

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

SW/12/444 (KCC/SW/0098/2012) – Retrospective construction and use of a 40m long, 6m wide concrete pad and ancillary gates and fence for use by vehicles collecting recycled powdered gypsum from the materials recycling facility at Ridham Dock Road, Iwade, Sittingbourne, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 24 July 2012.

SW/12/444 (KCC/SW/0098/2012) –Retrospective application for the construction and use of a 40m long, 6m wide concrete pad and ancillary 2.4m high steel palisade fence and gates at Ridham Dock (MR. 921 674)

Recommendation: Permission BE GRANTED subject to conditions.

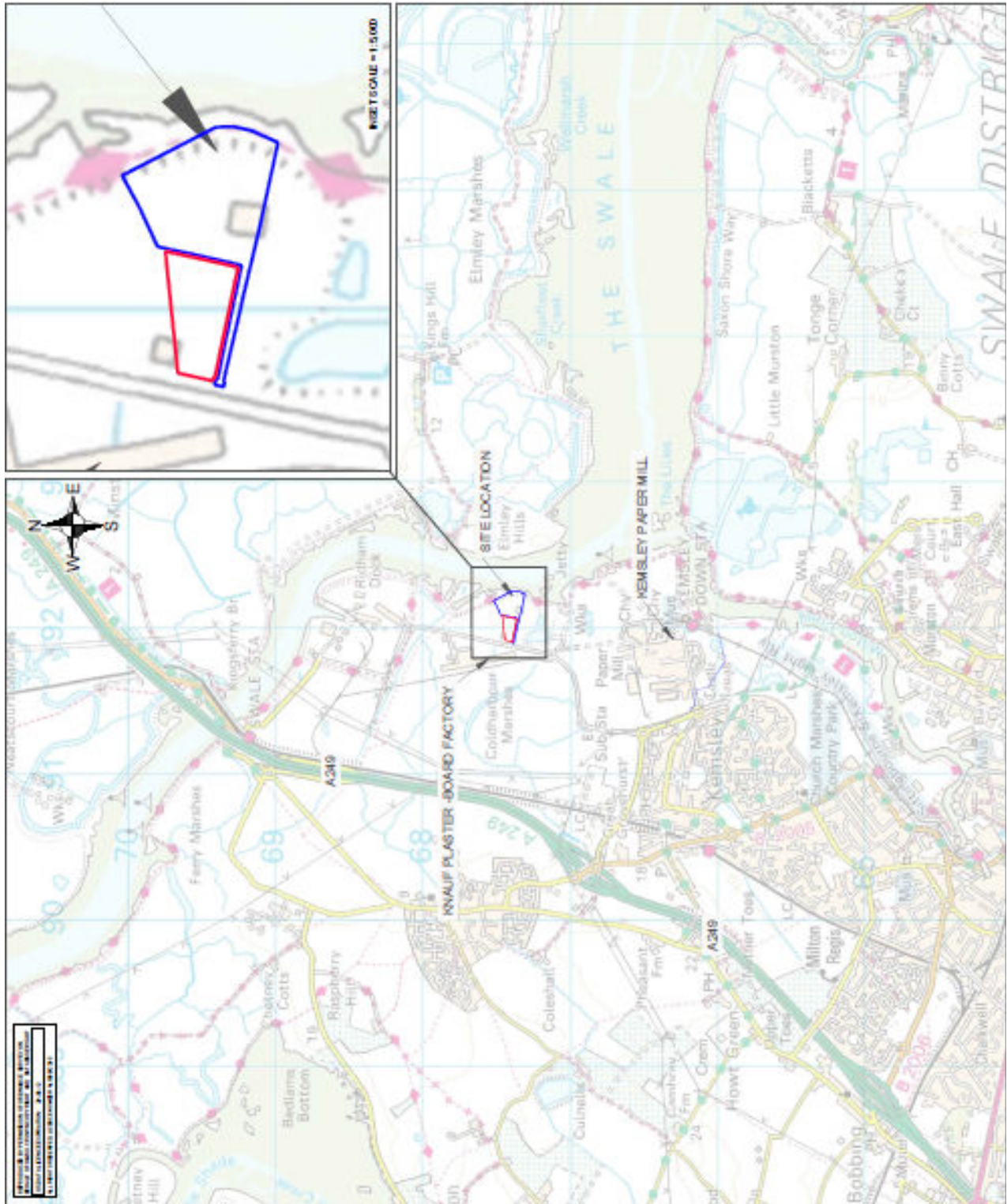
Local Member: Mr A Willicombe

Classification: Unrestricted

Background and Site Description

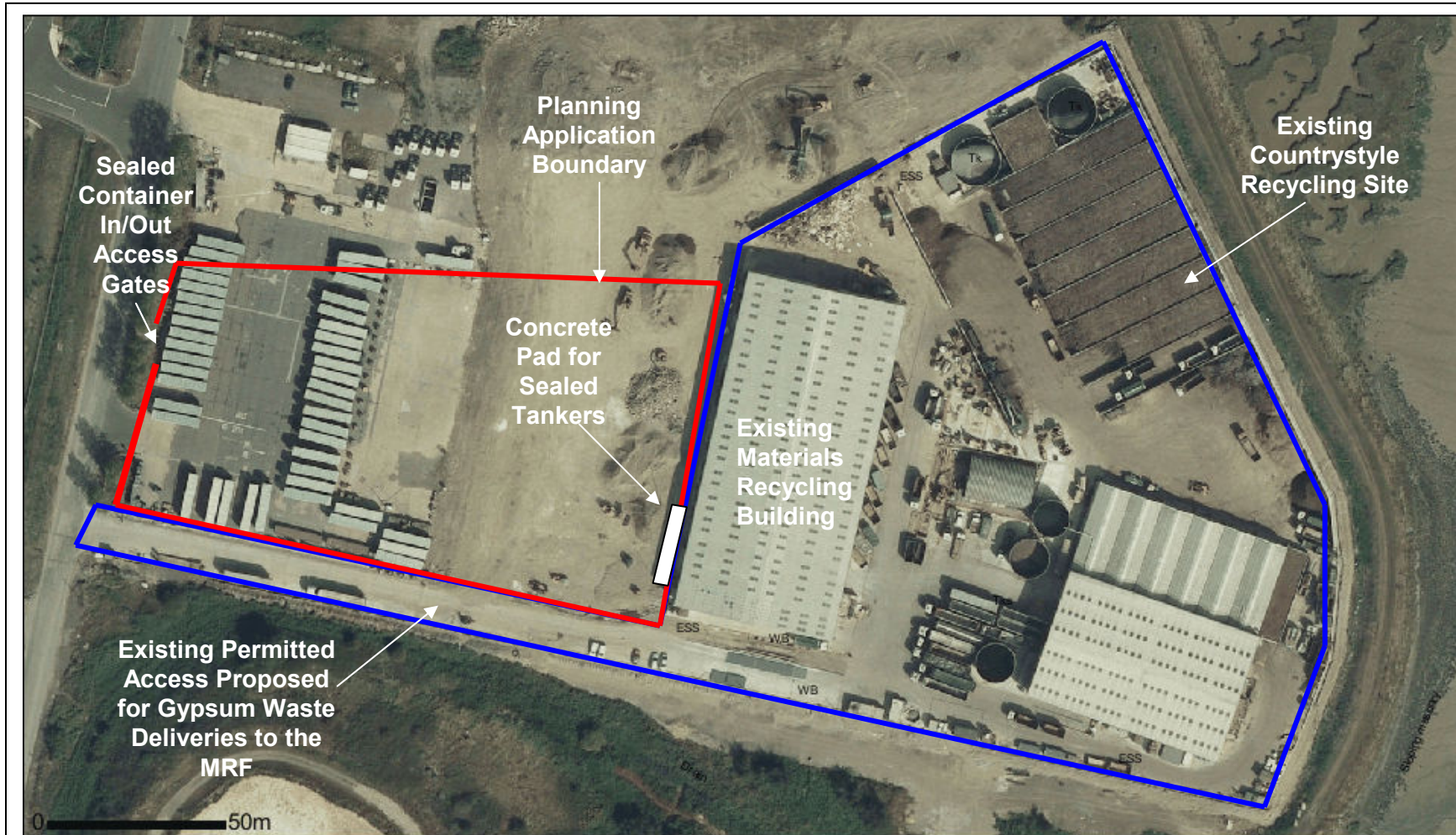
1. Planning permission was granted in 2006, for a material recovery facility (MRF), in-vessel composting facility and the continuation of secondary aggregate recycling operations at the Countrystyle Recycling site, Ridham Dock, under planning consent reference SW/05/1392 and has since been subject to a number of variations.
2. The site itself lies some 2km north of Kemsley, 2.1 km to the east of Iwade and 1.2km to the east of the A249. It lies close to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes Ramsar site respectively. The closest residential properties are approximately 1.2km from the site. A site location plan is attached.
3. Following a routine monitoring visit to the site in November 2011, a number of planning issues were identified, which resulted in a report to the 24 January 2012 Regulation Committee for Members endorsement on appropriate action. One such issue related to the unauthorised construction of a concrete pad outside the existing planning permission boundary for the site.

