

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

Construction of a renewable energy facility using advanced conversion technology with a potential capacity to deliver combined heat and power at Land at Manor Way Business Park, Swanscombe Kent DA/13/967 (KCC/DA/0201/2013)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 September 2014.

Application by Teal Energy Limited for the construction of a renewable energy facility using advanced conversion technology with a potential capacity to deliver combined heat and power. Land at Manor Way Business Park, Swanscombe, Kent KCC/DA/0201/2013.

Recommendation: Permission be granted subject to conditions and a Section 106 Legal Agreement.

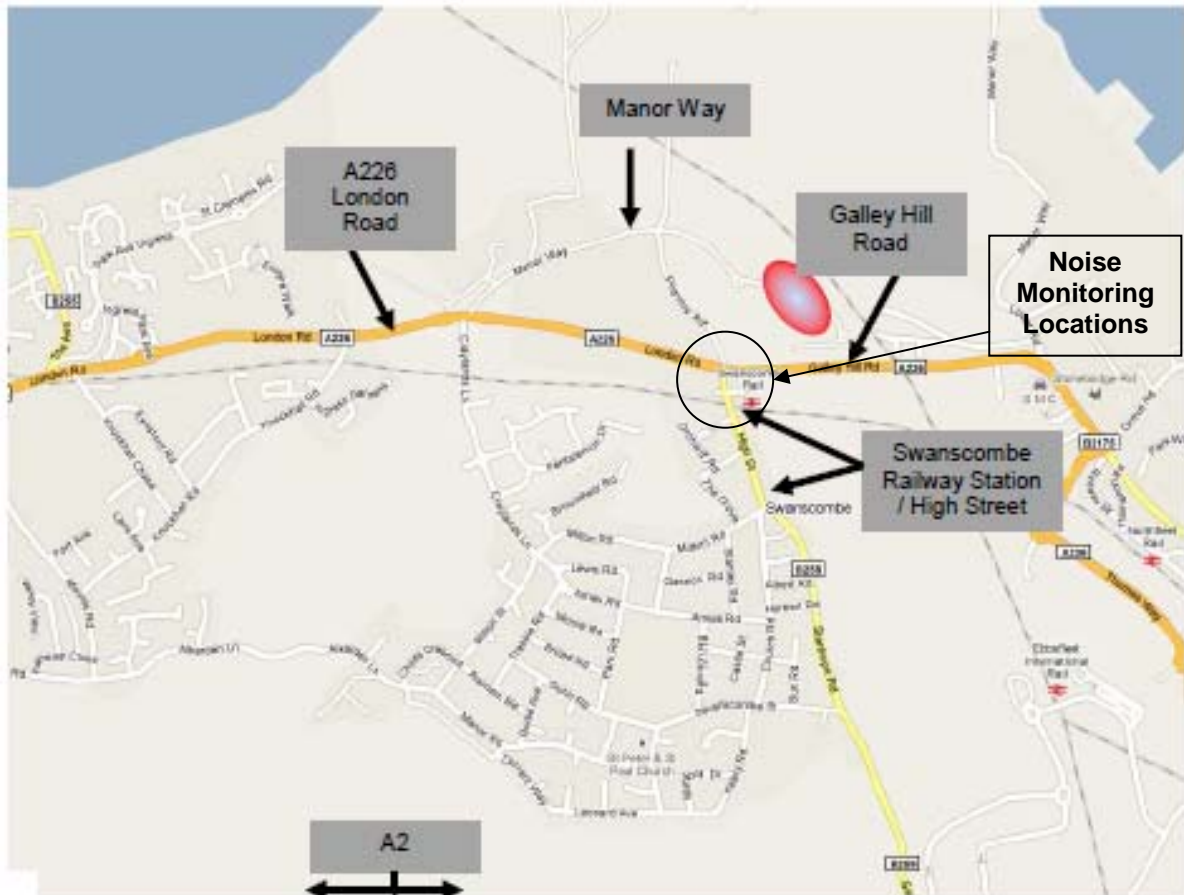
Local Member: Mr P Harman (Local Member), and adjoining Members, Mrs S Howes and Mr V Thandi

Classification: Unrestricted

Site

1. A planning application has been submitted by Teal Energy Ltd for a renewable energy facility at the Manor Way Business Park, Swanscombe. The 250,000 tonne per annum facility proposes to use advanced conversion technology (ACT) with a potential capacity to deliver combined heat and power. Teal Energy Ltd builds, owns and operates CHP (Combined Heat and Power Plants) that produce renewable energy from the gasification of biomass derived from residual non-recyclable commercial waste.
2. The proposed site, at some 1.91ha, comprises two cleared areas of previously developed land and a private estate road connecting to the adopted highway and is located on the Manor Way Business Park immediately north of London Road (A226). The Business Park is a general industrial estate sited at the base of a former chalk quarry and mainly accommodates heavier industrial activities such as car breaking, waste processing and concrete crushing.
3. The site is accessed off London Road (A226) via Manor Way at its western end which forms part of the adopted highway. The High Speed Rail Line (HS1) runs immediately adjacent to the north eastern boundary of the application site which cuts off access to the site along Manor Way from the east. Swanscombe is the nearest residential settlement located some 300 metres to the south on the southern side of the A226 London Road.

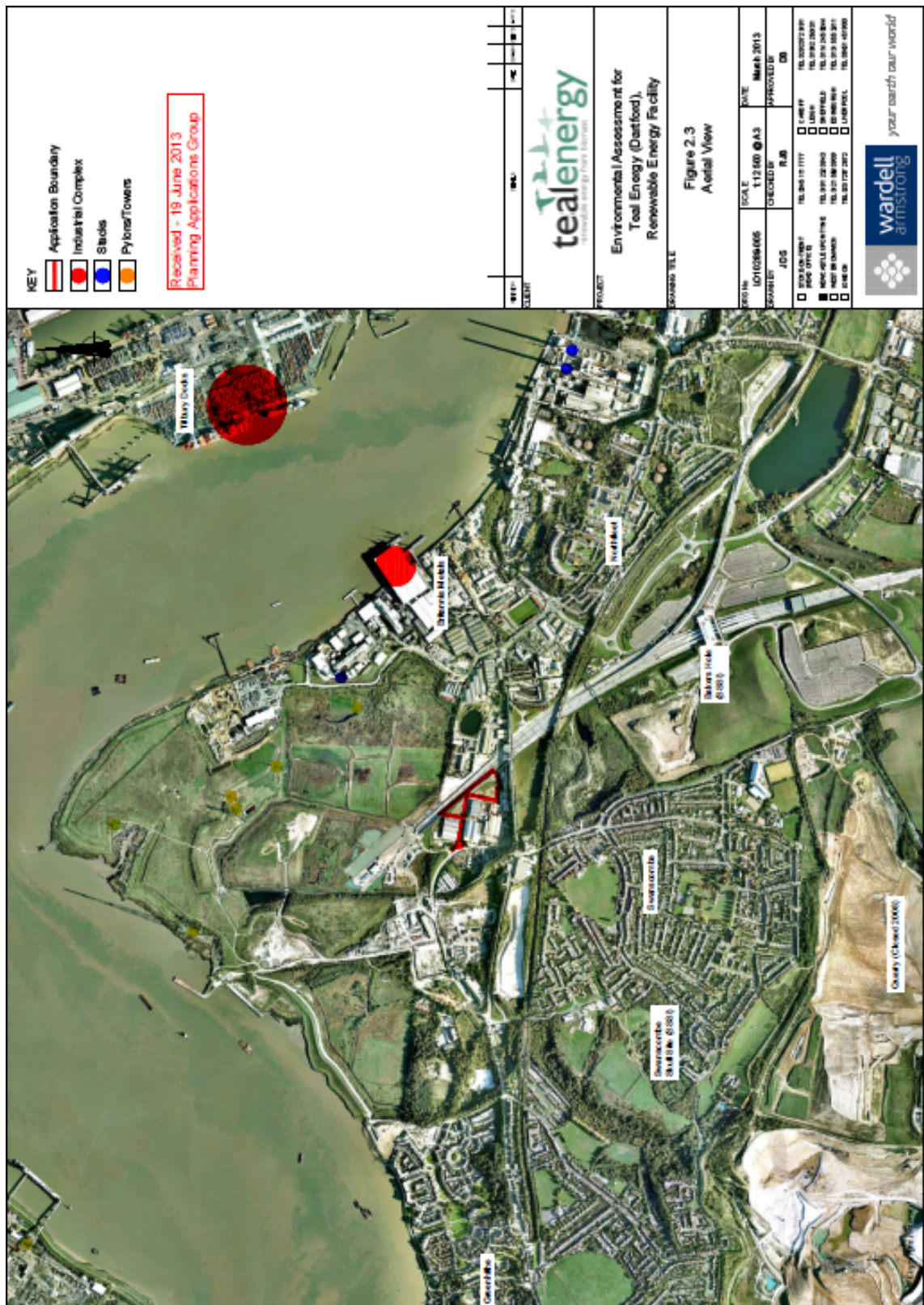
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Site Location in relation to the highway network

