

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

Continued operation of Ridham Biomass Plant with minor variations to allow export of shredded wood waste; a 4,600tpa increase in throughput; and an increase in stockpile heights at MVV Environment Ridham, Ridham Dock, Iwade – SW/20/500833 (KCC/SW/0254/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 4 November 2020.

Application by MVV Environmental Ridham Ltd for Continued operation of Ridham Biomass Plant with minor variations to allow:

- 1) The export of shredded wood waste when the facility is not in operation;
 - 2) A variation of Condition 4 of planning permission SW/10/774 to increase the maximum throughput of fuel material by 4,600 tonnes per annum (tpa) from 177,200tpa to 181,800tpa to align the planning permission with the environmental permit for the site (EPR/TP3536CL/S003); and
 - 3) A variation of Conditions 5 and 6 of planning permission SW/12/1132 to increase the height of the stockpiles of wood within the storage yard and bays to a maximum of 7m in height;
- at MVV Environment Ridham, Lord Nelson Road, Ridham Dock, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500833 (KCC/SW/0254/2019)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr M. Whiting

Classification: Unrestricted

Site

1. The Ridham Biomass Facility (“the Facility”) is located within the Ridham Dock Industrial area; approximately 2km east of the village of Iwade and 4.4km north of the town centre of Sittingbourne. The dock is currently used to import, export and store a wide range of cargo such as wood, steel, grain, aggregate and concrete products and contains various large-scale buildings. Aside from the dock operations, the area hosts a number of industrial land uses including an aggregate facility (Brett Aggregates), a distribution depot (Morrisons), a building material supplier (Knauf), Kemsley Paper Mill (DS Smith Paper Ltd) and waste management facilities (Countrystyle Recycling Ltd and MVV Environment Ridham (the applicant)). Beyond the industrial areas, the surrounding land is predominantly low-lying grazing, agricultural and marshland.
2. There are two access routes to the dock. The first route is via private roads connecting the Ridham Dock via Lord Nelson Road and Barge Way to Swale Way (the public highway) (“the Swale Way access”). This route connects with the A249 at the Grovehurst Road Junction (B2005) and also allows direct access into Sittingbourne. The private roads were purpose built to facilitate activities associated with the Ridham complex and Barge Way has been upgraded to a suitable standard to accommodate

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two-way traffic accessing the Knauf factory, as well as vehicles visiting the Docks and associated premises. The second access route forms the original access to Ridham Dock (“the Sheppey Way access”). This route consists of a narrow private road leading out to Old Ferry Road / Sheppey Way and the junction on the A249 south of the Sheppey Crossing. The route includes a 14’6” (4.42m) height restriction where the road passes under Sheppey Way and the railway line.

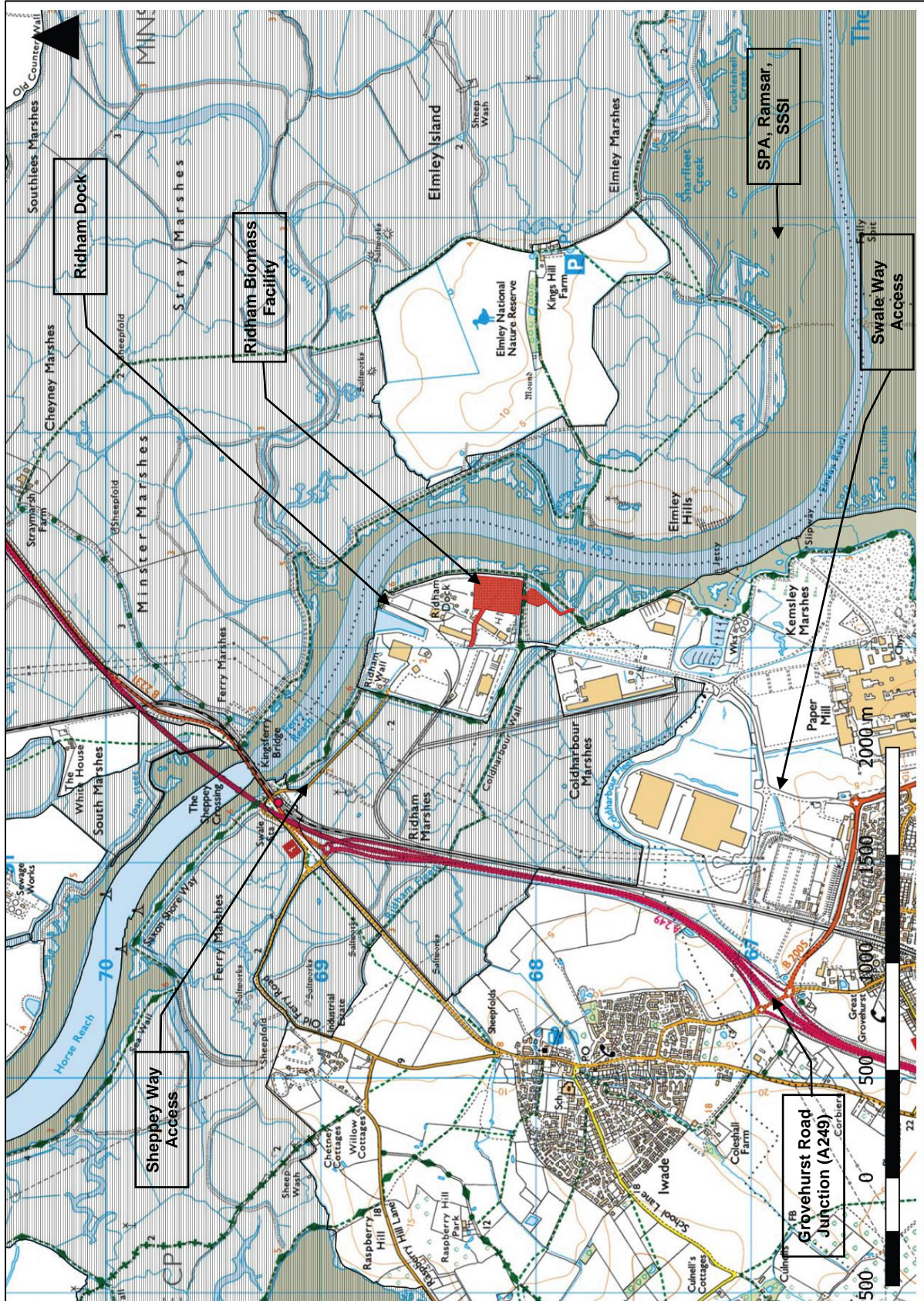
3. The Ridham Biomass Facility was completed in August 2015 and consists of a large plant building with associated chimney (stack) with several other ancillary structures / plant and equipment, including a wood shredding barn and open storage.
4. Land immediately to the south falls within the surrounding Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar Sites and comprises permanent pasture and areas of intertidal saltmarsh. A permanent surface water attenuation pond which forms part of the surface water drainage system connected to the Biomass Facility is located within the field to the south.
5. Land to the east forms a section of the Ridham Sea Defences and includes a raised embankment and drainage ditches. Public Right of Way (PROW) ZR88 passes along the embankments, this includes the Saxon Shore Way, which continues along the sea wall adjacent to the coastline. Beyond this is the Swale Estuary, which forms a tidal channel and is designated as part of the Swale Estuary Marine Conservation Zone (MCZ).
6. Land to the north and west forms part of the built development within Ridham Dock, which includes other minerals and waste operations as well as other industrial and dock related operations. The Kent Minerals and Waste Local Plan identifies Ridham Dock as a safeguarded wharf, important to the County’s infrastructure.
7. The site is located within a Flood Zone 3a with a ‘High Probability’ of flooding from the sea. This area of the coastline benefits from Environment Agency (EA) maintained flood defences. The southern section of the site also falls within a Coastal Change Management Area (Policy DM23) and an Area of High Landscape Value (Policy DM24), as defined by the Swale Local Plan Proposals Map.

