection to installation of the transformer at 5.5m ODN as detailed. We welcome the construction of a flood gate and earth retaining structure around the perimeter of the working area, which should be a minimum of 5m ODN to prevent stockpiled material being flushed out into the wider area.

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- Biodiversity – Wetlands of international importance surround Ridham Dock. There is evidence of water voles near to the site, which are protected under the Wildlife and Countryside Act. There are also records of Great Crested Newts in the habitat surrounding the site, so English Nature should be consulted on the proposal.

English Nature: No objection. The site is close to the Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar site). English Nature considers that enough information on the ecology of the site has now been provided and that the plant is unlikely to have a significant impact on the wildlife within the development footprint and its immediate environs. With regards to contaminated land, it recommends that the Environment Agency should be satisfied that the site containment measures would ensure that surface water would not be released into any designated sites either directly or indirectly via ditches that are in hydrological continuity with them.

Health Protection Agency: No comments received.

Kent Wildlife Trust: Objects. The applicant has not submitted sufficient information to assess the potential negative impacts of the proposal on the nature conservation interests of the site and the surrounding SSSI / SPA / Ramsar site, nor demonstrated how these impacts would be avoided or mitigated. Particular concerns relate to: control of windblown dust / ash, contamination of watercourses, and impacts on wildlife. *[Comments on the further information submitted are awaited]*

Divisional Transportation Manager: No objection.

Jacobs (Environmental Consultant): “Noise levels from the proposed plant are such that they are unlikely to be audible at the nearest noise sensitive receivers approximately 1500m away. There would not therefore be any detriment to residential amenity at these closest noise sensitive properties from noise. The applicant states that the material to be processed arrives in a “dust free condition” and would be processed within the building. In addition, water sprays are to be installed over key items of plant. With the closest dust sensitive [residential] receivers at a distance of approximately 1500m, I do not anticipate dust would cause any detriment to amenity at these sensitive receivers”.

Local Members

23. The Local Members, Ms B. Simpson and Mr R. Truelove, were notified of the application on 27 October 2005.

Publicity and Representations

24. The application has been advertised by way of a site notice and a newspaper advertisement. In addition local business premises have been notified individually by letter. No written representations have been received.

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Discussion

25. 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.
26. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, 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 to individual applications should be afforded substantial weight in the decision making process. The new advice moves 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 Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
27. Of particular relevance to proposals for waste treatment and recycling is Kent Waste Local Plan Policy W2, which states that waste management proposals will not be permitted if they would cause a significantly adverse impact to (amongst other areas) sites where the nature conservation interest is of international importance, Special Landscape Areas and areas at risk from flooding. Policy W4 of the Waste Local Plan requires new waste processing developments to have ready access to the primary or secondary road network and to be located in a general industrial area. Policy W7 sets out locations considered to be suitable in principle for proposals to prepare category a waste for re-use, which include "Ridham/Kemsley".
28. Accordance with Development Plan Policy and demonstration of sustainability (including the underlying tenets of the former BPEO concept) can be assessed in relation to: the need for the proposed waste management facility, the sources of waste and proximity principle, location, natural environment, flood risk, amenity and health impacts, access, and landscape and visual impacts.

Need for waste management facility

29. Kent Waste Local Plan Policy W1 states that provision will be made in accordance with the principles of sustainable development, for wastes arising in Kent to be dealt with in Kent, based on the waste hierarchy. It further states that permission will be granted for proposals to re-use or recover waste materials at locations identified and under circumstances specified in the Plan.
30. The need for the proposed recycling facility is a direct consequence of the forthcoming operation of the Allington Waste to Energy plant, currently under construction in the 20/20 industrial estate west of Maidstone. The Waste to Energy plant is due to be commissioned in June 2006 and the Incinerator Bottom Ash that will arise from its

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operation can either be disposed of at a suitable landfill site or recycled. Of these two options, recycling is higher up in the waste hierarchy and therefore more preferable to using up landfill voidspace. The applicant proposes the recycling of the IBA material to create reusable secondary aggregates, and I concur with the position of the Regional Assembly that in principle this option should be supported.