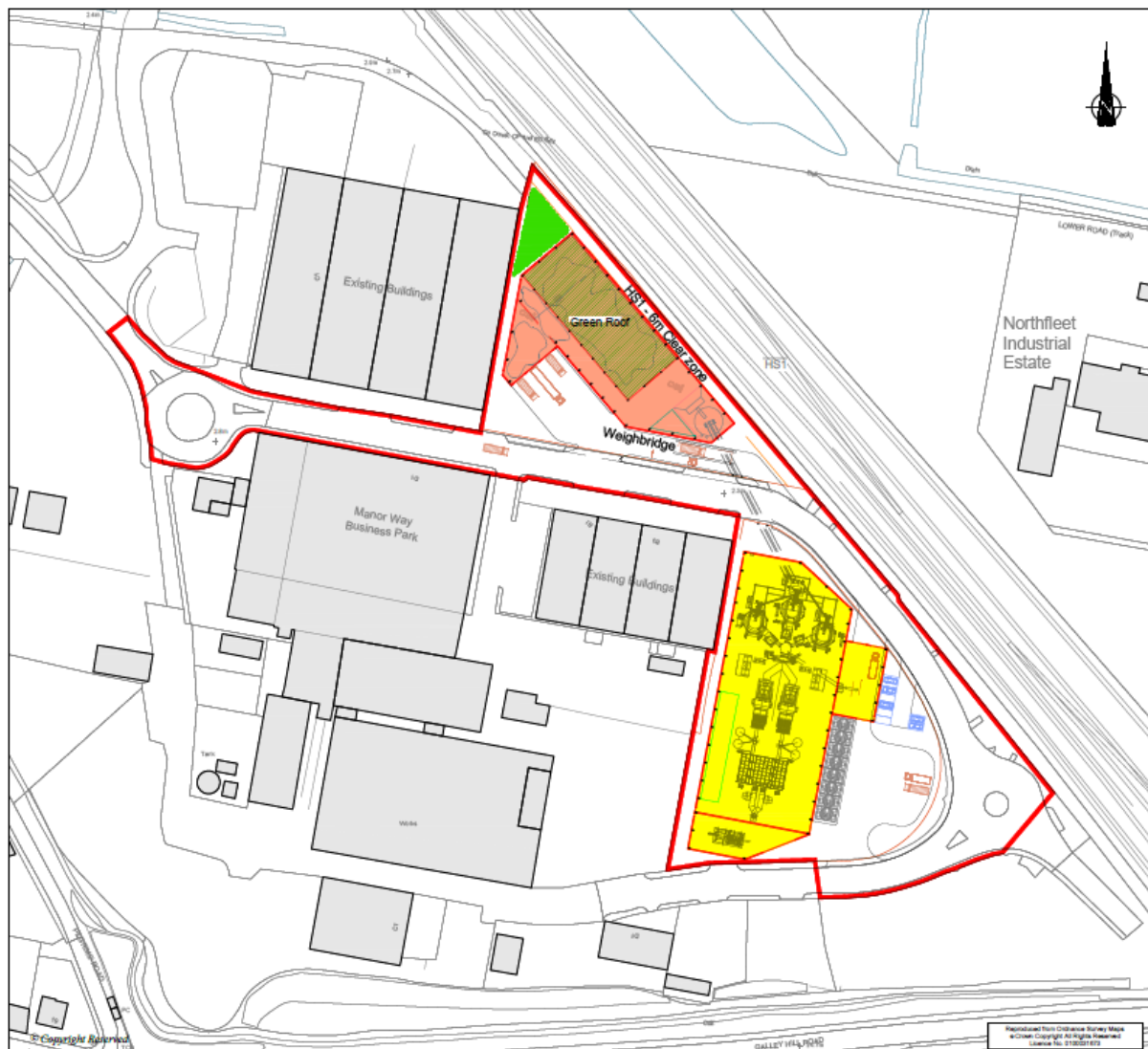


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Site Location in relation to the Manor Way Industrial Estate and Surrounding Area

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4. Earlier in January this year a group of Members visited the site who were able to listen to officers explain the proposal and who pointed out to them features of the site and other surrounding landuses.

Planning History

5. The site forms part of the Swanscombe Peninsula, which is an area of flat land alongside the River Thames, close to the towns of Dartford and Gravesend. The Peninsula has traditionally accommodated heavy industrial uses along the edge of the chalk outcrop, including a major cement works, tar/chemical works, refuse tip, numerous chalk pits, paper mills and factories. Since the 1960s this has generally declined and there is now a more mixed number of uses which includes a number of waste management facilities some of which are located in close proximity to the application site.

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6. The Manor Way Business Park is part of a swathe of mixed general industrial users along the Peninsula. This runs from the east of Pilgrim's Road to the eastern side of the Peninsula, where there are major users associated with the river wharfage. Kent Craft Industrial Estate lies to the east of HS1, which connects to Northfleet Industrial Estate and which accommodates Britannia Refined Metals refinery (with its 90m chimneys), the Bradley Shaw Ironworks and many other heavy uses. The character of the area is currently one of large industrial buildings, chimney stacks and pylons.

London Paramount Development

7. In October 2013 a formal request was made on behalf of London Resort Company Holdings (LRCH) to Dartford Borough Council to adopt a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The request was made in order to determine whether proposals for the redevelopment of land within and to the south of the Swanscombe Peninsula to provide what was claimed to represent a world class resort and leisure entertainment district including the largest and only world class Theme Park resort in the UK (the London Paramount Development), was required to be accompanied by an Environmental Impact Assessment (EIA). The area of land identified in the Screening request includes Manor Way Business Park within which the Teal Energy application site is located.
8. Before issuing a decision on the Screening Request the Borough Council undertook formal consultations with a number of bodies including Kent County Council (KCC). In its response KCC agreed with the applicant's conclusion that a development of the scale proposed justified the need for an EIA to be prepared in accordance with the 2011 Regulations, albeit pointing out that given the applicant's intentions/proposals were insufficiently clear at that stage, further information would be required in order to establish the full extent of what is proposed. Dartford Borough Council subsequently issued a formal opinion to the effect that what was proposed would require to be accompanied by an EIA. Meanwhile the project still remains at a relatively early stage in its design evolution pending any future request being made for a formal Scoping Opinion in order to establish the information which will need to be provided in support of any future planning application.
9. On 9 May 2014 the Secretary of State for Communities and Local Government issued a Direction under Section 35(1) of the Planning Act 2008 (as amended) and the Infrastructure Planning (Business or Commercial Projects) Regulations 2013, to the effect that the London Paramount Development would be a project that would benefit from the 'single authorisation' process offered by the Planning Act 2008 regime. The Direction was given without prejudice to the Secretary of State's consideration of any future application for an order granting development consent relating to the proposal.

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Garden City Announcement

10. In his Budget Speech in March 2014, the Chancellor of the Exchequer announced plans to create a new garden city for the 21st Century at Ebbsfleet, capable of providing up to 15,000 new homes based predominantly on existing brownfield land. This would be supported by up to £200 million of Government investment, to help unlock the infrastructure needed to create a garden city.
11. Despite planning permission having already been granted in 2002 for the new international rail station at Ebbsfleet which is now operational, and the area identified as the location for 10,000 new homes in the last Government's 2003 Sustainable Communities Plan, progress on house building has been slow and has not delivered the scale of development expected. To unlock the potential of the area, and to accelerate development, Government announced in the Chancellor of the Exchequer's Budget speech that an Urban Development Corporation would be created to help coordinate development, and bring in skills and expertise.

Ebbsfleet Development Corporation

12. In August 2014 the Department for Communities and Local Government issued a formal consultation on a proposed Ebbsfleet Development Corporation (EDC). The consultation documentation makes it clear that it is not a consultation on the details of the development that will come forward as part of the garden city. This would be a matter for the EDC, once established, to work with local communities and other partners on how to take forward the development of the area, consistent with the local plans developed by the local authorities. It also makes it clear that it is separate and unconnected with any consultation related to the London Paramount Development, indicating that if taken forward, consent for this nationally significant infrastructure project will be through a Development Consent Order under the provisions of the Planning Act 2008.
13. The proposed area of the EDC is formed around 7 key strategic sites located within the Dartford and Gravesham Boroughs and are already identified in the Borough Council's Core Strategies and Local Plans. These are namely;

Eastern Quarry	Ebbsfleet
Northfleet West Sub Station	Swanscombe Peninsula
Springhead Quarter	Northfleet Embankment East
Northfleet Embankment West	

14. Assuming it becomes established it is proposed that the EDC will deal with all scales of planning applications including mineral and waste management applications which are currently made to Kent County Council. Live cases which are being handled by the local authorities will be transferred to the EDC for determination. Appeals against any refusal of planning permission by either the district authorities or the county council will continue to be handled by the authority who issued the decision. The authority must take account of any comments which the EDC make and these must be forwarded to the Planning Inspectorate. The 7 strategic sites identified to be covered by the EDC will provide for a range of developments including housing and hotel/ leisure facilities along with