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Site Location Plan

Produced using KentView by Initials on Wednesday, 4 July 2012 at 10:18

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Proposal

4. In order to regularise this unauthorised development the matter the applicants were formally requested to submit a retrospective planning application to the Waste Planning Authority for the implementation of a 40m long, 6m wide concrete pad with ancillary 2.4m high steel palisade fence and gates for use by vehicles collecting recycled powdered gypsum from the materials recycling facility (MRF). This element is one which is directly related to the existing permitted gypsum recycling activity at the site and which is summarised in more detail below.

Justification

5. The existing site already recycles gypsum waste within the permitted MRF building as covered by the existing planning permission. All deliveries arrive at the site by HGV tipping type vehicles and tipped onto the floor in designated areas within the fully enclosed MRF building. The applicant states that the gypsum processing line is bespoke for the purpose of recovering gypsum from used plasterboard. Material processing takes place as follows:
- i) plasterboard deliveries are directed to a location for pre-picking of the most obvious contamination, these contaminants are then placed into separate containers for onward processing;
 - ii) Plasterboard is then placed into a second location prior to placing into fixed plant;
 - iii) A crusher reduces the particle size down to a granular/shredded paper fraction;
 - iv) Materials then travel by conveyor through an enclosed aerated picking station, this is for the purpose of removing any smaller contamination such as wood/plastic/glass, and an overband magnet removes metals such as nails-screws-fixings;
 - v) Materials then travel through an agitating screen mesh system and a roller crushing mill, this equipment produces the following products:
 - Gypsum fines suitable for onward use in Knauf board manufacturing plant;
 - Small paper and granular gypsum suitable for special animal bedding products;
 - Shredded paper currently used in bedding, however potential for energy plants; and
 - Rejects such as plastics wood, metal all sent on for further materials recovery.
6. Vehicles delivering gypsum waste material access the site using the dedicated private Ridham Dock Road and via the existing internal haul road into the Countrystyle site. Once material is processed, it is then transferred from inside the MRF building via a fully contained chute directly into a sealed container/tanker vehicle positioned on the concrete pad, the subject of this planning application, which is located to the rear of the MRF on land adjoining the permitted site. Material is then transported off site via a maximum of 3 sealed containers per day and via a separate access located on the western boundary of the application site. On average it is proposed that 2 to 3 tankers visit the site per day.