Background / Recent Site History

8. Planning history relevant to this application includes the following permissions and approvals:
 - SW/10/774 - Biomass Combined Heat and Power Plant permitted 28 May 2012, subject to 27 conditions.
 - SW/10/774/R3 - Amended site layout pursuant to condition 3 of planning permission SW/10/774 approved 18 October 2012.
 - SW/10/774/R - Non-material amendment to site layout and elevations approved 22 July 2013.
 - SW/10/774/RA - Non-material amendment to vary the colour of the cladding approved 18 November 2013.
 - SW/12/1132 - Extension to wood storage area and improvements to site access at the approved Ridham Biomass power plant (planning permission SW/10/774) permitted 7 November 2012, subject to 12 conditions.

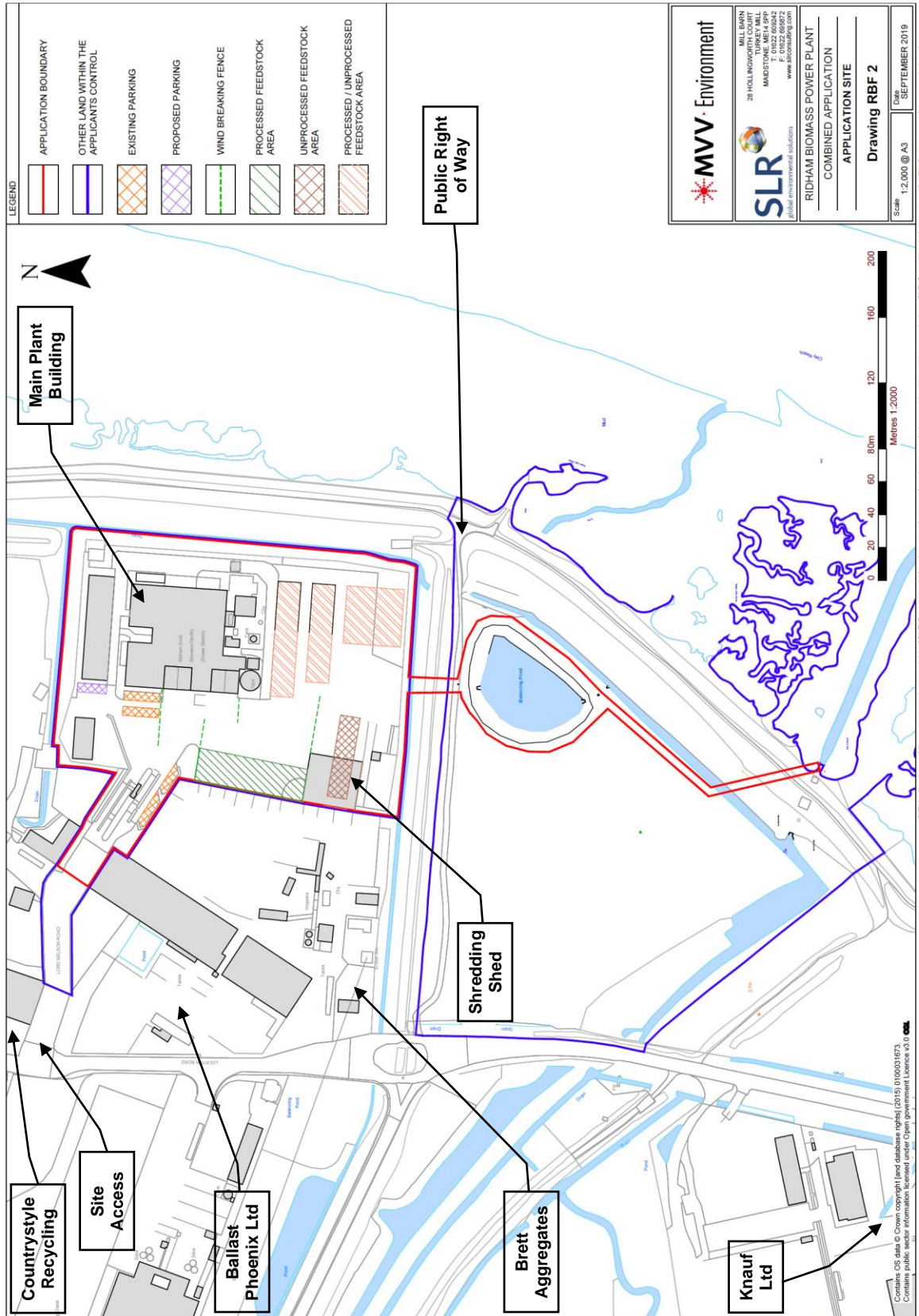
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Location Plan (showing the Ridham Biomass Facility and surrounding land uses / road layout)



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Site Layout Plan (showing the application boundary and internal site layout)



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Background / Recent Site History (continued)