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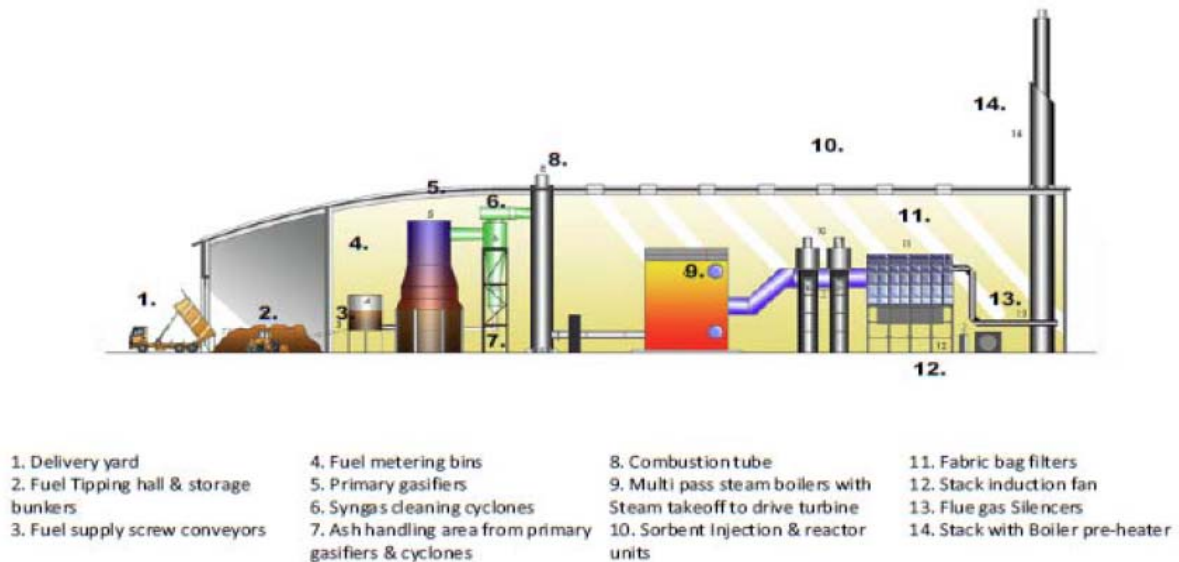
employment uses. Swanscombe Peninsula is identified as one of the seven strategic sites.

Proposal

The Process

15. The proposed facility would have an energy generation capacity of 20MWe and up to 18MWth of steam (suitable for space and water heating). The applicant proposes that the plant would operate continuously, 24 hours per day, 7 days per week. However, vehicle movements to and from the site would be restricted to between 0700 and 1900 hours Mondays to Saturdays only with no movements on Sundays or Bank Holidays. Based on a throughput of 250,000 tonnes of imported material per annum this would result on average in some 108 movements per day equivalent to 9 HGV movements to and from the site per hour or 1 movement every 7 minutes. These movements also include vehicles transporting waste char from the site for offsite disposal.
16. The biomass fuel would be a 'solid recovered fuel' (SRF) consisting of residual wastes and other organic fuels imported to the site derived from non-recyclable commercial and industrial (C&I) waste including small particulates of paper, cardboard, and other biomass and waste wood products not suited to any other use than disposal to landfill or mass burn incineration. With minor processing this is produced into a biomass-rich SRF created as a direct result of advanced recycling processing in order to recover the maximum percentage of recyclates. The recycling process and the manufacture of SRF would be undertaken by other agencies located elsewhere off site.
17. The applicant states that the SRF would be used as a fuel feedstock to generate green electricity, sufficient to supply the annual requirements of 45,000 homes. The facility would use an Advanced Conversion Technology (ACT) known as *advanced gasification*. The applicant claims that the process proposed for this development has been developed successfully elsewhere with a number of operational plants throughout the world, including Europe, with a small operational steam plant in Scotland. The process would also produce low grade heat and the applicant would actively seek opportunities to use this heat in new business premises within Manor Way Business Park wherever possible.
18. Advanced gasification is a thermochemical process which converts waste materials (i.e. organic waste) into a gaseous component called Syngas. Syngas, which is rich in carbon monoxide and hydrogen, and is produced by heating biomass-rich waste in an oxygen starved atmosphere. At a prescribed temperature, the waste breaks down (thermally separates) into its constituent chemical parts, i.e. hydrogen and carbon. The Syngas, when mixed with air is combustible at high temperatures. The resulting hot combustion gases are used in a conventional steam cycle process to generate electricity. A process overview diagram is provided below.

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19. The applicant claims that advanced gasification is a clean and efficient method of producing electricity from SRF which is promoted by the Government because green electricity can be produced from fuel sources that have traditionally had little value and generally been disposed of to landfill. They point out that the process should not be confused with waste incineration which is the burning of waste directly. Although both are regulated in terms of environmental permits by the same Waste Incineration Directive, the Government classifies energy from waste (EfW) as renewable energy in policy terms. The proposal does not seek to process residual waste in any way other than to gasify it.

The Buildings

20. All operations are proposed to be housed in two single portal steel framed buildings with brick and profiled steel cladding the highest of which, the ACT building, would extend to a maximum height of 20 metres measured at its eaves. The fuel would be received and stored in one part of the site, the 'SRF storage building', which would be connected by closed conveyor to an energy plant housed in the 'ACT building'. The office and welfare facilities would also be located on a mezzanine floor within each of the buildings. A chimney of up to 65 metres above ground level is proposed to be integrated with the ACT building.
21. The Applicants have submitted, in support of the application, an Environmental Statement which seeks to assess any adverse impacts on the following, and which also includes measures to mitigate any such impacts to an acceptable level.
- Geology, geomorphology, soils and hydrogeology
 - Human beings
 - Flora and fauna

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- Air and climate
- Noise and vibration
- Landscape and visual amenity
- Water
- Land use
- Cultural heritage, archaeology and material assets
- Traffic and transport
- Use of natural resources
- Cumulative impacts
- Environmental enhancements

Further Supporting Information

22. Following formal consultations and the receipt of various comments from statutory consultees, the applicant provided further environmental information in relation to Air Quality, Odour and Noise Assessments. He also provided a supplementary planning statement, together with amended drawings of the Roof Designs of each building.

National Policy Context

23. **The National Planning Policy Framework (NPPF):** came into force on 27 March 2012; with the exception of Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management, it replaces all previous national planning policy guidance.
24. Local Planning Authorities are expected to work proactively with applicants to secure development that improve the economic, social and environmental conditions of the area. Local Planning Authorities should now approach decision-making in a positive way to foster the delivery of sustainable development (paragraph 186) with decision-takers at every level seeking to approve applications for sustainable development where possible (paragraph 187).
25. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. The role of the planning system is seen as contributing to the achievement of sustainable development. The NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system namely economic, social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible. The NPPF does not contain any specific waste policies on the basis that national waste planning policy will be published as part of the National Waste Management Plan for England, pending which PPS10 will remain in place.

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26. **National Planning Policy Guidance (NPPG):** Launched in March 2014, with regard to planning for renewable and low carbon energy recognition is given to the important role planning has in the delivery of new renewable and low carbon energy infrastructure.
27. **The Waste Strategy for England (2007)(WSE):** represents the overarching framework for national waste policies which establishes as one of its key principles the concept of a waste hierarchy, where it identifies a ranking for waste management techniques with preference given to managing waste further up the hierarchy.
28. **The UK National Renewable Action Plan (2010):** sets out measures that will enable the UK to reach its target for 15% of energy consumption in 2020 to be from renewable sources, although this should not be seen as representing an upper limit. Energy consumption from renewable resources is therefore consistent with the objectives of the WSE by managing waste further up the waste hierarchy and can also be seen as following the underlying principles of sustainable development as set out in the NPPF.
29. **Energy from Waste. A guide to the debate. (February 2014) (DEFRA):** This recent guide is mostly concerned with energy from residual waste. Residual waste is waste that is left over when all the recycling possible has been undertaken. This generally means the environmental or economic costs of further separating and cleaning the waste are greater than any potential benefit of doing so. Part of this residual waste will include plastics, food, paper, wood etc. Unlike untreated waste, RDF derived from residual waste can be exported for recovery.
30. Traditionally incinerators were disposal-only plants, which simply burned waste to reduce its volume. The introduction of landfill diversion targets in the mid 1990s helped drive a new generation of energy from waste plants, designed to meet new emissions standards, and provide valuable low carbon energy.
31. The Waste Framework Directive requires that a waste management route defined as recovery should be used ahead of an alternative that is classified as disposal. In this context for the purpose of incineration the guidance seeks to make a distinction between waste recovery (i.e where waste is principally used as a fuel to generate energy as opposed to incineration on land). What this means is that where waste is burnt as a fuel to generate energy it can potentially be considered a recovery operation but where incineration is used to get rid of waste it is hence considered disposal. This distinction is important for planning purposes as to the extent to which in considering any proposal for a waste management facility the proximity principle applies.
32. Energy recovery in the context of the waste hierarchy includes incineration. As part of its evolving waste strategy Kent County Council is seeking to place greater reliance upon a major increase in additional future capacity through the recovery of waste which is seen as a means of achieving a stepped reduction in the volume of waste going to landfill.
33. **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. The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste

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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. 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.

Development Plan Policy

34. **Kent Waste Local Plan March 1998 (Saved Policies):** Policy W11 sets out the criteria against which proposals are required to be considered including whether the site is within a major established or committed industrial or industrial type area. Policy W17 the need to ensure airborne emissions will not adversely affect neighbouring land uses and amenity. Policy W18 requires adequate controls over noise, dust odours and other emissions. Policy W19 Surface and Ground Water protection. Policy W20 Land Stability, Drainage and Flood Control. Policy W21 seeks the satisfactory protection of Ecological Interests. Policy W22 Traffic Impacts. Policy W25 Site Design and External Appearance
35. **Dartford Borough Council Core Strategy (September 2011):** Policy CS 6: Thames Waterfront – the Council will promote the creation of a vibrant mixed-use riverfront, incorporating sustainable communities, new employment opportunities, leisure use of the river/riverside and use of the river for sustainable transport.