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Planning Policy Context and Government Guidance

7. The key National and Development Plan Policies most relevant to the proposal are summarised below:
8. **National Planning Policy Framework, March 2012** - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. It is committed to ensuring that the planning system does everything it can to support economic growth whilst ensuring that development is sustainable. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
9. **Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management** – Underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.
10. The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.
11. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.
12. **Waste Strategy 2007** – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled.
13. **South East Plan (2009)** – The most relevant policies are: W3 (Regional Self Sufficiency), W4 (Sub-Regional Self Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling) W8 (Waste Separation), W17 (Location of Waste Management Facilities), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM4 (Sustainable Design and Construction), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality).
14. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker.

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15. **Kent Waste Local Plan (1998)** – The most relevant saved policies are: W3 (Locational Criteria), W6 (Consideration of need), W9 (Waste separation and transfer), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W21 (Nature Conservation), W22 (Provision for adequate access arrangements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).

16. **Swale Borough Local Plan (2008)**

Policy SP2: In order to provide a robust, adaptable and enhanced environment, planning policies and development proposals will protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense. Development will avoid adverse environmental impact, but where there remains an incompatibility between development and environmental protection, and development needs are judged to be the greater, the Council will require adverse impacts to be minimized and mitigated. Where a planning decision would result in significant harm to biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

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

Policy B2: Providing for new employment.

Policy B10: Ridham as an existing committed employment site.

17. **Consultations**

Swale Borough Council: No objection is raised.

Iwade Parish Council: the parish council raise concerns that the planning application is 'retrospective' and queries the time taken to remedy breaches on the site. The Parish Council objects to the proposed concrete pad construction as it may 'open the floodgates' for similar retrospective planning applications. They further state:

"Members note in the attached documentation that HGV tipping vehicles will be delivering the plasterboard, which will be 'tipped onto the floor within the MRF'. The supporting documentation goes on to state that this action will produce a 'small amount of dust' and 'best efforts' will be made to reduce dust by only tipping in a designated area. The Parish Council would like to see dust suppression measures installed to reduce this risk to as near 'nil' as possible in light of the nearby residential area and the Ramsar/SSSI sites. Iwade village has suffered with fall out from gypsum dust for several years and any deviation away from the

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original planning application could possibly have contributed to the problem.

It is noted that the recycled gypsum is loaded into a sealed containers on the concrete pad. Members would like reassurance that the practice of using containers is strictly adhered to and that regular spot checks are made to enforce this.”

Environment Agency: No objection is raised.

Biodiversity Projects Officer: No comments to make.

Jacobs (Noise, Dust, Odour): No objection is raised “*from the information provided, it is demonstrated that the concrete pad was constructed for use by vehicles collecting powdered gypsum, which is fed directly into sealed tankers from the existing waste management facility, in order to minimise dust nuisance. Effective dust control measures and good housekeeping practices, as provided within the Application, would limit dust generation and dust disturbance in the area of operation and access road. Considering the nature of the development site and its existence within the wider industrial area, it is not considered that the concrete pad would be likely to have any significant adverse impacts.”*

Transport Planning (Kent Highways and Transportation): No objection is raised.