Sources of waste and proximity principle

31. In keeping with the proximity principle, the IBA material should be recycled as near as is practicably possible to its source, the Allington WtE plant. A facility at or adjacent to the Allington plant would be the most preferable option. However, the existing planning consent for the Waste to Energy plant makes no provision for such a facility. Ash weathering cells were originally proposed by the developer, but were withdrawn from the scheme due to groundwater issues. In the absence of a specific planning application, I cannot fully assess whether sufficient space would still be available at Allington to accommodate an IBA recycling operation. I am however aware the space taken by the ash weathering cells is being taken up by other uses and equipment associated with the Waste to Energy plant. In addition, a large part of the site has been reserved for nature conservation purposes through a restrictive covenant in the s106 legal agreement. With reference to the Allington WtE site, the applicant states “there is not sufficient space at Allington and in any event Allington’s own planning constraints preclude this”. In conclusion, I acknowledge the space restrictions at Allington and would advise Members to consider the current application on its own merits.
32. The applicant has undertaken a site selection exercise to determine which would be the most appropriate site, excluding Allington, for the operation. Factors taken into account included transport distances (including distances to receptor sites for the recycled product), access, environment, commercial and lease conditions, and the availability of suitable site levels. Ballast Phoenix states that some 20 possible sites were identified and assessed. Taking the Allington option aside, three main alternatives emerged: at Cliffe (north of Rochester), East Peckham and Ridham Dock (two possible sites), with Ridham Dock being preferred based on road infrastructure. Although the Ridham site is around 20.5km from Allington, it was found to have good highway linkages and be centrally placed with respect to potential customers of the recycled product. It is also a level site with adequate space, in an existing industrial area well away from residential properties. On balance, I accept that the Ridham Dock site is suitable in terms of the proximity principle for IBA waste from Allington.

Location

33. The application site at Ridham Dock comprises a 0.9 hectare area, which – as stated above – is within an existing industrial area (allocated as such in the adopted Swale Local Plan) with no residential properties in the immediate vicinity. The site is also defined in the Waste Local Plan as suitable in principle for the preparation of category A waste for re-use.
34. However, the site lies near to a number of national and internationally important nature conservation designations, including a Ramsar site and SSSI, which are protected in planning terms through Structure Plan Policy ENV2 and other relevant policies. Although the applicant has demonstrated through appropriate survey work that the site itself holds no ecological interest, it is vital that operations would be controlled such that no waterborne or

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airborne pollution adversely affected the nearby ecological interests. In addition, the site is within an area of tidal flood risk, which would necessitate certain special measures to ensure that the proposal would be acceptable. The Ridham Dock location for the proposed development is therefore acceptable in principle yet would only be satisfactory in planning terms if the applicant demonstrated that suitable controls could be put in place to protect the local environment. This issue is discussed further in the subsequent sections.

Natural environment

35. In line with PPS23, Kent Structure Plan Policies S2 and ENV20, Waste Local Plan Policy W18, the emerging Swale Borough Local Plan Policy E3 and other relevant policies, the proposed recycling facility would have to be developed, operated and controlled such as to adequately control any airborne or waterborne pollution arising from the operation of the proposed development.
36. To prevent the emission of dust and the settling of particulates on surrounding land and water, the applicant proposes concrete, 3 metre high 'A' frame walls to form the three sides of the external material storage bays, with spare 'A' frame sections that could be used to cover the open side of the bays as necessary. Although the applicant has submitted a revised layout for the 'A' frames and locations of material storage bays, which would appear to address the Environment Agency's comment about prevailing wind direction, its acceptability remains to be established at this time. The matter is capable of being satisfactorily addressed by condition. The Agency also requires that the material stockpiles do not come within 0.5 metres of the top of the 'A' frames (although the applicant has indicated that a 1 metre gap could be maintained), and I would intend to condition stockpile heights accordingly. The applicant also proposes to damp down the material using water sprays, to ensure that loaded HGVs servicing the proposed facility are sheeted, and to provide a wheel wash facility to ensure that vehicles leaving the site are free of dust and other materials.
37. To prevent waterborne pollution, the applicant has revised the design of the site such that there would be no discharge of water from the site to any waterway. Instead, water would be managed internally, using a catch-pit and lagoon to achieve zero net discharge. Specifically, the applicant proposes the following:
- The whole external area of the site would be concreted, with slopes designed to allow water to flow by gravity via catch-pit, where any solids would settle, into a lagoon (of approximately 1000cu metres). Water from the lagoon would be used for the wheel wash. Catch-pit solids would be removed periodically and recycled. HGV loading, material stockpiles, material handling areas and vehicle manoeuvring areas would all be on concrete slab. The catch-pit would be cleaned on a weekly basis.
 - Roof water would be collected in a water tank and used in the wheel wash and water bowser for dust suppression. Any surplus roof water would be diverted into the lagoon. If the supply of roof water dries up, "town water" would be used.
 - The washing away of stockpiled IBA by heavy rainfall would be countered by the above-mentioned procedure of moving spare pre-cast concrete wall sections into the open sides of the storage bays in advance of any problems arising.
 - Foul water and sewage from the site would be contained, chemically treated and tankered off site for suitable disposal by a licensed contractor.