Emerging Policy

36. **Kent Minerals and Waste Local Plan (MWLP) 2013-30 (Submission Document):**

This Plan identifies and sets out the long term spatial vision for the period up to, and including the year 2030. Policy CSW 9: Energy from Waste Facilities for Non-hazardous Waste - seeks to identify Energy from Waste facilities sufficient to treat a capacity of 562,500 tonnes per annum. The specific sites for minerals and waste developments will be set out in the separate Kent Minerals and Waste Sites Plans. Currently the site has been allocated in the Waste Sites Plan Preferred Options Consultation document May 2012 as being suitable in principle for the establishment of an Energy from Waste facility subject to no adverse effects upon the local highway network and the nearby Air Quality Management Area. The site selection process for the final sites plans will be based on the policies in the Kent MWLP.

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37. Consultee Responses

Dartford Borough Council: Strong objections are raised for the reasons specified:

- Unacceptable increase in traffic along local roads which is detrimental to air quality and the quality of life of residents and occupiers within the surrounding area
- The proposed location of the plant is not considered to be sustainable, particularly as all waste delivered to the plant is to arrive by road.
- The proposed routing of HGVs via Stanhope Road and Swanscombe High Street is unacceptable due to the narrow form and character of the roads.
- The additional traffic resulting from the development using the Manor Way/London Road junction will prejudice the use of this junction by Fastrack busses when the new road incorporating the Fastrack route from the Ingress Park development has been completed.
- The cumulative effect of all noisy activity at the site has not been accurately assessed and therefore the Council are concerned about the impact of the proposed development on the local area and sensitive receptors.
- The proposed 65m chimney will be prominent in the local area and will have an adverse effect on the character of the area as will such a large scale building alongside a main road.
- The proposed development will prejudice the Council's objective of achieving a vibrant mixed use development on Swanscombe Peninsula and is contrary to Policy CS6 of the adopted Core Strategy.
- The proposal will prejudice the London Paramount Development and the subsequent regeneration of the wider area which is a key Thames Gateway objective.
- The Kent MWLP encourages the sustainable use of modes of transport for moving waste long distances and minimise road mileage.
- The future EfW capacity set out in the emerging Kent MWLP is not based on a robust evidence base.

Gravesham Borough Council: Objections are raised on the following grounds:

- Future impact on the development potential of Swanscombe Peninsula East and the environmental impact of the development in respect of the lack of information about lorry routes and numbers of vehicle movements
- Emerging Core Strategy Policy CS03; Northfleet Embankment and Swanscombe Peninsula East Opportunity Area indicates that the whole of the area has a substantial opportunity for major riverside regeneration and that any future proposals for the Swanscombe Peninsula East Undeveloped Area will be the subject of a comprehensive master plan but does not indicate the likely permissible uses or the likely quantum of development.
- The proposed development needs to be carefully assessed on the basis of the likelihood of development coming forward in the longer term for the development of the Swanscombe Peninsula East Undeveloped Area and the construction of this facility in this location should therefore not prejudice and future mixed use development that may take place or have any material adverse environmental impact on emerging development.

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- The BC is not convinced that the impact of the proposed development has been fully assessed on the future and emerging development [policies for Swanscombe Peninsula.
- Concerns are raised at the scale of the development and the wider impact that this may have, having regard to the height and prominence of the chimney.
- The Borough Councils Environmental Health Officer have made the following (summarised) comments:
- Whilst noise and vibration from the facility would not be a significant issue for local residents there is some concern in relation to the quantum of traffic movements and request that transport routes are agreed and conditioned for this use to avoid 'rat running' and wider impact on residential areas.
- It is considered that emissions and odour from the stack and storage facilities would be covered and controlled by an environmental permit.
- Vehicle emissions would be dependant on vehicle routing for both the construction and operational phase of the proposed development. There are concerns that the information relating to the exact route of the construction vehicles is not yet known nor are the numbers of vehicle movements.
- It is suggested that a restriction be placed on the number of hourly/daily vehicle movements and suitable route agreed prior to commencement of any construction work and control measures put in place to ensure any agreed route is adhered to.
- A condition should be imposed requiring the applicant, construction contractor and operators to submit transport strategies/traffic management plans for all phases including avoiding peak hours to KCC for approval in consultation with Dartford and Gravesham Borough Councils.
- Concerns are raised as to the vehicular access to the site from Manor Way is of a poor standard, is subject to flooding and has a poor crossroads junction with the A226 London Road.
- No objections on the basis of the additional information provided on the Air Quality Impact Assessment.

Swanscombe and Greenhithe Town Council: Objections are raised:

- Concerns about the environmental impact the site would have on the local area and in particular the potential impact from emissions in such a developed and populated area.
- The proposed development could interfere with the needs of the proposed theme park project and stunt the growth of business within the area.
- Concerns as to the potential impact of HGVs on local roads and particularly the difficulties in controlling vehicle routing should permission be granted.
- An extension of time is needed until such time as the Theme Park Project Managers have been made aware of this development therefore it is essential that they are consulted as well.

Civil Aviation Authority: No objection

Protect Kent (CPRE): Have not responded

English Heritage: No comments

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Environment Agency: No objection subject to conditions including a land contamination risk assessment, no infiltration of surface water drainage into the ground, prior approval of any piling methods, prior approval of details of a surface water drainage scheme, prior approval of a Construction Environmental Management Plan. The applicant be reminded of the need to obtain a separate Environmental Permit at which time a more detailed review of the air quality modelling would be undertaken.

Health Protection Agency: Have not responded

Health and Safety Executive: No comments on the basis that that it is not within the consultation distance of any Hazardous Installation.

Highways Agency: Permission should only be granted subject to conditions limiting the throughputs to the quantities stated in the application based on vehicles with a minimum capacity of 20 tonnes. Additional conditions restricting the numbers of movements should smaller vehicles be used should also be considered.

HS1 (Formerly Union Railways): No objection subject to conditions requiring the submission and approval of site construction methods and safeguards in order to protect the safety and operation of HighSpeed 1.

Kent Wildlife Trust: Have not responded.

National Grid: No objection.

Natural England: No objection. If the Council is minded to grant permission consideration should be given to enhance the biodiversity of the site.

Network Rail: No comments.

Thames Water: No objection subject to prior approval of a Piling Method Statement.

Southern Water: No objection subject to a condition requiring the submission and approval of details of proposed foul and surface water sewerage disposal.

County Biodiversity Officer : No objection subject to a condition on Black Redstart and the implementation of a Detailed Mitigation Strategy in respect of the offsite translocation and management of the receptor site being secured through a Section 106 Agreement.

County Landscape Officer: Whilst being comprehensive in many respects considered the Landscape and Visual Impact Assessment required further clarification on one or two elements including the need to ensure the reference to accompanying Landscape Character Assessments undertaken in 1999 and 2004 were still relevant. Following the receipt of further supporting LVIA had no further comments to make and raised no objection on landscape and visual impact grounds.

County Archaeologist: No comments.

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Conservation Officer: No objection in principle although care needs to be given to the backdrop of the chalk cliff face and adopting a white cladding to be agreed would make a strong reference to the cliff context.

AMEY (Noise, Air Quality, Odour): Consider the methodologies used to assess such impacts are appropriate and robust. No objections subject to conditions requiring agreed Dust and Odour Management Plans, Noise Management Plans during construction and operation, restriction on peak hour HGV movements and Vehicle Routing/Traffic Management plan.

Highways and Transportation: No objections subject to conditions restricting vehicle movements, the submission of a Route Management Plan which avoids vehicles using minor residential roads and the provision of wheel washing facilities to avoid mud and debris being carried out onto the public highway.

Essex County Council: Have not responded.

Thurrock Council: Have not responded.

Local Members

38. The Local Member Mr P. Harman and two adjoining Members Mrs S. Howes and Mr V. Thandi were formally notified on 24 July 2013.

Publicity and Notification

39. The application was advertised by way of an advert in the local newspaper together with the posting of a notice on site. I also wrote to some 101 near neighbours on the Manor Way Industrial Estate. The applicant also held a public exhibition prior to the formal submission of the application at Swanscombe & Greenhithe Town Council at which the applicant and his professional advisors were available to discuss the scheme with local people.

40. A leaflet was prepared to advertise the event, which was delivered to local residents and businesses. The event was also advertised on the Town Council website.

Letters of Representation

41. I have received 8 letters of representation. Three of these are from Savills who represent LRCH together with Lafarge Tarmac and EIGP who are the majority landowners of the London Paramount Development site, one from Lafarge Tarmac themselves, one from Visit Kent together with three from local residents. Their comments can be summarised as follows;

- The significant prejudice to the London Paramount Development which represents a

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material planning consideration to which much greater weight should now be given with its confirmation as being nationally significant and which should outweigh any factors the County Council considers support the application. Further LRCH who are the promoters of the scheme have signed Heads of Terms on the land option for the Peninsula with Lafarge Tarmac and EIGP. With these agreements on the principal parcels of land having been secured this strengthens the ability to deliver the Paramount proposal

- The London Paramount Development is recognised by the Secretary of State for Communities and Local Government as being of “national significance” and would therefore be considered through Nationally Significant Infrastructure process.
- London Paramount will create over 25,000 jobs and substantial economic benefits to the area representing a £2.2bn investment which will attract some 12 – 15 million visitors annually.
- The Ebbsfleet Garden City announcement by Government is a material consideration and with the proposed creation of an Urban Development Corporation whose purpose is to facilitate this being delivered, the Teal Energy proposal is premature.
- The weight to be attached to the Draft Waste Local Plan in support of the Teal Energy application is limited which has not yet been subject to scrutiny by public examination.
- There are alternative locations for the site perhaps most appropriately near the Thames Waterfront.
- The County Council will need to assess whether the Teal Energy Application would be prejudicial to the Government's announcement for a ‘ Garden City’ at Ebbsfleet
- Lafarge UK are an important local stakeholder with significant land interests within the wider Swanscombe Peninsula, a large proportion of which lies to the north and west of the Teal Energy site and it should therefore have a greater understanding of the wider regeneration opportunities.
- The cumulative impacts of the application omit to make any assessment of future development scenarios.
- There would be unacceptable impacts from traffic and no attempt has been made to forecast future traffic scenarios.
- An insufficient business case has been made given the uncertainty over the waste source.
- The site would be visually intrusive.