Local Member

18. The Local County Members, Mr A Willicombe and Mr M Whiting were notified of the application on 2 April 2012.

Publicity

19. The application was publicised by the posting of a site notice and advertisement in the local newspaper.

Representations

20. No letters of representation have been received to date objecting to the proposal.

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Discussion

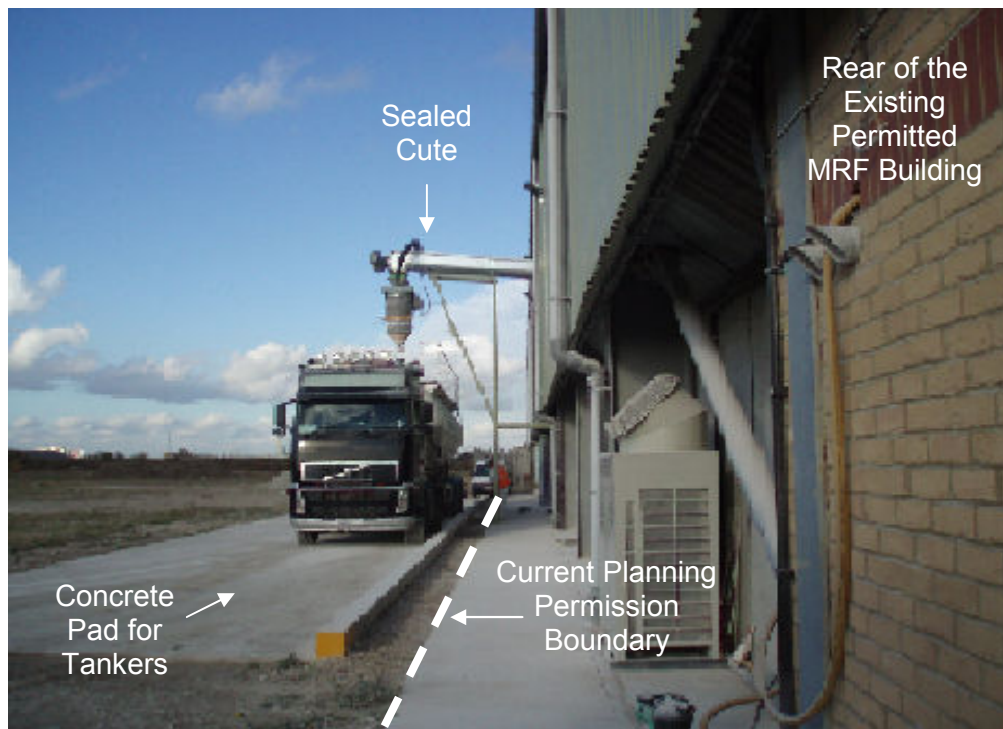
21. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the recently adopted National Planning Policy Framework (NPPF) which promotes sustainable development and the regional and local plan policies set out above together with PPS10. It should be noted that the South East Plan remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker.
22. Given the nature of the proposal the NPPF should be read together with PPS10 which is to remain in place until new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development which lies at the heart of the NPPF still applies. In order to achieve this objective the NPPF identifies a number of key areas, which in my view are of specific relevance namely: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 – Conserving and enhancing the natural environment.
23. Policy W9 of the Kent Waste Local Plan identify the locational criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25 set out the operational criteria. The site is identified under Policy W9 as being suitable in principle for waste transfer and recycling and is an existing operational waste management facility currently run by Countrystyle Recycling as an In-Vessel Composting and material recycling facility (MRF).
24. Whilst the site already accepts gypsum waste via the existing MRF facility, under the terms of the existing consent, the operator began to explore other methods for handling and transporting this particular waste stream in a more sustainable and effective manner. Upon making a routine monitoring visit to the site during November 2011, it was found that the operator had installed a concrete pad to the rear of the existing MRF building in order that sealed container vehicles could collect recycled gypsum directly from the MRF via a specially designed sealed chute which seeks to prevent the escape of gypsum dust. The concrete pad was found to be constructed outside the permitted site boundary which is a breach of the existing planning permission. This breach is also reflected in the objections to the planning application by Iwade Parish Council who raise particular concern that the consideration of retrospective planning applications could 'open the floodgates' for similar applications in the future.
25. Having identified the breach on site and following a report to Members of the Regulation Committee by the Head of the Planning Applications, the operator was formally requested to regularise this breach and advised that it would require separate permission. As required by the Regulation Committee, a planning application was thus submitted by the

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operator in March 2012. Members of this Committee will be aware that retrospective applications are determined on their planning merits and as if the development had not been implemented.