- SW/14/76 - Revised surface water drainage scheme permitted 16 May 2014.
 - SW/14/99 - Variation of conditions 6 and 9 of planning permission SW/10/774 to allow a revised surface water drainage scheme to serve the Ridham Biomass Facility approved 16 May 2014.
 - SW/15/507191 - Stores building permitted 19 October 2015
 - SW/10/774/RB - Non-material amendment to approved site layout in respect of wind breaking fence, cover over incinerator bottom ash loading area and drainage buffer tank of planning permission SW/10/774 approved 22 March 2017.
 - SW/19/504919 - Construction of a footbridge to provide safe staff access from the Ridham Dock Biomass Facility to the SUDS pond permitted 13 December 2019.
 - SW/19/504918 – Amendments to surface water and process water arrangements to enable discharge to the Swale permitted 25 August 2020
9. Planning permission SW/10/774 granted for the construction of a Biomass Combined Heat and Power Plant on 28 May 2012. The Facility was constructed and became fully operational in August 2015. The Facility uses the energy content of low-grade waste wood such as chipboard, Medium-Density Fibreboard (MDF), plywood and other types of fibre and particle board (classified as grade B and C waste wood) to generate electricity. This type of waste wood material would ordinarily have been disposed of at landfill, as it is difficult to recycle. The permission allows for the importation of wood waste by road and includes facilities to store and shred the wood prior to it being fed directly into the furnace.
10. Based upon a maximum throughput rate of 177,200 tonnes per annum (tpa), the Facility has capacity to generate approximately 25MWe of electrical output, which is used to feed the energy demands of the plant, with the surplus exported into the National Grid. The Facility was designed to allow for the export of heat for industrial uses. The export of heat has been explored and a pipeline potentially linking the Facility to a nearby papermill permitted (under reference SW/16/506935). Unfortunately, this development has never been implemented and the pipeline permission has since fallen away.
11. The base planning permission SW/10/774 allows for the development and operation of the Facility subject to conditions including:
- A maximum throughput of fuel of 177,200tpa.
 - Measures to protect and mitigate protected species.
 - Flood mitigation and resilience measures.
 - Deliveries of wood between 06:00 and 20:00 including at weekends and Bank Holidays.
 - Dust mitigation measures.
 - Archaeological field evaluation works.
 - Bird collision monitoring plan.
 - Reedbed Habitat Compensation Plan.
 - Wood shredding under cover.
 - External lighting controls
 - Noise controls.
 - Parking provision.

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12. Members should note that there are no direct controls on the number of HGV movements associated with the site, including vehicles delivering wood waste. The permissions do not allow for the export of waste or shredded wood off site.

Proposal

13. MVV Environment Ridham (MER) are applying for planning permission for the continued operation of Ridham Biomass Plant in accordance with the extant planning permissions with three minor variations (set out below). The application site includes the areas covered by the planning permissions set out in the Background / Recent Site History section above. The key permissions in the context of this application being SW/10/774 (the original facility) and SW/12/1132 (for the extension to the wood storage area). The application seeks to consolidate the earlier permissions and approvals set out in above section, excluding SW/19/504919 (for the construction of a footbridge) and SW/19/504918 (for amendments to surface water and process water arrangements), which had not been determined at the time of the application. The three variations to the planning permissions are as follows.

1) The export of shredded wood waste when the Facility is not in operation.

As indicated above, the Facility has permission to import, shred and incinerate wood waste to generate electricity. There are times when the Facility is not able to use all the wood it is contracted to receive, for example when it has a planned or an unplanned outage for maintenance or repair reasons. During a planned outage, the applicant states that it is usually possible to manage deliveries. However, during unplanned outages it is not possible to store all the contracted wood on site for the period of the outage without exceeding the site's capacity. MER are therefore applying for planning permission (and separately for a variation of the site's Environmental Permit) to allow wood to be delivered, shredded and exported to either the suppliers, or to an alternative licensed storage area where it can be held until MER's Facility is back online and is able to use the wood waste received. The proposed export of shredded wood is an emergency provision and would only apply during an outage. The applicant suggests that the following condition is imposed on any permission, to provide KCC with control over this element of the operation.

“During unplanned outages at the Ridham Biomass Facility, up to 2,500 tonnes of shredded wood a week can be exported off site until the Ridham Biomass Facility is operational and able to accept the shredded wood.”

The Facility is authorised by its Environmental Permit to burn approximately 3,500 tonnes of wood per week. During an unplanned outage, the applicant anticipates being able to divert up to 1,500 tonnes of the wood to alternative facilities without it needing to come to site. Leaving around 2,000 tonnes per week of wood that would need to be processed and transferred to another storage location when the Facility is offline.

The applicant states that arrangements are in place to allow the storage of up to 2,000 tonnes of wood in the dockyard. Wood can be moved between the dockyard and the Facility without the need for it to move on the public highway. The applicant states that depending on the amount of wood stored on the site and in the dockyard when an

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unplanned outage occurs, it may be possible to store several weeks deliveries. The need to export shredded wood from the site during an outage using the public highway would not therefore commence until the local storage provisions are exhausted.

The applicant also states that two thirds of the 2,000 tonnes of shredded waste wood could be returned to the suppliers using return loads (back loading) on vehicles delivering unshredded wood to the site. This would leave one third of the shredded waste wood (660 tonnes per week) that would need to be transported in vehicles that would not already be visiting the site.

In accordance with condition 22 of SW/10/774 and condition 4 of SW/12/1132 all shredding of wood would only take place undercover within the designated areas.

2) A variation of Condition 4 of planning permission SW/10/774 to increase the maximum throughput of fuel material by 4,600tpa from 177,200tpa to 181,800tpa to align the planning permission with the environmental permit for the site (Permit Ref: EPR/TP3536CL/S003).

To allow the planning permission to be consistent with the environmental permit, the application seeks permission for an increase in the maximum throughput of fuel through the Facility from 177,200tpa to 181,800tpa. This represents an additional 4,600 tonnes per annum (a 2.6% increase in throughput).

The Facility would continue to operate in line with its Environmental Permit which establishes that the environmental impact of the higher volume of throughput is acceptable. The Permit provides the required safeguards in relation to emissions to air and the environment from this use.

The technical assessments carried out in connection with the Environmental Permit were based on accepting and processing 181,800tpa. The applicant states that the anomaly between the planning permission and the permit arose because of changes to the technology between the planning and permitting stage.

3) A variation of Conditions 5 and 6 of planning permission SW/12/1132 to increase the height of the stockpiles of wood within the storage yard and bays to a maximum of 7m in height.

Condition 5 of planning permission SW/12/1132 restricts the stockpiles of unprocessed wood to 5m high in the open and Condition 6 restricts storage to 4.5m within the storage bays. The application proposes to increase stockpile heights for wood to a maximum of 7m to allow for increased storage capacity on site. The applicant states that:

- The existing push walls and fencing of the storage bays are high enough to contain 7m high stockpiles.
- The 7m stockpiles would be the exception rather than the rule at the site.
- The dust control measures already in place would continue to apply to ensure dust does not become a nuisance. These include an existing dust suppression system (water misters and water cannon), wind fencing (which allows wind to pass through but traps dust particles), a road sweeper, and the dampening of roads, storage areas and stockpiles during dry or windy conditions. Full details are provided in a Dust Management Plan.