Discussion

41. 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. The application for a Renewable Energy Facility using Advanced Conversion Technology with a potential to produce combined heat and power will need to be examined having regard to both national guidance and the relevant development plan policies applying to the site together with any relevant material planning considerations arising from consultation and publicity. In my opinion, the main determining issues in this particular case can be summarised under the following headings:

- Need

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- Traffic
- Air Quality
- Noise
- Nature Conservation and Ecology
- Landscape and Visual Impact
- Ebbsfleet Garden City Announcement
- London Paramount Development
- Prematurity

Need

42. One of the key aims of Government policy is to reduce the volume of Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) being sent to non-hazardous landfill through the establishment of alternative more sustainable waste management facilities. Energy from Waste Plants (EfW) are seen as playing an important role in helping to achieve this objective which not only help divert waste from landfill but also help towards securing the country's future energy supply. Whilst traditionally EfW plants involved the mass burn incineration of non-recycled waste, Government is seeking to encourage an increase in the amount of energy generated from renewable low carbon technologies. Whilst at present we cannot prevent, re-use or recycle all of our waste, even after extensive and sophisticated recycling techniques, the residual material left over from these processes still has a value as a fuel source. This has been recognised in a recent publication produced by DEFRA in February this year ' Energy from Waste. A guide to the debate' which is aimed at stimulating discussions over the role energy from waste might have in managing waste in the future in a more sustainable way.
43. The NPPF sets out the Government's planning policies and its aim to secure sustainable development. On March 2014 the Government launched its National Planning Practice Guidance (NPPG). This new guidance is closely linked to the NPPF and consolidates previous practice guidance. With regard to planning for renewable and low carbon energy the NPPG states '*Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable*'.
44. With regard to waste sources the DEFRA guidance advises that a waste management route defined as recovery should be used ahead of an alternative that is classified as disposal, and that this distinction is important for planning purposes as to the extent to which in considering any proposal for a waste management facility the proximity principle applies. It states that councils have a duty to cooperate to ensure that waste needs across their respective areas are handled properly and appropriately. Whilst they need to have regard to the proximity principle, which requires all waste for disposal and mixed municipal to be recovered in one of the nearest appropriate facilities, this principle must not be over-interpreted. There is nothing in the legislation or the proximity principle that says accepting waste from another council, city or region is a bad thing and indeed in many cases (e.g. utilising residual waste as a fuel) may be the best economic and

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environmental solution and/or be the outcome most consistent with the proximity principle.

45. Policy exists at both the national, regional and local levels which give support in principle for the establishment of alternative waste management facilities to landfill. These include Waste to Energy Plants, particularly where they also involve combined heat and power generation (CHP), where waste should be recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards the achievement of sustainable development by reducing the carbon footprint by lowering emissions and stabilising climate change. Emerging policy in the Kent MWLP is consistent with the principles set out in adopted national policy and guidance in so far as it aims to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill and recognises there will need to be a substantial increase in the number of EfW plants during the plan period if this is to be achieved. Provision is set out in draft policies to ensure energy recovery is maximised (utilising both heat and power) consistent with the principles of sustainable development.
46. In my opinion the Teal Energy proposal is fully consistent with adopted Government policy and policy emerging through the Kent MWLP and would help contribute towards securing the country's future energy supply consistent with the principles of sustainable development as set out in the NPPF and the guidance set out in the NPPG.

Traffic

47. The environmental statement accompanying the application includes a Transport Statement (T.S.) to assess the potential impacts from traffic on the local road network. Notwithstanding the objections raised to the application on highway grounds the statement concludes that having regard to existing levels of traffic on the network the development proposals would have no adverse impact on the adjacent highway network. Notwithstanding this conclusion concerns have been raised over what is considered to be adverse impacts from traffic.
48. The proposed development would generate some 9 HGV movements (arriving and departing) per hour (i.e. one every 7 minutes). The T.S. states that strict measures will be put in place to evenly distribute HGV movements across the highway network and limit their numbers during the peak hours. The T.S. adopts a worse case scenario to assess traffic impacts from vehicles by assuming that all 9 vehicle movements per hour approach the site either easterly or westerly taking precisely the same route and using the same junctions. from the same direction namely;
- Easterly;
- i. The B2175 High Street, leading to A226 Stonebridge Road, Galley Hill Road, London road and Manor Way;
 - ii. A226 Thames Way to Stonebridge Road, Galley Hill Road and Manor Way; or
 - iii. B259 Southfleet Road, Stanhope Road High Street , A226 London Road and Manor Way.

Westerly;

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- i. A206 Crossways Blvd, A226 London Road and Manor Way;
 - ii. A226 London Road and Manor Way; or
 - iii. B225, A226 London Road and Manor Way
49. Notwithstanding concerns raised over congestion at certain junctions on routes both eastward and westward of the site, the likelihood of HGVs servicing the plant creating or exacerbating congestion has been determined to be negligible. This conclusion is based on an assumption that the existing Ratio of Flow to Capacity (RFC) is above an index of 1.00 and therefore the addition of one more HGV every 7 minutes is negligible. Traffic count data for the major routes outlined above have total movements in the 1000s (in 100s for HGVs alone).
50. The Highways Agency Network Analysis Tool suggests that no material impact may occur because there is no link between where the development of the site would generate a two-way total of more than 30 trips. Based on 9 movements per hour, it is not anticipated that the highway impact of the proposed development would exceed the aforementioned threshold and hence, no material impact is anticipated. What must be understood however is that this is based on a worse case scenario. The applicant considers that in reality this is unlikely to be the case and that HGVs are likely to access and leave the site in both directions and therefore by the time HGVs reach congestion sensitive junction, their numbers would be even less and therefore have less of an impact. To achieve this the applicant intends to manage HGV movements so as to evenly use routes to the East and West. Furthermore it is also intended that during the peak hours of 08:00 – 09:30 hours and 16:00 – 18:00 hours, HGV movements would be restricted to 4 movements per hour.
51. Following formal consultations the Highways Agency (H.A.), who are responsible for Trunk Roads, raised no objection subject to conditions limiting throughputs based on vehicles with a minimum capacity of 20 tonnes. Kent Highways and Transportation (KHT) have also raised no objection subject to a similar condition required by the H.A. and in addition have requested the submission of a Route Management Plan which avoids vehicles using minor residential roads and the provision of wheel cleaning facilities to avoid mud and debris being carried out onto the public highway. I am satisfied that provided such measures are put in place this would satisfactorily address the concerns raised over the potential impacts from traffic. Accordingly should Members be minded to grant permission I would intend such matters to be covered by condition.
52. On one final point, the Planning Statement submitted in support of the application states that ‘pre-application discussions with Kent County Council Highways indicated that the Teal Energy development should contribute £63,840. It is proposed to secure this through a s106 Agreement’. Whilst at that time this was welcomed by KHT, Dartford Borough Council have since adopted their Community Infrastructure Charging Levy (CICL) which sets out the types of infrastructure or projects Dartford may fund. The list includes Strategic junction and transport improvements as set out in Kent County Council Cabinet report 15 October 2012- Kent Thameside Strategic Transport (Homes & Roads) Programme. KHT advised that it is their understanding that they would now not be able to take S106 contributions towards the Programme as it is now identified in the Dartford Borough Council CICL list. Irrespective of whether this is the case, KHT have

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further advised that based on the number of HGV movements that would be generated by this proposal and provided there are restrictions during peak hours, this would be insufficient to make a strong case that a contribution to specific junction improvements would be required to make the application acceptable. On this basis no contribution can be sought should planning permission be granted.

Air Quality

53. The Environmental Statement also includes an Air Quality and Odour Assessment which provides an assessment of emissions both during the site construction stage and also when the plant is operating along with associated HGV movements. It provides information on the existing air quality and local meteorological conditions in the vicinity of the site and describes the mitigation measures that have been incorporated into the design proposals, in order to minimise the potential adverse impacts and risk associated with the proposed development. The assessment then considers whether adverse air quality impacts are likely to arise and draws conclusions as to whether these are significant.

Site Construction

54. The risk of dust effects is considered to be low for earthworks and construction activities. To control such impacts during these phases mitigation measures include the provision of a best practice Dust Management Plan for the duration of the construction phase works which will set out practical measures to be implemented at the site. Measures such as protection of surfaces, sheeting of vehicles, dampening down of exposed materials and avoiding activities that generate large amounts of dust during windy conditions will be included in the DMP. Provided such measures are put in place the assessment concludes that impacts from dust would be negligible.
55. Whilst no objections have been raised specifically into adverse dust impacts, the E.A. and Amey have both recommended that conditions are imposed on any future permission requiring the submission and approval of dust and odour Management Plans. I am therefore satisfied that should Members be minded to grant permission conditions can be imposed to ensure any dust emissions during site construction can be satisfactorily mitigated.