Amenity Impacts

26. The site already imports gypsum for recycling and processing via the existing permitted MRF building albeit it is a relatively new operation at the site. In recognition of the nature of the material handled at the site, it is necessary for the existing roller shutter doors to be kept closed, with the exception of times when vehicles require access to the building to deposit waste. This requirement is reflected by the imposition of a planning condition on the existing planning consent.
27. Gypsum waste is delivered to the site via the existing Countrystyle haul road, vehicles then deposit waste into dedicated areas within the building following the closure of the roller shutter doors. Once gypsum waste has been processed using dedicated on site processing equipment, the finished product is fed directly into sealed tankers via a chute, which is located to the rear of the MRF building. The chute itself is sealed and designed to fit directly into the collection tankers in order to ensure dust is fully contained. The applicant seeks retrospective permission for the concrete pad in order that those tankers may gain access to the chute (as shown below).



(Photograph: sealed chute to the rear of the MRF building and concrete pad for sealed collection tankers)

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28. The Parish Council have also raised concerns in relation to dust nuisance which they consider may be associated with the gypsum recycling process. They have particular concerns that vehicles delivering gypsum to the site simply tip plasterboard onto the floor of the MRF building and would wish to see dust suppression measures employed at the site. They also raise concerns that the Iwade village has suffered with fall out from gypsum dust for several years and emphasise that any deviation from the original planning permission at the Countystyle site could have contributed to this ongoing problem. Gypsum dust has been a concern in the local area and having visited the Ridham area during particularly dry periods I consider that the main source is connected to the nearby Knauf factory which stores gypsum in the open.
29. In relation to the application site, dust mitigation measures are already employed at the site under the terms of the existing planning consent. These include the use of dampening down measures and the closure of the roller shutter doors except when deliveries are taking place. Dust emissions are also covered under the site's Environmental Permit therefore in my view can continue to be monitored and controlled at this site under the terms of both the existing planning permission and the Permit.
30. In relation to the concrete pad itself and the associated activity of the gypsum collection via the sealed chute, I have sought advice from Jacobs, the County Council's independent advisors on such matters and they have raised no objection on dust grounds. Whilst I accept the Parish Councils concern in relation to consideration of applications retrospectively, I am of the view that the method for removing recycled gypsum in this case is the most appropriate one in order to minimise dust nuisance given the nature of the product involved.
31. I agree with Jacobs that the method of recycled gypsum removal is effective and that the concrete pad is necessary to enable vehicles carrying the sealed containers to access the rear of the MRF. Provided effective dust mitigation measures and good housekeeping practices remain in place, dust generation and disturbance would in my view be limited. I therefore consider that the dust can continue to be controlled in accordance with policy W18 of the KWLP and SP2 of the Swale Borough Local Plan as well as meet the objectives set out in Part 7 - minimising impacts on the environment and Part 11 - through good design, of the NPPF. As a result it is not considered that the concrete pad itself would have any significant adverse impacts and in the event that Members resolve to grant permission I would recommend a condition be placed on any planning permission requiring that only sealed tankers be used to collect recycled gypsum waste and that dust be monitored on the remainder of the site in accordance with the existing planning permission.
32. Having regard to the fine nature of the gypsum and the sites close location to the designated SSSI and Ramsar I am of the view that the method proposed by the operator to remove processed material via a sealed chute and sealed container vehicles is the most appropriate one in order to ensure no impacts on nearby designations.

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33. Finally given the past history of the operator at this particular site and taking the concerns raised by the Parish Council I would advise that this site should continue to be closely monitored in order to maintain planning control.

Conclusion

34. In conclusion, I am of the opinion that the proposal is consistent with the policies set out in the NPPF, South East Plan and Kent Waste Local Plan. In my opinion provided any future permission contains appropriate conditions, particularly those required to mitigate any adverse impacts on the nearby designated sites the development would not result in any adverse impacts on the local amenity and having regard to the objectives in the NPPF, the method proposed in my view represents sustainable development through good design. I therefore recommend accordingly.

Recommendation

35. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters vehicle number restrictions to no more than 3 sealed container vehicles per day, dust mitigation measures. I also recommend that the existing site continue to be monitored in accordance with the existing planning permission.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading