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- A Fire Prevention Plan (FPP) is included setting out the measures in place to prevent, detect, suppress, mitigate and contain fires associated with the acceptance and storage of waste on site.
- All other conditions on planning permission SW/12/1132 would remain unchanged, including hours of delivery for wood and dust control measures.

Additional / revised information received from the applicant during the processing of the application in response to consultee views and representations.

14. MER have confirmed that the Facility needs to store large quantities of wood to maintain operations at Bank holidays and when there are extended outages. Any dust arising from the external wood storage areas would be managed by mobile water sprays and if necessary additional equipment would be hired on a short-term basis. Furthermore, the additional wood stores would be separated from the areas of ecological interest by the boundary fences and there would be space between the stockpiles and the fencing to locate water sprays if necessary. The site is covered by a Dust Management Plan (DMP) and all storage and processing of wood would take place as per the recommendations of the DMP.
15. A Traffic Management Plan (TMP) for the export of Processed Wood was prepared by the applicant in response to comments from Highways England, Kent Highways and Iwade Parish Council. Amongst other matters, the TMP confirms that:
 - Processed wood would not be exported from the site during normal operations only during unplanned outages. MER confirm the Facility has experienced one prolonged unplanned outage in the 5 years of operation. The proposals to export wood is to provide a contingency plan in the event of another prolonged outage and to allow for the Facility to receive and to export a reduced amount of wood in these circumstances.
 - Measures are taken to reduce the quantity of wood delivered to the site during normal planned outages and in short plant breakdowns and outages which would not necessitate the export of processed wood.
 - The amount of wood delivered during an unplanned outage would be reduced and with the plant offline no Incinerator Bottom Ash (IBA) or Air Pollution Control residues (APCr) would be created reducing the traffic flow to potentially less than a quarter (25%) of the normal flow.
 - The preferred routes for export of processed wood from the site are: Sea going Vessel from Ridham Dock; Storage on Ridham Dock; Export to Countrystyle within dock area (all achieved without using the public highway); and Export by road (whenever possible using backloads).
16. MER has agreed to the conditions recommended by Highways England and Kent County Council Highways and Transportation below.

Planning Policy

17. The most relevant Government guidance and development plan policies are summarised below:

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18. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance and the National Planning Policy for Waste (NPPW). National policy and guidance are all material planning considerations.
19. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020) (Kent MWLP)**– Policies CSM 6 (Safeguarded Wharves and Rail Depots), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW 7 (Waste Management for Non-hazardous Waste), CSW 8 (Recovery Facilities for Non-hazardous Waste), CSW 16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM10 (Water environment), DM 11 (Health and Amenity), DM12 (Cumulative impact), Policy DM 13 (Transportation of Minerals and Waste), DM14 (Public rights of way), DM16 (Information required in support of an application) and DM20 (Ancillary Development).
20. **Bearing Fruits 2031: The Swale Borough Local Plan (July 2017) (Swale LP)** – Policies ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), CP 1 (Building a strong, competitive economy), CP 2 (Promoting sustainable transport), CP7 (Conserving and enhancing the natural environment), DM 6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage), DM22 (The Coast), DM23 (Coastal Change Management Area), DM24 (Conserving and enhancing valued landscapes) and DM28 (Biodiversity and geological conservation).

Consultations

21. The summary of consultee responses below represents each consultee’s most recent comments, updated following receipt of any additional comments on the further supporting information received from the applicant.
22. **Swale Borough Council** – no comments received.
23. **Swale Borough Council Environmental Health (Swale EH) – no objection**

No objection to the variation to increase the maximum throughput of fuel material to bring this in line with the Environmental Permit and no objection to the increase of stockpiles to a maximum of 7 metres in height.

Swale EH note that the site already adheres to a Dust Management Plan as a condition of SW/12/1132 (condition 9), as well as conditions imposed on an Environmental Permit. The comments note that no new plant or equipment is proposed, there would be no increase in working hours, and that the site would continue to operate in accordance with the noise limits set out in condition 24 of permission SW/12/1132.

Following submission of additional supporting information, Swale EH confirmed that it is satisfied with the response and that Highways has not raised issue with the potential increased HGV movements. It notes that any change in highway movements would be mitigated to some degree by the permission granted to discharge surface water into

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the Swale (replacing the current provisions to tanker this off site). Swale EH confirm that it is satisfied that the increased stockpile height is within current regulations.

24. Iwade Parish Council (Iwade PC) – objects, on the following grounds.

1) On the export of shredded wood waste - objects on the grounds that this would increase the number of HGVs on an already congested road network. Highways England has placed an embargo on development within the A249 area, stating that it only has capacity to take another 60 vehicles. Considers that increases in HGV usage should not be allowed until improvements to the Grovehurst Junction on the A249 are delivered.

2) On the increase in throughput - objects on the grounds that this would increase the number of HGVs on an already congested road network. See above.

3) On the increase stockpile heights - objects on the grounds that despite fire precautions installed by other firms there have been fires resulting from stockpiled wood at Ridham Dock. Notes that large wood stockpiles tend to heat up internally and can do so for days without anyone realising before igniting. The extant planning permission SW/12/1132 sets stockpile heights to 5m, this proposal increases it by a further 2m (i.e. 6.5 feet). The proposed height would exceed EA guidance on storage of wood waste.

25. Natural England (NE) – no comments received.**26. Environment Agency (EA) – no objection at the planning stage.** If planning permission is granted, the relevant changes, including a Fire Prevention Plan, would be assessed as part of an application to vary the site's Environmental Permit. The EA note that planning approval would not automatically mean any permit variation would be approved. The EA's National Permitting Service would consider the evidence submitted by the operator and if it is deemed insufficient the permit variation would be refused.

The EA note that the increase in waste stockpile heights proposed would exceed the maximum 4 metre limit specified in the EA's Fire Prevention Plans Guidance. It confirms that the operator can propose larger stockpiles, however this approach would need to be justified at the permit variation stage. The permit variation would require a breakdown of the changes proposed in terms of how large the stockpiles would be, including volumes, tonnages and dimensions, how long the material would be stored, and what types of temperature monitoring and mitigation measures would be implemented to appropriately manage the additional risk.

27. Highways England (HE) – no objection, subject to conditions as set out below.

HE initially raised a holding objection due to insufficient information on the potential impact of HGV movements on the surrounding road network (including the A249 which forms part of the Strategic Road Network (SRN)). HE's comments drew attention to the potential for the development to contribute to congestion at the Grovehurst Road Junction with the A249.