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38. In response to the measures proposed, English Nature raises no objection, although it would want the Environment Agency to be satisfied that the site containment measures would ensure that surface water would not be released into any designated sites. The Environment Agency has accepted the zero net discharge design of the site, but objects to the lack of detailed designs for the construction of the lagoon. Nevertheless, the applicant has provided plans and sections of the lagoon and I would propose that the detailed design plus a siltation management scheme are submitted and agreed prior to implementation of the development. The development would not be allowed to proceed until satisfactory details had been approved. The Environment Agency also requests the submission of a scheme for the disposal of foul and surface waters and I would also intend to condition the submission and implementation of such a scheme.
39. There would remain the potential for waterborne pollution during the construction phase in the event of contamination on site. The applicant's 'Contaminated Land Phase 1 Desk Study' recommends that "an intrusive Phase 2 investigation be undertaken to ascertain the extent and nature of the ash/clinker/brick rubble material seen in the trench excavated across the existing hardstanding. The contaminative nature of this material will have to be ascertained such that effective control measures can be identified and put in place [...]. It is recommended that an assessment of the potential of the underlying soils to produce ground gas is undertaken". The applicant is currently preparing to undertake an intrusive Phase 2 assessment.
40. In response to the desktop study, the Environment Agency confirms that the "Phase 1 investigation has been carried out in line with relevant guidance. Any required remediation works should be carried out and relevant proposals agreed with the County Planning Authority before any site works are commenced". The Agency also states that the results of the Phase 2 assessment and the proposed remediation of any contaminated found should be dealt with prior to determination. In particular, it states that it would also "require further evidence that existing contamination would not become mobile during the construction phase and adversely affect the SPA". Notwithstanding this, the Agency has suggested a number of conditions to control any contamination potential, including the agreement of remediation works as appropriate, in the event that permission is granted. I am satisfied that the application of these conditions would ensure that any contamination is satisfactorily dealt with. I have summarised the conditions in question in the recommendation and would intend to attach them to any permission that is granted.

Flood risk

41. The Ridham Dock area is susceptible to tidal flooding and the flood defences do not fully protect the Ridham Dock industrial complex. The potential ecological and human impacts of any tidal flooding must therefore be considered. Guidance is offered in PPG25, whilst Waste Local Plan Policy W2 states that waste management proposals will not be permitted if they would cause a significantly adverse impact on areas at risk from flooding. The emerging Swale Borough Local Plan Policy E4 states that permission will not be granted where acceptable sites at lesser risk of flooding are available to accommodate the development.
42. The applicant has submitted a flood risk assessment to support the planning application, and in response to issues raised by the Environment Agency has proposed measures designed to control any adverse impacts from flooding. To prevent removal of stored materials during tidal flooding, the site would be surrounded by a pre-cast concrete

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retaining wall and earth embankment, 0.5 metres above the perimeter ground level. The access gates would be of 'solid' construction up to the same elevation, and when closed would restrict the flushing out of material into the wider area during a tidal flood episode. The applicant proposes to install office accommodation within the proposed building at a level of 6.5 metres above datum, with a means of escape via the roof of the building. The proposed building's transformer would be located outside of the building at a base level of 5.5 metres above datum. Subject to conditions relating to the office accommodation and the perimeter bunding and retaining walls / gates, I raise no planning objection on flood risk grounds.

Amenity and health impacts

43. Iwade and Minster Parish Councils have raised concerns that the proposal would adversely affect local residents and their health as a result, in particular, of dust emissions. Although the nearest residential properties are around 1.7km away, Iwade Parish Council has referred to gypsum dust affecting the local area, which some residents have attributed to the nearby Knauf plant. I am also aware that public footpaths, including the Saxon Shore Way, pass close to the site.
44. The applicant has stated that the IBA material would arrive in a "dust-free" state and that with IBA recycling there would be "no elevated health risk existing when compared to working for instance with sand and gravel". The tipping and internal manoeuvring of the IBA material could however generate dust. As discussed previously, the applicant proposes to control any dust and prevent its generation by using high-walled waste bays and by using water sprays as necessary. Both the Environment Agency and KCC's environmental consultant have accepted these measures, whilst Swale Borough Council's Head of Environmental Services (incorporating environmental health) raises no objection to the proposal in the relevant Committee Report. I have also consulted the Health Protection Agency on this matter yet have received no response. Overall, based on the responses from the Environment Agency, and with the appropriate operational controls, my view is that there would not be a detrimental affect on the health of local residents.
45. In terms of noise impacts, the trommel screen and re-processing operation would be enclosed in a building within an existing industrial area, and KCC's Environmental Consultant raises no objection. I would nevertheless propose an hours of use condition (0700-1800 hours weekdays and Saturday) in order to control the development. There would appear to be no significant odours arising from the proposed operation. Overall I do not consider that any significantly adverse impacts would arise from noise, dust or odour from the operation.