Operational Phase

56. With regard to impacts during the operational phase, mitigation measures would be implemented to ensure emissions of odour and bioaerosols can be satisfactorily controlled, although given that there would be no waste processing on site it is considered that the potential for the generation of odour and bioaerosol emissions would be significantly reduced. Measures include carrying out all operations within a fully enclosed building. Air extracted from the SRF storage building would be drawn through the ACT building, through the advanced gasification system and treated by the abatement system prior to release from the stack. With regard to dust and particulates as there is no requirement for waste to be processed on the site the generation of dust

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and particulate emissions is considered to be significantly reduced. The building would operate an air extraction system, thereby retaining any dust within the building. The levels of dust in the atmosphere within the building would be controlled through a combination of mist suppressant sprays, good housekeeping and air extraction.

57. Whilst no objections have been raised specifically on the potential adverse impacts from dust and bioaerosols during the operational phase, I would expect the conditions recommended by the E.A and Amey requiring the submission and approval of Dust and Odour Management Plans to apply not only during site construction but also during the operational phase. I am therefore satisfied that should Members be minded to grant permission conditions can be imposed to ensure that during the operational phase of the development any dust and bioaerosol emissions can be satisfactorily mitigated.

Stack Emissions

58. The ACT building contains the gasification plant that would provide a staged control to the combustion process which the applicant claims would enable a rigorous control of emissions to air. The gasification process together with operational controls and abatement techniques proposed include:
- A secondary combustion chamber operating at a temperature of over 875 degrees Celsius with a gas residence time of over 2 seconds.
 - A flue gas cleaning and conditioning system ; and
 - Continuous emissions monitoring of a range of gases.
59. In combination the applicant considers that the process and emission controls represent the best available technology for emissions abatement and monitoring of the proposed plant.
60. Dispersion modelling has been undertaken to assess any adverse impacts from stack emissions from the plant. The predicted Environmental Concentrations have been determined and compared against current Air Quality Objectives and Environmental Assessment Levels. The results indicate that based on a proposed 65m high stack height, the short and long term predicted concentrations for the pollutants considered lie within the respective Air Quality Objectives and Assessment Levels. The applicant considers that any short-term problem or increase in emissions from the proposed facility could be prevented, or rapidly detected and remedial action taken. It is considered that any short term emissions to air would not be expected to have significant adverse health or environmental effects.
61. No objections have been raised specifically in relation to stack emissions. The E.A. in their response on the application whilst raising no objection in principle have requested that the applicant be reminded of the need to obtain a separate Environmental Permit at which time a more detailed review of the air quality modelling would be undertaken. Irrespective of whether planning permission is granted the applicant would not be able to operate the facility until such times as he obtains a Permit from the E.A.
62. I am therefore satisfied that with regard to stack emissions appropriate controls would be put in place to ensure there would be no adverse effects.

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Vehicle Emissions

63. Finally, emissions from exhaust gases of HGVs has been assessed in relation to the potential impact of development generated traffic upon the existing Air Quality Management Area (AQMA) along the A226 London Road. The assessment states that its scope was discussed and agreed with Dartford Borough Council. Similar to the exercise undertaken for the Traffic Assessment, modelling undertaken adopts a worse case scenario which assumes that all traffic would use the routes referred to under paragraph (48) above whereby all traffic would either enter and leave to the East or to the West. Five representative existing sensitive receptors, located along the A226 London Road and within the AQMA were considered as part of the assessment. By comparing existing measured pollutant levels at these locations compared to the predicted increase from the proposed development the assessment indicated that there would be a small adverse effect on NO₂ concentrations and a negligible impact on PM₁₀ concentrations in the year 2013. However, these were not predicted to exceed the air quality objectives of the AQMA. In reality given that HGVs would not all travel in the same direction this was considered to represent a worse case scenario.
64. Following formal consultations, in response to comments made by consultees including the County Council's Air Quality advisor Amey, further supplementary information on Air Quality was submitted which sought to address a number of issues. A revised modelling exercise was undertaken which assessed the year 2017 (i.e. the likely year the plant would become operational), with and without the proposed development in place and year 2022 with and without the proposed development in place. Whilst 2012 background concentrations and emission factors were applied to the 2017 opening and 2022 future year scenarios this was considered to represent a conservative approach as it is likely there will be some improvement in background air quality and emissions before 2022.. No exceedance of the annual mean standards for NO₂ or PM₁₀ is predicted in 2017 or 2022. This is on the basis of 100% of development traffic taking each of the proposed routes thereby significantly overestimating the actual potential impact. This is considered to be a conservative approach and in reality it is likely that traffic would be more evenly spread. Amey considered this represented a robust approach. As referred to under paragraph (51) above should Members be minded to grant permission the routing of vehicles can be secured by condition.
65. Whilst Dartford Borough Council still has some concerns over the revised Air Quality Assessment in terms of the assumptions made over predicted background concentrations of pollutants without the development, I am satisfied that given the predicted increase in concentrations of pollutants is based on a worse case scenario and that I would propose that matters concerning the routing of vehicles which would ensure that traffic is not concentrated along a single route can be covered by condition, in my view having regard to the County council's Air Quality Advisor Amey, there are no overriding objections from the impacts of the development on the AQMA.
66. Dartford have also questioned whether given that there are several proposed developments of a similar nature in the immediate area reliant upon using London Road, the application should not be considered in isolation and these developments should also be taken into account. However, in my view it would be unreasonable for the applicant to assess the impacts from their development having regard to future developments which may or may not be permitted and therefore the application can only

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reasonably be determined having regard to the circumstances which prevail at the time a decision is taken.

Noise

67. The Noise Impact Assessment set out in the Environmental Statement assesses the potential noise impact from the development upon identified noise-sensitive receptors. The assessment has been made for the noise generated during construction and operational phases of the development. Baseline noise monitoring locations were selected at 3 residential properties considered to be the closest noise sensitive receptors to the site along Pilgrims Road, High Street and Manor Way with the nearest at the junction of Pilgrims Road and London Road being some 250 metres to the south. The dominant noise sources at these locations were associated with road traffic on the adjacent road network and industrial noise from the neighbouring sites.

Construction Noise

68. The noise levels likely to be generated by the enabling works and construction phase have been assessed having regard to the ambient noise levels at each receptor rounded to the nearest 5 db (A) to determine the threshold value in accordance with BS 5228-1 whose method is to establish 3 separate values ranging from low to high based on the variation in ambient noise levels measured at each receptor. The noise level likely to be generated at the receptor during the construction phase, i.e. the ambient noise level plus construction noise, is then compared to the appropriate category value. If the noise level is greater than the category value, a significant noise impact may be registered. The enabling and construction works would be restricted to daytime hours, i.e. between 0700 and 1900 hours Monday to Friday and 0800 and 1300 on Saturdays. The assessment demonstrated that the impact (construction noise + ambient noise) at the identified receptors would not exceed their respective threshold values and therefore the impacts would be insignificant.

Operational Noise

69. The assessment of operational noise impacts is based on the following principle noise sources;

- SRF Storage Building ;
- ACT building;
- Closed Conveyer connecting the two buildings;
- Flue Stack and Cooling array; and
- External mobile plant activity (generally HGVs delivering SRF to the site)

70. The assessment calculated the noise impact at the identified noise-sensitive receptors. A worse case assessment assumed all of the above sources operating simultaneously. For plant located within the buildings the assessment assumed that the plant would be located directly adjacent to the façade closest to the 3 noise sensitive receptors. The

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assessment demonstrated that the noise impact from the proposed development would be insignificant and therefore not have any adverse effects on any noise sensitive receptors either during the daytime or nighttime.

Additional Road Traffic Noise

71. The effects of the proposed development from traffic have been assessed based on the following 5 sensitive locations along the local road network;

- 4 All Saints Close
- 19a London Road
- 1a Knockhall Chase
- Flat 23, Nelson House, London Road
- 29 London Road

72. The noise predictions compared the 2013 baseline noise levels with the operational traffic added. The impact was predicted to be insignificant.

Mitigation

73. Whilst the predicted impacts on noise from the proposed development concluded there would be no adverse impacts a number of mitigation measures are proposed ranging from the adoption of best working practices including regular plant maintenance, staff awareness when working near to noise sensitive locations during site construction to the screening of noisier operations.

74. Following formal consultations a number of issues were raised by consultees including the County Council's noise advisor Amey. This included further clarification over what time period background noise levels were measured and a request that the applicant demonstrate that noise levels 10 db (A) below the lowest measured background noise level can be achieved. It was also suggested that consideration be given to the imposition of a condition requiring Noise Management Plans both during construction and when the site is operational. As a result further information on the Noise Assessment was provided on which further consultations were undertaken with relevant consultees. On the basis of the further information provided, with the exception of nighttime levels along Pilgrim Road where it is predicted they would be 6db(A) below the lowest measured background levels, Amey were satisfied that when the site is operational the noise levels would be more than 10db(A) below the lowest measured background levels at all other sensitive receptors. Notwithstanding the predicted levels along Pilgrim Road, Amey are satisfied that these levels of noise are unlikely to significantly affect the amenity of local residents. Dartford Borough Council have suggested that if planning permission is granted for the development an acoustic validation report should be undertaken after construction and further noise measures be implemented where the predicted noise levels at the residential receptors are exceeded by more than 3db(A) or more.

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75. On the basis of consultee responses following the submission of further information on noise impacts, I am satisfied that there are no overriding objections on noise. However, if Members are minded to grant permission I would recommend that a condition be imposed as advised by Amey requiring the submission for approval of Noise Management Plans in respect of both the construction and operational phase of the development. This in my view would also address the suggestion made by Dartford Borough Council in respect of an acoustic validation report.