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Following discussions with the applicant and submission of further supporting information, including a revised Traffic Management Plan, HE recommend that subject to the imposition of the conditions below, it is satisfied that the proposals would not materially affect the safety, reliability and / or operation of the SRN in this location and its vicinity. The recommended conditions would require:

- A maximum limit on exports of shredded wood during an outage of 2,500 tonnes per week until the Facility is operational;
- No HGV movements associated with the export of processed wood occurring during the network peak periods (07:30 to 09:30 and 16:30 to 18:30 daily);
- Records of all vehicle movements to and from the site being kept and reported annually to the Local Planning Authority and Strategic and Local Highway Authorities; and
- the Traffic Management Plan being updated and reviewed annually to ensure it continues to be effective.

It further recommends an informative seeking the applicant to make every endeavour to use the private road to the Sheppey Way and the A249 junction adjacent to the Sheppey Bridge as a primary point of access rather than as a secondary route.

28. **KCC Highways and Transportation (KCC H&T) – no objection, subject to conditions** limiting the export of shredded wood to 2,500 tonnes per week and the implementation of the Traffic Management Plan during unplanned outages.

KCC H&T are satisfied that the measures proposed would adequately mitigate the impact on the local highway network from any unplanned outages that would prevent the site processing the normal wood imports. It appreciates that additional movements would be minimised by the efficient use of the TMP to utilise backloads on vehicles already delivering to the site, diverting imports elsewhere, increasing storage and exporting as much material to Countrystyle or via the port, neither of which would require transportation on the public highway.

In addition, as the plant would not be in operation, no export of Incinerator Bottom Ash or Pollution Control Residues by HGV would have to be undertaken, and the planned completion of a new drainage system to discharge into the estuary would replace the current need for surface and processed water to be transported off site by tanker. The restrictive conditions proposed by Highways England would keep any additional HGV movements associated with the outage off the highway network at the times when capacity issues are experienced. It should be recognised that KCC has also secured Housing Infrastructure Funding (HIF) to carry out a major improvement scheme at the Grovehurst/A249 junction on Swale Way to address the current congestion and accommodate planned traffic growth to at least 2037. Construction of this scheme is expected to commence in 2022.

29. **KCC's Ecological Advice Service (KCC EAS) – no objection, subject to implementation of the Dust Management Plan.**

KCC EAS recommend that, subject to the Planning Authority being content with the scheme, the measures proposed within the Dust Management Scheme are appropriate to minimise/avoid an increase in dust/particles on the designated sites.

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Subject to the above, the advice recommends that no additional ecology information is required as part of this application.

Local Member

30. The local County Member for Swale West, Mr M. Whiting was notified of the application on 14 April 2020 and following receipt of additional supporting information on 14 July 2020 and 19 August 2020.

Publicity

31. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 19 nearby business properties.

Representations

32. No representations were received in response to the above publicity.

Discussion

33. The application proposes the continued operation of Ridham Biomass Plant with minor operational variations to allow: 1) the export of shredded wood waste when the Facility is not in operation; 2) an increase to the maximum throughput of wood of 4,600tpa (from 177,200 to 181,800tpa) to align with the site's Environmental Permit; and 3) an increase in stockpile heights to a maximum of 7m in height. The application proposes no other changes to the permitted arrangements, or the conditions imposed on the extant permissions.
34. The application is being reported to the Planning Applications Committee as a result of an objection from Iwade Parish Council on the grounds of potential impacts on highway congestion and safety, and concerns about an increased risk of fire. Following negotiation and the submission of further supporting information, no objections are being raised by the technical consultees. See the Consultation and Representations sections above for details of all views received.
35. In considering this proposal, regard must be had to the development plan policies outlined in the Planning Policy section. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the development plan policies, Government guidance and any other material planning considerations.
36. In accordance with government guidance officers have engaged with the applicant and other interested parties to address issues arising during the processing of this planning application to ensure any decision is appropriately informed. This process has included allowing the applicant additional time to attempt to address matters that have arisen, including in relation to highway considerations.
37. In my opinion, the key material planning considerations in this case can be summarised by the following headings:

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- Principle / Need;
- Highways and access;
- Environmental considerations (including noise, dust, air quality);
- Nature conservation;
- Landscape and visual impacts; and
- Water Environment (including Flood Risk).

Principle / Need

38. Policies CSW 1, CSW2 and DM1 of the Kent MWLP require the Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, the National Planning Policy for Waste, and the Waste Management Plan for England. This includes a requirement for proposals for waste management to demonstrate how they will help drive waste up the Waste Hierarchy (Disposal, Other Recovery, Recycle, Re-Use and Prevention). Policy CSW 4 and CSW7 state that waste management capacity in Kent will be sufficient to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. Policy CSW 8 states that facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive and action is taken to secure a market for both the power and heat produced. MER have taken action to market the heat produced by the Facility, including securing planning permission for a pipeline to supply the nearby papermill. This permission was never implemented. However, it demonstrates that significant work was undertaken to attempt to secure a market for the heat produced.
39. Policy CSM 6 of the Kent MWLP safeguards wharves and rail depots requiring that planning permission not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised. CSW 16 seeks to safeguard existing waste management facilities. The proposed changes to the existing biomass facility would have no unacceptable adverse impacts on the operation of the port and would support the continued operation of the waste management facility. Policy DM20 provides support for ancillary development within or in close proximity to mineral and waste development provided that: the proposal is necessary to enable the main development to proceed and it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts.
40. Policy ST1 of Swale LP seeks to deliver sustainable development by supporting a strong competitive economy, meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural and historic environment. Policy CP1 adds weight to the support for a strong competitive economy, including safeguarding existing business and employers.
41. This Biomass Facility forms an important resource in meeting the capacity requirement to manage waste arising in Kent. It provides a facility to manage low quality wood through recovery, which would otherwise be sent to landfill or exported to the continent. The proposed variation would result in a small increase in the site's waste recovery capacity. The Facility is considered a long-term sustainable solution that contributes to managing this waste stream which can originate from commercial,

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industrial and domestic sources. Development on site that helps to continue to support this provision would receive general policy support, subject to further consideration of the matters below.