Access

46. Access to the proposed plant for HGV movements and staff/visitors would be via the unadopted private road to the A249 near to the Swale crossing. This route is used by a number of other businesses at Ridham Rock and the applicant has indicated that as a tenant it would also have rights to use this route. In time a southern route via a new public highway to the A249 south-east of Iwade would be possible. The operation would involve an estimated, average of 40 HGV movements per day (20 in, 20 out), with a maximum of 60 movements per day. The Divisional Transportation Manager raises no objection to the

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proposed development. I am also satisfied with the proposal on highway grounds, subject to an appropriate condition attached to any consent limiting HGV movements.

Landscape and visual impacts

47. The proposed development would take place on brownfield land in an established industrial area, with no existing vegetation on site. Views into the site from land outside of the Ridham Dock industrial area would not, in my opinion, be significantly altered as a result of the proposed operation. I note that the existing building on site is in poor condition and its replacement with a new building would in fact enhance the visual appearance of the site. I would intend to require details of the type and colour of external materials of the building by condition. Overall, I consider that the proposal would be acceptable in landscape and visual terms.

Conclusion

48. I accept that there is a need for a plant to recycle Incinerator Bottom Ash from the Allington Waste to Energy plant. The Kent Waste Local Plan allocates Ridham / Kemsley as suitable in principle for the preparation of category A waste for re-use. The proposed site has good highway links via the A249 to Allington, and is located in an existing industrial area away from residential properties. However, the site is close to sensitive and internationally important areas for wildlife and within an area of flood risk, meaning that appropriate operational controls and mitigation measures are required for the development to be acceptable in planning terms.
49. The applicant has significantly amended the proposal to take into account issues raised by the Environment Agency. Whilst the Agency objects to the lack of an intrusive land contamination investigation and any proposed mitigation required, having assessed the information at hand I am satisfied the such matters could be dealt with by way of planning conditions and would therefore propose to accept the conditions suggested by the Agency relating to any contamination that is identified. The proposed concrete slab base to the site and the drainage and collection system should effectively prevent any escape of waterborne pollutants, subject to the agreement of detailed design by condition, whilst airborne pollutants and dust would be controlled by a combination of methods including restrictions on stockpile heights and water spraying. The applicant has made extensive provision to deal with flood risk and the Environment Agency has agreed to the boundary bunding/walls, measures to contain externally stored materials, and an elevated site office in the proposed building. Making reference to Waste Local Plan Policy W2, I do not consider that the waste management proposal in question would cause a significantly adverse impact to sites where the nature conservation interest is of international importance and areas at risk from flooding, subject to the appropriate controls.
50. Whilst I note the concerns of Iwade and Minster Parish Councils I do not consider that there would be any significant adverse impacts on local residents or businesses, again, bearing in mind the operational controls that would be required. The Divisional Transportation Manager has raised no objection to the site access, although I would propose to control vehicle numbers by condition. The visual impact of the development would not be significantly adverse in my opinion.
51. I therefore recommend that permission is granted and that the conditions set out below are attached.

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Recommendation

52. I RECOMMEND that PERMISSION BE GRANTED to the proposal, SUBJECT to conditions including:

- the submission of details of the specification and colour of external materials of the new building;
- the submission of a scheme for the disposal of foul and surface waters;
- the submission of a scheme of dust suppression;
- submission of detailed designs of the lagoon system and a siltation management plan;
- submission of an appropriate detailed plan showing the positioning of the 'A' frame material bays to take into account the predominant wind direction;
- external material stockpiles shall extend no more than 2 metres above ground level and no less than 1 metre from the top of the 'A' frames;
- the carrying out and submission of a comprehensive contaminated land site investigation prior to the development commencing;
- the submission of a Method Statement detailing any remediation requirements, (including any measures necessary to prevent the mobilisation of leachate during remediation), and the implementation of the development in accordance with the approved Method Statement;
- the cessation of operations should new contamination be found, and the agreement of an amended Method Statement with which subsequent operations should accord with;
- the flood gate and earth retaining structure must be constructed to maintain a continuous minimum crest height of 5m AOD;
- upon completion of any remediation required, the submission of a verification report;
- all office accommodation with the building shall be above 6.5m ODN;
- only incinerator bottom ash from the Allington Waste to Energy plant shall enter the site;
- the site shall not be made open to the public and no sales shall be made to the public from the site;
- all loaded HGVs entering and leaving the site shall be sheeted;
- vehicle movements;
- hours of use.

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| Case Officer: Mark Funnell |
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| Background Documents - see section heading |
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