Nature Conservation and Ecology

76. The site has been subject to a Phase 1 Habitat Survey. The presence of reptiles at the site has been confirmed by a reptile survey undertaken during 2012 albeit numbers recorded were low. A detailed Mitigation Strategy setting out measures to safeguard any adverse effects on protected species forms part of the Ecology section of the Environmental Statement. Whilst the Mitigation Strategy identified the need for an offsite receptor site into which species from the application could be translated, initially no suitable site was identified. The County Council's Biodiversity Officer therefore requested that a suitable site be found in order to ensure the interests of protected species at the site are satisfactorily safeguarded. She also required confirmation as to whether Black Redstart were present at the site which, if so there would be a greater need to provide replacement habitat of a similar extent to that lost.

77. In response the applicants provided further supporting information on how the buildings would incorporate a living roof which would replicate the habitat that would be lost at ground level. They also confirmed that they were in the process of identifying a suitable offsite receptor site. The County Council's Biodiversity Officer welcomed the living roof proposals and recommended that any permission should include a condition requiring the submission of an ecological design strategy addressing mitigation for the loss of black redstart habitat for the approval of the Local Planning Authority. With regard to the proposed receptor site she advised that one should be identified prior to the determination of the planning application to ensure adequate provision is made for the prevention of harm and long-term conservation of the affected protected species population.

78. The applicant has since provided details of an offsite receptor site which the County Council's Biodiversity Officer considers is suitable. He has also provided a Detailed Mitigation Strategy which will ensure that suitable habitat would be created at the receptor site prior to the translocation of protected species from the application site and thereafter appropriately managed. Given that the receptor site falls outside the control of the applicant it would need to be formally secured and managed by way of a Section 106 Agreement.

79. I am satisfied that with the imposition of the condition recommended by the County Council's Biodiversity Officer in respect of black redstarts and the satisfactory conclusion of a Section 106 Agreement to secure the required offsite ecological mitigation there are no overriding ecological objections to the proposed development.

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Landscape & Visual Impact

80. The application has been subject to a Landscape and Visual Impact Assessment (LVIA) which assesses the impacts upon Landscape Character, Visual impacts upon highways, Public Rights of Way, residential properties and Public Open Space.
81. Following formal consultations concerns were raised over the adverse visual impacts from the development given the scale of the proposed buildings and in particular the proposed stack height which would extend above the height of the adjoining chalk face. The County Council's Landscape Officer initially felt that whilst being comprehensive in many respects, a few elements of the LVIA were either missing or remained unclear. For example it did not provide a clear assessment upon the landscape and heritage assets especially given the potential for long views of the stack. She also stressed the need to ensure the Landscape Character Assessments (LCA) from 1999 and 2004 were still relevant and the amount of change since these assessments was not sufficient to require an additional LCA for the site and local context to be undertaken. Whilst a landscape baseline had been provided there was no equivalent visual baseline. The use of visual mapping and photomontages was considered to be very effective but it was considered that the written document wasn't as clear as it could be. On the positive side the green roof was supported as a means of mitigating visual impacts as well as offering rain attenuation and creating a useable space for wildlife. She also considered that the Zones of Theoretical Visibility were supported and clearly presented.

Further supporting information

82. In response to comments made on the LVIA the applicant provided further supporting information on potential landscape impacts. With regard to the 65m high stack the applicant considered that it would generally be viewed within the context of a number of existing structures including Tilbury docks, Radar Tower, Britannia Metals chimney and electricity towers resulting in a visual landscape impact of slight adverse with the only more substantial impact being viewed within the context of the listed structure of All Saints Church when the impact would be moderate adverse.
83. It was considered the impacts upon Landscape Character have to be considered within the context of the Greater Thames Estuary character which reflects the landscape within it. This now physically contains the Manor Way Business Park between the rail cutting and tunnel to the north and the chalk cliff of the former quarry immediately to the south of the site further separating the development from the wider landscape described within the LCA. On this basis the impact on landscape character during construction and upon completion of the development is considered by the applicant to be negligible adverse as the proposed development is within the footprint of an existing business complex, located within a zone of existing industry and is characteristic of this landscape character area. Visual impacts of the proposal are considered by the applicant to be restricted by its location within a former quarry, with the majority of the impacts relating to those caused by the 65m stack. He also considers the building mass is in keeping with the existing industrial use of Manor Way. The significance of impact is considered to be affected by proximity to the development, with impacts reducing when the stack is seen within a wider view where existing vertical elements including electricity towers, container gantries and venting stacks/chimneys are visible. On this basis it is considered the impacts of the proposed development are slight to moderate adverse. On the basis

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of the additional landscape information provided the County Council's Landscape Officer had no further comments to make.

84. The site is located at the base of a former chalk quarry adjacent to an existing quarry face which serves as a backdrop when viewed from the north. With the exception of the proposed 65m high stack, at a maximum height of 20m when measured at the eaves of the roof, the largest of the two buildings, namely the ACT building falls below the height of the quarry face, in between which views would largely be obscured by HS1 which runs adjacent to the north east boundary of the site. I am mindful of the advice from the County Council's Conservation officer, who recommended that details be submitted for approval in respect of the external finish of the buildings which take account of the chalk cliff face, and also of the intention to create a green roof on the buildings, both of which can be secured by condition. Notwithstanding concerns raised over the potential adverse visual impacts from the proposed development, I am satisfied that having regard to the location of the site at the base of a former quarry and given the nature of the surrounding landscape, which is dominated by existing industrial developments, some of which are of a similar scale and nature to that proposed, there are no overriding landscape objections to the proposed development.

Ebbsfleet Garden City Announcement

85. The announcement by the Chancellor of the Exchequer in his Budget Speech earlier in March this year for plans to create a new garden city at Ebbsfleet was made in order to unlock the potential of the area, and to accelerate development primarily in order to provide up to 15,000 new homes. To act as the catalyst for achieving this Government announced that a UDC would be created to help coordinate development, and bring in the necessary skills and expertise that will be needed. In August this year DCLG issued a formal consultation document on a proposed Ebbsfleet Development Corporation (EDC). It invites views on the proposals to create a Development Corporation for Ebbsfleet, focussing specifically on the area in which the corporation will operate, the planning powers it will be granted and the composition of the Board. The consultation closes on 6 October 2014.
86. The consultation document makes it clear that it is not a consultation on the details of the development that will come forward as part of the garden city. This would be a matter for the EDC, once established, to work with local communities and other partners on how to take forward the development of the area, consistent with the local plans developed by the local authorities. It also makes it clear that it is separate from the London Paramount Development, indicating that if taken forward, consent for this would be through a Development Consent Order under the provisions of the Planning Act 2008.
87. The Government will prepare a summary of responses to the consultation and, depending on the outcome of the consultation, will bring forward secondary legislation to establish the EDC and transfer planning powers to it. Subject to Parliamentary approval it is expected that the Corporation will be established in early 2015. Once established, the Corporation will develop and implement a business plan, working with local authorities, local communities and other partners to take forward the plans for the 21st century garden city at Ebbsfleet.

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88. The County Council has yet to formally respond to the DCLG consultation on the proposals to establish an EDC. However, having regard to one of the key aims of the NPPF which is to foster the delivery of sustainable development that improves the economic conditions of an area, as a matter of principle the County Council welcomes and supports Governments' intention to provide such a mechanism to stimulate and accelerate development in an area of the county which despite having previously been identified as the location for up to 10,000 new homes has failed to live up to its expectations with progress on the scale of such development being slow. In order to help secure the future objectives of the EDC the County Council will continue to work and cooperate closely with the Corporation and other key stakeholders.

London Paramount Development

89. Objections to the Teal Energy proposal have been made on behalf of LRCH, the promoters of the London Paramount Development and also by Lafarge Tarmac who have a major land interest in the area that would be occupied by the Paramount development. The main basis of their objections is that should permission be granted for the Teal Energy development this would significantly prejudice the delivery of the London Paramount Development.

90. In the absence of any detailed planning application for the Paramount proposal, at this stage it is not possible to make a proper assessment of how the current Teal Energy development or any other applications which may come forward to develop areas of the Swanscombe Peninsula may or may not prejudice Paramount's future aspirations. All that is available at present is a schematic plan which accompanied a Formal Screening Opinion Request made to Dartford Borough Council last October and which shows a transport link between Ebbsfleet Station and an area within the northern half of the Paramount site which I understand would consist of a monorail system and whose route currently runs through the Teal Energy site. In its response to Dartford Borough Council on the Screening Opinion request, the County Council drew attention to the fact that at that stage the applicant's intentions/proposals were insufficiently clear and that further information should be required in order to establish the full extent of what is proposed. In the last representation on the Teal proposal from Savills which was received on 21 August 2014, they confirmed that LRCH's consultant team is currently in dialogue with the extensive range of statutory and non-statutory stakeholders on the key NSIP deliverables including the Transport Assessment, Environmental Impact Assessment, Masterplanning, Consultation and Infrastructure provision. It is clear therefore that only once these negotiations have been completed which will enable an application to be properly formulated, will there be any specific details of what Paramount's proposals entail.