Highways and access

42. Paragraphs 108 - 109 of the NPPF seek development that: promotes sustainable transport modes, taking account of the type of development and its location; ensures safe and suitable access; and ensures that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated to an acceptable degree. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 7 (and Appendix B) of the NPPW require that development has suitable access to the highway network.
43. Policy DM13 of the Kent MWLP requires that: access to a development is safe and appropriate to the scale and nature of movements associated with the use, such that the impact of traffic generated is not detrimental to road safety; the highway network is able to accommodate the traffic flows; and the associated highway movements do not have an unacceptable adverse impact on the environment or the local community. Policy CP2 and DM6 of the Swale LP requires development that protects and maintains the highway network in terms of traffic flow, capacity and highway safety. Policy DM6 also safeguards usable wharfs or rail facilities and seeks the safe and efficient delivery of goods and supplies.
44. There are two elements of the proposed development that have the potential to increase the number of HGV movements associated with the Facility. The first part of the application proposes a change to the operational arrangements to allow the export of wood from the site. This provision is proposed as an emergency arrangement in the event that there is an unplanned outage (breakdown) in the plant that prevents the use of the waste wood imported. The applicant states that approximately 3,500 tonnes of waste wood is imported per week and that during an unplanned outage up to 1,500 tonnes per week could be diverted to other facilities with the remainder needing to be delivered to site. The application therefore seeks permission to export up to 2,500 tonnes per week of material in these exceptional circumstances. This amount of material allows flexibility to accommodate small fluctuations in the anticipated arrangements. At 20 tonnes per load (HGV) the export of 2,500 tonnes per week would generate 125 loads per week (250 HGV movements, 125 In / 125 Out). The applicant states that 1,840 tonnes of shredded wood would be back hauled on HGVs delivering material (i.e. permitted vehicle movements already on the highway network). This equates to 184 movements (92 In / 92 Out) of the 250 movements per week required. The remaining 660 tonnes each week would require transportation on additional HGVs attending site for that purpose only (66 movements (33 In / 33 Out). If the additional HGVs were to remove the wood during an 8-hour working day over 5 days per week this would equate to less than 2 HGV movements per hour (1 movement in / 1 out).
45. The second part of the application that has the potential to impact on the highway network is the proposed increase in the throughput from 177,200tpa to 181,800tpa (an increase of 4,600tpa or +2.6%). This would equate to approximately 230 additional

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HGV loads per year (460 movements (230 In / 230 Out) per year or approximately 2 movements per day).

46. As indicated above, Ridham dock benefits from two private access roads out the public highway; “the Swale Way access” leading toward Sittingbourne and the Grovehurst Road Junction (B2005) with the A249 and “the Sheppey Way access” the original dock access out toward the Old Ferry Road / Sheppey Way junction with the A249 (south of the Sheppey Crossing). This original route is single lane in places and includes a 14’6” (4.42m) height restriction. Members will note from the planning history above that the base permissions for the biomass facility are not subject to specific limits on daily vehicle numbers, and that the throughput of the Facility provides the effective cap. Any assessment of the current application needs to be set in this context.
47. Iwade Parish Council object to the application on the grounds that it would increase the number of HGVs on an already congested road network. It states that Highways England (HE) has placed an embargo on development within the A249 area. The Parish Council considers that increases in HGV usage should not be allowed until improvements to the Grovehurst Junction on the A249 are delivered. Following receipt of additional supporting information, including a revised Traffic Management Plan, both HE and KCC H&T raise no objections, subject to conditions: limiting the export of wood during an outage to 2,500 tonnes per week; allowing no HGV movements associated with the export of processed wood during the network peak periods (07:30 to 09:30 and 16:30 to 18:30 daily); requiring records of movements to be maintained and reported annually; and requiring the implementation and regular update of the Traffic Management Plan. HE further recommends an informative encouraging the use of the Sheppey Way and the A249 junction adjacent to the Sheppey Bridge where possible. HE advises that subject to the imposition of the conditions, it is satisfied that the proposals would not materially affect the safety, reliability and / or operation of the Strategic Road Network. KCC H&T are also satisfied that the measures proposed would adequately mitigate the impact on the local highway network. It also highlights that KCC has secured Housing Infrastructure Funding (HIF) to carry out a major improvement scheme at the Grovehurst/A249 Junction on Swale Way to address the current congestion and that construction of this scheme is expected to commence in 2022.
48. The application is accompanied by a Traffic Management Plan which states that during an outage:
 - MER would send as much processed wood into Ridham Dock using private roads where it can be exported by sea or stored on the dock.
 - MER would transfer as much processed wood as possible to Countrystyle (at Ridham), without using the public highways.
 - MER would use backloads with vehicles that have already tipped on site to export processed wood from the site where it is not possible to store wood on adjacent sites.
 - HGVs exporting wood would need to be directed to use the Swale Way Access due to their size as the height restriction on the Sheppey Way Access limit its use.
49. MER further agree to the conditions proposed by HE and Kent H&T that would preclude HGV movements from peak travel times when the congestion associated with the existing road layout at the Grovehurst Road Junction is high. It should be noted

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that the export of wood is only proposed during an unplanned outage. The applicant states that there has only been one such outage in the 5 years of operation. The applicant also indicates that with increased storage on site (also part of the application), alternate storage arrangements within the dock yard area and the diversion of material, only outages that last several weeks would result in wood being exported by road. The movements generated during this period would also be offset by a reduction in HGV traffic that would otherwise visit the site when the Facility is fully operational. The applicant states that this includes HGVs required to remove residual material generated by the operations (i.e. Incinerator Bottom Ash (IBAs), Air Pollution Control Residuals (APCRs), metals, oil and sludge), which will not build up when the Facility is offline. It states that this activity generally results in 13 HGV loads transported off site each week (26 HGV movements – 13 In / 13 Out).

50. The 460 additional HGV movements per year (230 In / 230 Out) anticipated as a result of the proposed minor increase in the throughput can also be offset against the County Council's recent decision to grant permission for a revised surface and process water drainage system on site (under permission SW/19/504918). The revised drainage scheme allows discharge of surface water runoff and process water from the Facility direct to the Swale, replacing an existing arrangement where this water is captured and transported off site by tankers. Depending on annual rainfall levels, the applicant states that the new permission will remove between 140 and 700 HGV loads per annum that would otherwise have used the local road network. For example, the applicant states that in 2019 443 tankers loads of surface water were exported across the year. The applicant has recently implemented permission SW/19/504918 and is looking to deliver the development as soon as possible to offset the cost of tankering water offsite.
51. Given the above I am content that the net change in the number of HGV movements on the public highway due to the proposed increase in throughput would be minimal. Taking account of the mitigation measures put forward by the applicant in the revised Traffic Management Plan and the recommendations of both HE and KCC H&T the proposed development would not have a significant impact on the highway network either in terms of congestion or highway safety and as such there are no highway grounds to recommend refusal. I am satisfied that any residual impacts on the highway network as a result of the changes proposed could reasonably be mitigated by the conditions recommended by the technical consultees. In summing up it should also be acknowledged again that the proposed impacts for wood exports would only occur in an emergency if there is a breakdown at the Facility for an extended period. I therefore consider that the proposed development is acceptable in terms of Government and Development Plan policies relating to highways and access considerations.

Environmental Considerations (including noise, dust, air quality)

52. Paragraph 170 of the NPPF seeks to prevent development from contributing to unacceptable levels of soil, air, water or noise pollution and states that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that planning decisions should ensure that development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Appendix B of the NPPW states that proximity of sensitive receptors,

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including ecological and human receptors, and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.

53. Policies DM11, DM12 and DM13 of the Kent MWLP seek development that is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Proposals for waste development are also required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.
54. Iwade Parish Council's objections to the application include concerns about the potential for increased stockpile sizes / heights to increase the risk of fire. The Parish Council states that large wood stockpiles tend to heat up internally, and can do so for days without anyone realising, before igniting. It refers to instances where there have been stockpile fires at other sites within the Ridham Dock area despite fire precautions. The Parish Council notes that the extant planning permission SW/12/1132 sets stockpile heights to 5m and that the current proposal increases this by a further 2m (i.e. 6.5 feet). It also notes that the proposed height would exceed the stockpile height recommended by EA Environmental Permit guidance on fire prevention plans.
55. The EA is raising no objection at the planning stage. It states that if planning permission is granted the development would be assessed as part of an application to vary the site's Environmental Permit, including stockpile sizes and a Fire Prevention Plan. In response to the concerns about the overall stockpile heights, the EA confirm that the operator can propose stockpile heights above the levels stated in the guidance, however this approach would need to be justified at the permit stage. The permit variation would require a breakdown of the maximum dimensions, volume, and tonnages of stockpile materials, how long the material would be stored, and what types of temperature monitoring would be implemented to manage the additional risk.
56. A copy of a Fire Prevention Plan (FPP) is included with the application. It sets out the measures in place to prevent, detect, suppress, mitigate and contain fires associated with the acceptance and storage of waste. Paragraph 183 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. On this basis I consider that the risk of fire is a technical matter to be covered by the Environmental Permitting regime. The considerations given to the stockpile heights above and below will focus on the material planning considerations, including visual and landscape impacts.
57. As indicated above, the Facility is subject to an existing Environmental Permit issued and monitored by the Environment Agency (Permit Reference EPR /TP3536CL). A Dust Management Plan (DMP) forms part of the environmental management control system that MER operates at Ridham to ensure that the operations meet the legislative requirements and operate to high environmental standards. The DMP is a live document subject to on-going review, with updating as appropriate. The EA

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comments confirm that if planning permission were to be granted the changes proposed would be subject to review under the permitting regime. The above requirements are further amplified by the conditions imposed on the extant permission, which require adherence with a DMP. The measures deployed on site include bays, 3x10 m high dust mitigation fencing allowing for the prevailing winds, static dust misting and integrated dust management / damping systems on the shredding facilities and acceptance areas of the plant, mobile dust mitigation water cannons, alongside good site management and housekeeping measures.

58. As with the proposed export of wood from the site, the proposed flexibility to increase stockpile heights on site is principally to allow for times when the Facility is not operational, or capacity is reduced during public / bank holiday periods. The increased heights would allow the site to temporarily accommodate increased volumes of wood waste. To reflect this arrangement and help to minimise any impacts from increased stockpile heights, I recommend that if permission is granted, a condition is imposed limiting stockpile heights to 7 metres during outages or on Public / Bank Holiday weekends, with the amount of material stored on site reduced over the subsequent 7 working days to a limit of 5 metres at all other times.
59. The proposed changes to the throughput (i.e. 181,800tpa) already has approval under the site's existing Environmental Permit. The Permit process has therefore assessed the potential environmental impacts of emissions from the site receiving up to 181,800tpa, including air quality, and found it to be acceptable. Irrespective of the outcome of this application, the Facility will be required to operate in line with its Environmental Permit, I am therefore content that adequate safeguards in relation to emissions to environment are in place and would be maintained and monitored under the Permit.
60. In terms of potential emissions to air as a result of changes in the number of HGV movements, as set out in the Highways and Access section above, the net change in vehicle numbers as a result of the application would not be significant. This is due to the nature of the changes proposed and recent decisions to improve operations on site, reducing the number of tankers visiting the site in connection with surface and process water management.
61. Considering the potential for an impact due to increased noise, the applicant proposes no new plant or equipment and no increase in working hours. The site would continue to operate in accordance with the noise controls imposed on permissions SW/10/774 and SW/12/1132, which have already been established as acceptable in this location. These conditions could be carried forward if permission is granted and include: deliveries of wood to be restricted to between 06.00 and 20.00 hours; all shredding of wood to take place under cover; and noise from the operations (including fixed and mobile machinery) not exceeding background noise levels by more the 10dB at the nearest noise-sensitive receptor locations. The Site also has a Noise Management Plan in place which would continue to be adhered to if permission is granted. Subject to the above, I am satisfied that there would be no additional noise impacts as a result of the proposed development.
62. The use of a site as a biomass plant and associated operations is already established by the existing permissions. The key question in the context of the current application is whether the changes proposed materially alter the impact of the approved land use.

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Subject to the conditions recommended above, I am content that the proposed development would accord with Government and Development Plan Policies relating to environmental matters. I am further satisfied that the Environmental Permitting regime would continue to cover the control of emissions from site to acceptable levels, with the Environment Agency best placed to assess technical issues such as fire prevention measures which extend beyond land use matters.

Nature Conservation

63. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status) whilst minimising impacts on and providing net gains for biodiversity. Policies DM2 and DM3 of the Kent MWLP require minerals and waste developments to ensure no unacceptable adverse impacts on Kent's important biodiversity assets. Policies DM14 and DM28 of the Swale LP require development that conserves, enhances, and extends biodiversity, minimising any adverse impacts and compensating where impacts cannot be mitigated. Policy CP7 of the Swale LP seeks to ensure there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plans and projects.
64. The original development was subject to thorough scrutiny in terms of the surrounding habitats and potential for protected species. The permission includes a number of mitigation measures, including specific species mitigation measures and the creation and ongoing management of new compensatory habitat in the surrounding area. The proposed development seeks permission for relatively minor operational changes principally to allow for the management and mitigation of an unplanned outage / shut down of the plant and the associated knock on impacts. Effectively emergency provisions. The changes proposed would not significantly alter the development permitted and would arguably allow for the effective management of wood waste in a shutdown such that it does not become problem on site.
65. KCC EAS raise no objection subject to the measures proposed within the Dust Management Scheme being considered appropriate to minimise/avoid an increase in dust/particles reaching the designated sites. As set out above, the application site is subject to an Environmental Permit. I am content that there are mechanisms under the Permit and required by the planning permissions that would continue to ensure that dust is managed and mitigated on site. A suitably worded condition reflecting the earlier requirements could be re-imposed on any planning permission.
66. In terms of the adjacent Swale SPA, SSSI and Ramsar, I am content that the minor amendments proposed to the development would not significantly alter the impact of the Facility on the surrounding ecological designations. The cumulative impact of the Facility as amended would not have the potential to cause significant effects on the above designations or hinder the conservation objectives of The Swale Estuary Marine Conservation Zone (MCZ). As such the development can be screened out in terms of the Habitat Regulations. The existing conditions would remain in place to ensure any impacts on local wildlife or habitats are kept to a minimum. I am content that the amendments to the Facility would accord with the requirements of Government and Development Plan policies in terms of local ecological interests.