91. The London Paramount Development has been recognised by the Secretary of State for Communities and Local Government as being of "national significance" and would therefore need to be considered through the Nationally Significant Infrastructure Project planning regime managed by the Planning Inspectorate. However, in reaching this decision he stated that this was without prejudice to his consideration of any future application for an order granting development consent. On this basis recognition of the proposal being nationally significant does not guarantee any future consent, which would need to be considered on its own merits having regard to government policy, the

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development plan for the area along with other material planning considerations. Meanwhile the proposal remains at the Pre-Application stage.

92. Whilst London Paramount purport to have signed Heads of Terms on the land option with Larfarge Tarmac and EIGP on the principal parcels of land required for their development, there are also a number of other parcels of land either currently occupied by existing developments or are subject to current planning applications which are not under the control of Paramount including the Teal Energy site. Therefore, in the event that Paramount obtain a Development Order Consent and wish to proceed with their development, they would need to enter into negotiations with other landowners to secure the land required to carry out their development and this may include taking advantage of the compulsory purchase order powers afforded under the NSIP regime. The planning system exists to protect the general public interest and not the interests of individuals or private enterprise. For this reason any negotiations to secure control over land following the grant of planning permission are not material to the determination of a planning application. Therefore, should Members be minded to grant permission for the Teal Energy proposal, this in my view would not prejudice the London Paramount Development who, if they needed to secure the land occupied by Teal or any other landowner, would have mechanisms available to them to achieve this.
93. On this basis whilst London Paramount represents a material consideration and in this respect the County Council in recognition of what future economic role it could play in the area, fully supports such initiatives, in my opinion it can only be given limited weight given that at this stage there is no guarantee that any future application will be made, neither are there any specific details as to what the proposal will entail and finally to accord any greater weight at this stage could be seen as prejudging the Secretary of State's formal consideration and determination of the proposal.

Prematurity

94. Objections have been raised to the Teal Energy proposal on the basis that it is premature pending the establishment of the EDC and which could therefore be prejudicial to the proposed garden city at Ebbsfleet. As mentioned in paragraph (87) above, following formal consultations on the establishment of the EDC, which already has a nominated Chairman, statutory instruments are to be laid before parliament and it is expected that the Corporation will be established in early 2015 at which time planning powers will be transferred to it. Until such times as this occurs the existing local planning authorities (LPA) including Kent County Council acting in its capacity as the Minerals and Waste Planning Authority, will be responsible for considering and formally determining any applications it has before it. This includes the Teal Energy application. In my view it would be unreasonable to delay the determination of this application pending the establishment of the EDC and could be seen to prejudice the parliamentary approvals process. It would also be contrary to the NPPF which sends a clear signal to LPAs that they are expected to work proactively with applicants to secure development that is consistent with the principles of sustainable development in a timely manner.
95. Energy generation is clearly relevant to a new settlement and arguably Teal Energy's proposal could be viewed as a positive asset by providing a source of low carbon

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energy in the form of combined heat and power close to new homes. To this end there is synergy between the Teal Energy proposal and the Garden City concept by it being able to provide the green energy supply necessary to enable any new developments to meet the stringent CO2 and energy targets. The proposal could also prove of equal value to London Paramount which, given the scale and nature of their proposal would be a major energy consumer. This in my view is fully consistent with government policy which considers planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

96. In my opinion contrary to the assertions that the Teal Energy proposal could potentially prejudice the garden city concept, I consider it is fully consistent with Government policy which recognises planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Emerging Policy

97. In accordance with paragraph 216 of the NPPF, weight should only be given to relevant policies in existing plans according to their degree of consistency with the NPPF (*the closer the policies in the plan to the policies in the NPPF, the greater weight that may be given*).
98. Paragraph 216 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
99. The NPPG states that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a plan is in preparation. However, this is likely to be limited to situations where both:
- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
100. In relation to the latter point it states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.

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101. The guidance also clarifies prematurity in relation to the presumption in favour of sustainable development in the NPPF. It states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.
102. The formal Submission Document for the emerging Kent Minerals and Waste Local Plan 2013 – 2030 is currently out to consultation and has not yet been submitted to the Secretary of State, according to the NPPG it is unlikely that a prematurity argument could succeed. But, irrespective of the stage the Plan has reached, the evidence base strongly suggests the County is likely to require 562,000 tpa of additional recovery capacity for non hazardous waste. Further it goes on to state that ‘ new EfW plants will need to be designed and constructed to operate as recovery processes producing (or capable of producing) both heat and power.’ In this context, the scale of development proposed in the current Teal Energy application does not prejudice this emerging Plan, as it falls well within the projected need for recovery capacity. The projected amount of new recovery capacity in the Plan will clearly need to be accommodated on a range of sites and the Teal Energy site is one of four sites allocated in the Waste Sites Plan Preferred Options Consultation May 2012. The site selection process for the final sites included in the Sites Plans will be based on the policies in the Kent MWLP.
103. Having regard to paragraph 216 of the NPPF, whilst the emerging Kent MWLP has yet to be given scrutiny before a Planning Inspector at the Examination in Public, in my view given the degree of consistency of the relevant policies in it with the NPPF and NPPG, this affords it sufficient weight such that it is a material consideration in the determination of the Teal Energy proposal.

Conclusion

104. It is clear from latest Government guidance that it is considered planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The use of SRF derived from residual waste streams is seen as one of a number of ways of securing a low carbon energy supply and which also serves to reduce the amount of waste going to landfill. This is fully consistent with Government policy as set out in the NPPF which seeks to ensure LPAs approach decision making in a positive way to foster the delivery of sustainable development in a way which secures economic growth. Emerging policy in the Kent MWLP is consistent with the principles set out in adopted national policy and guidance in so far as it aims to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill and recognises that in order to achieve this there will be a need to a substantial increase in the number of EfW plants during the plan period if a rapid shift away from landfill is to occur.
105. The Teal Energy site has been allocated in the Waste Sites Plan Preferred Options Consultation document May 2012 subject to no adverse effects upon the local highway network and the nearby AQMA. Whilst the site selection process for the final sites plan will be based on the policies in the Kent MWLP I am satisfied that on the basis of

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consultee responses and in particular having regard to the conditions that would be imposed on any future permission, the development could take place such that there would be no adverse impacts on the local environment. In my opinion the proposal is fully consistent with Government Policy and Guidance together with those relevant development plan policies applying to the site as set out under paragraphs 34. and 35. above. In particular I consider given its green energy credentials it lends support to sustainable communities, which is a key Government objective for the area as recognised by the intended creation of a garden city at Ebbsfleet.

106. Whilst objections have been raised as set out under paragraph 41. above on the grounds that the proposal would be prejudicial to the Government's announcement for a garden city at Ebbsfleet, and would also significantly prejudice the London Paramount proposal, for the reasons set out above I would strongly dispute such assertions. In my opinion having regard to Government Guidance which encourages LPAs to work proactively with applicants to secure sustainable development and as a means of achieving this considers planning has an important role in the delivery of new renewable and low carbon energy infrastructure, arguably Teal Energy's proposal should be viewed as being a positive asset to Government's aspirations for the area.

107. With regard to London Paramount, the County Council supports such initiatives in recognition of the future economic role it could potentially play for the area. In this respect it is my view the Teal proposal could prove of value in supporting London Paramount by having the potential to provide a much needed new source of future energy supply. I also consider that given there are existing processes available that would allow Paramount to enter into negotiations to secure any land necessary to carry out their development (*i.e. as is part of the normal process following the grant of any planning permission where an applicant is not a landowner*) this would not in itself significantly prejudice Paramount's proposal from going ahead should any future development consent order be forthcoming. However, Paramount's proposals remain at a relatively early stage where in the absence of any detailed planning application having been made, precise details of the development remain unclear. Furthermore, the Secretary of State for Communities and Local Government in reaching his decision that the proposal would need to be formally considered through the NSIP regime, has made it clear that this decision is without prejudice to his consideration of any future application for an order granting development consent. On this basis there is no guarantee that any such consent would be forthcoming. Given these uncertainties, in my view it would be unreasonable to delay making a decision on Teal's proposal which I consider is fully consistent with Government policy and guidance and those relevant development plan policies applying to the site.

108. Accordingly I recommend that subject to the satisfactory completion of a Legal Agreement to secure the translocation of protected species from the site to an offsite receptor site, permission be granted subject to the imposition of appropriately worded conditions.

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Recommendation

109.I RECOMMEND that SUBJECT TO the satisfactory completion of a Legal Agreement to secure the translocation of protected species from the site to an offsite receptor site that PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters;

- Maximum waste throughputs restricted to 250,000 tonnes per annum and all vehicles to have a minimum carrying capacity of 20 tonnes.
- Vehicle movements to and from the site restricted to between 0700 and 1900 hours Mondays to Saturdays only with no movements on Sundays or Bank Holidays.
- Maximum number of vehicle movements per hour restricted to 9 movements per hour. During peak hours of 0800 to 0930 hours and 1600 to 1800 hours vehicle movements restricted to a maximum of 4 movements per hour.
- Submission of a Route Management Plan which avoids vehicles using minor residential roads.
- Provision of wheel washing facilities.
- Land Contamination Risk Assessment.
- No infiltration of surface water into the ground.
- Details of piling methods.
- Details of a Surface Water Drainage Scheme.
- Details of a Construction Environmental Management Plan.
- Details of Site Construction methods and safeguards during the operation of the site to protect the interests of HS1.
- Details of foul water disposal.
- Details of Dust, Odour, Noise Management Plans during construction and operation of the site.
- Details of an Ecological Mitigation Strategy designed to address mitigation for the loss of black redstart habitat.
- Details of the external finish of buildings.

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Background Documents: see section heading