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Landscape and visual impacts

67. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 7 of the NPPW states that waste developments should contribute positively to the character and quality of the area in which they are located.
68. Policy DM 1 of the Kent MWLP requires development that protects and enhances the character and quality of the site's setting. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion (amongst other matters). Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the environment.
69. Policies ST1, CP7, DM14 and DM22 of the Swale LP seek development that reflects the positive characteristics and features of the site, locality, and landscape. Policy DM24 identifies land surrounding the Facility (excluding Ridham Docks) as part of an Area of High Landscape Value designated as being of significance to Kent and Swale. It requires development that conserves and enhances the landscape and avoiding, minimising and mitigating of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal outweigh any harm.
70. The operational changes to throughput and the export of the wood waste are unlikely to impact on landscape or visual considerations. Increasing the height of the wood stockpiles within the yard and in the storage bays to 7m would have an additional visual impact and would be visible from the surrounding landscape, including several Public Rights of Way. However, given the industrial nature of the site and the surrounding dock within which the stockpiles are located, the visual impact is not considered significant. To set the stockpile heights in context, the main plant building on site is 32m high, the chimney stack extending 90m and the shredding shed 10m. The existing push walls and fencing of the storage bays along the western boundary are high enough to contain 7m high stockpiles.
71. The applicant states that 7m stockpiles would be the exception rather than the rule, used only in specific circumstances, as set out above. The condition recommended above limiting 7m stockpiles to during an outage or Public / Bank Holiday weekends with a 5m limit at all other times would serve to further limit any additional impact over the arrangements already established as acceptable on site. I therefore consider that given the limited temporary nature of the proposed changes over the permitted arrangements, the development would comply with Government and Development Plan Policies in terms of landscape and visual impact subject to the recommended condition.

Water Environment (including Flood Risk)

72. Policy DM 10 of the Kent MWLP requires development that does not result in the deterioration of the physical state, water quality or ecological status of any water resource and does not exacerbate flood risk. Policies DM21 and DM23 of the Swale

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LP seek to avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere and protect water quality, to the satisfaction of the Environment Agency.

73. The application site falls within a Flood Zone 3 with a higher probability of tidal flooding. The area benefits from flood defences, which forms an embankment along the eastern boundary of the application site. The proposed use would be ancillary to the Facility and it is therefore not possible to locate the development outside of the flood risk zone. The proposed waste use is designated by the Environment Agency to be “less vulnerable” to flood risk and therefore acceptable in a high-risk zone. The existing permission establishes this position and includes Flood Evacuation and Flood Resilience Plans for the Facility. The proposed development would not increase flood risk beyond the site boundaries. The Facility includes a permitted surface water drainage scheme that includes measures to safeguard against the potential for polluted runoff. These measures would continue to safeguard ground and surface water in the area.
74. The EA has considered the application and raises no objections. Taking the above into account, I am content that the proposed development would accord with the relevant Government and Development Plan Policies in respect of the water environment (including flood risk).

Conclusion

75. The application proposes the continued operation of Ridham Biomass Plant with minor variations to allow the export of shredded wood waste, a 4,600tpa increase in throughput and an increase in stockpile heights from 5m to 7m during an outage or public/bank holiday weekend. If granted the proposed permission would effectively consolidate the relevant controls and conditions from the previous permissions into a single updated consent.
76. The application has attracted objections from Iwade Parish Council on the grounds of potential highway impacts and the potential for an increased risk of fires. There are no objections to the application from the technical consultees, subject to the conditions outlined above and below. This includes the Environment Agency, Highways England and Kent Highways and Transportation.
77. Whilst the application would potentially generate an increase in HGV movements associated with the site, I am content that the increase would be offset by operational changes permitted under the recent permission SW/19/504918 to amend the surface water and process water drainage arrangements and thereby remove the need to tanker this water offsite. Any residual highways impacts would not be at a level that would justify refusing the application and could be further mitigated by the imposition of the conditions recommended by Highways England. The proposals to limit the timing of exports of wood waste to outside peak travel times would ensure that any increase associated with this activity would not add to congestion on the Grovehurst Junction with the A249, thereby addressing Iwade Parish Council’s principle concern.
78. In terms of the concerns raised regarding the risk of fire, this is a matter that relates to the control of operations on site and would be covered in detail under the Environmental Permitting regime. Therefore, in accordance with Government

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guidance set out in the NPPF, I recommend that in this instance the control of processes or emissions should be left to the Environmental Permit and the planning decisions should assume that this regime will operate effectively. After considering further technical assessments as part of any permit variation if the EA decide that increased stockpile heights are unacceptable The Environmental Permitting (England and Wales) Regulations afford the powers to prevent this operation taking place irrespective of the outcome of this planning application.

79. Further to the above and subject to the conditions set out below, I am content that the application proposed would accord with relevant Government and Development Plan Policies and that there are no material planning consideration that indicate the decision should be made otherwise. I therefore recommend accordingly below.

Recommendation

80. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The maximum throughput of fuel material through the Biomass Plant shall not exceed 181,800 tonnes per annum;
 - During an outage or on Bank Holiday weekends stockpile heights shall not exceed 7 metres in height, and at all other times stockpiles shall not exceed 5 metres in height. Following an event, the amount of material stored shall be reduced to 5m or less over the subsequent 7 working days;
 - A maximum limit on exports of wood during an outage of 2,500 tonnes per week until the Facility is operational;
 - No HGV movements associated with the export of wood should occur during the network peak period (07:30 to 09:30 and 16:30 to 18:30 daily);
 - Records of all vehicle movements to and from the site will be kept and reported annually;
 - the Traffic Management Plan to be updated and reviewed annually to ensure it continues to be effective; and
 - the re-imposition of conditions previously imposed on permission SW/10/774 and SW/12/1132 (updated where relevant to reflect current practices and any details previously approved pursuant to the permissions).
81. I FURTHER RECOMMEND that an INFORMATIVE be included on any decision notice:
- Encouraging the applicant to make every endeavour to use the private road to the Sheppey Way and the A249 junction adjacent to the Sheppey Bridge as a primary point of access rather than as a secondary route.

Case Officer: Mr James Bickle	Tel. no: 03000 413334
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Background Documents: see section heading
