

PLANNING COMMITTEE – 2 JULY 2015

PART 4

Report of the Head of Planning

PART 4

Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

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| 4.1 REFERENCE NO - 15/500348/COUNTY | | | |
| APPLICATION PROPOSAL | | | |
| County Matter - Install advance thermal conversion and energy facility at Kemsley Fields Business Park to produce energy and heat, a project known as Garden of England Energy Project including construction of new buildings to house thermal conversion and energy generation plant and equipment; Construction of associated offices; Erection of external plant including storage tanks; and erection of discharge stack (KCC planning application KCC/SW/0010/2015 refers) | | | |
| ADDRESS Land Off Kemsley Fields Business Park Barge Way Sittingbourne Kent | | | |
| RECOMMENDATION – Do not raise an objection, subject to improved landscaping to Barge Way, receipt of outstanding consultation responses, and conditions. | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | | |
| Application site lies within an industrial area, close to other large industrial developments, and would not give rise to serious amenity impacts such as to sustain an objection, subject to appropriate landscape planting. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| Local objections. | | | |
| WARD Kemsley | PARISH/TOWN COUNCIL Sittingbourne | APPLICANT 4Evergreen Technologies Limited | AGENT Kent County Council |
| DECISION DUE DATE 18/02/15 | PUBLICITY EXPIRY DATE 18/02/15 | OFFICER SITE VISIT DATE 16/02/15 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/96/0125 | Outline permission for mixed B1, B2, B8, A1, A2 and A3 uses, including formation of a new distributor road (the Northern Relief Road), parking and landscaping. | Granted. | 1996 |

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|---|--|----------|------|
| This permission granted consent for employment and industrial use of the wider area surrounding the application site, and which is now covered by the employment land designation in the adopted Swale Borough Local Plan 2008. | | | |
| SW/04/1114 | Reserved matters approval for the above. | Granted. | 2004 |
| SW/10/0893 | Change of use to haulage depot and erection of ancillary offices, warehouse and service bay. | Granted. | 2010 |
| Permission for the Alan Firmin haulage yard immediately to the west of the current application site. The yard has been up and running for a few years now. | | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a vacant parcel of land situated to the west of Barge Way, to the southeast of the Morrison’s distribution centre, and to the east of the Firmin haulage yard (recognisable due to the wind turbine on site).
- 1.02 The site measures roughly 250m long x 56m deep (including internal access road along western boundary and extends to approximately 1.4ha. It slopes generally downwards to the north and currently consists of long grass and some scrub vegetation, and a timber post and rail fence marks out the boundaries. A high-voltage overhead cable pylon sits at the south-eastern end of the site, close to the boundary with Barge Way.
- 1.03 Across Barge Way, to the east, is an area of open ground extending eastwards to the paper mill and north-eastwards to the Knauf factory. To the south, across Swale Way, is the Kemsley Fields residential estate.
- 1.04 The application site boundary is approximately 190m to the north of the closest residential dwelling (at Kemsley Fields) and the closest part of the main building lies approximately 230m from that dwelling.

2.0 PROPOSAL

- 2.01 This is an application to Kent County Council – Swale Borough Council has been asked for comments, and is not the determining authority – for the erection and installation of a “thermal conversion and energy facility,” including construction of new buildings to house thermal conversion and energy generation plant (maximum output 10.4MW – sufficient for the requirements of approximately 6950 dwellings) and equipment; erection of associated offices; external plant and storage tanks; and erection of a discharge stack.

2.02 The development consists of a number of different structures / buildings:

- Office building: situated at the southern end of the site, and measuring approximately 10m wide x 17m deep (height is not indicated on the drawings, I have asked KCC for clarification);
- The main combustion chamber / storage buildings, running north-south roughly central on the site, and measuring a maximum of 105m long x 22m wide x 10m high;
- Discharge / chimney stack at the northern end of the site, connected to the main buildings by a section of elevated pipework (approximately 6.5m high) and measuring approximately 2m in diameter x 30m tall;
- Three no. gas storage chambers at the northern end, measuring 5m in diameter x 5m high; and
- Various smaller buildings / storage areas.

2.03 The main buildings on the site will have sedum (green) roofs.

2.04 Vehicles will enter the site from the existing access road to the west, and leave via a new access on the southern boundary. Car parking for 19 vehicles is provided immediately to the north of the office building, and HGV turning space is provided within the site.

2.05 The submitted Planning Statement explains:

“The project will deploy the same technology and design characteristics as a development in Swansea which was granted planning approval by Swansea City Council (2012/0452) in October 2012, and Environmental Permit (EPR/BL4567IZ/V005) issued by the Environment Agency Wales (now Natural Resources Wales), granted December 2012...”

The proposed facility will have the capacity to utilise in the region of 48,000 tonnes of Refuse Derived Fuel (RDF). In addition to RDF, other feed stocks, such as clean, recycled wood, may be used...

The fuel will be delivered to site by HGV, using the existing highway infrastructure from the M20, M2, A249, Swale Way and Barge Road [sic], therefore minimising the impact on the surrounding highway network, residents and other local facilities.

When fully operational it is envisaged a maximum of 10 HGVs (assuming 18 tonne HGV loads) will deliver fuel to the site each day.

It should be noted that pyrolysis is not a new concept. It has been used extensively for centuries to produce fuels such as charcoal. Nor should it be confused with incineration. Incineration involves the combustion of unprepared materials such as wood or waste. To allow combustion to take place within an incinerator a sufficient quantity of oxygen is required to fully oxidise the fuel... In contrast to combustion, pyrolysis is the thermal

degradation of a substance in the absence of oxygen. The temperatures during pyrolysis are typically between 300°C and 800°C. The materials produced after pyrolysis has taken place are syngas and a solid carbon rich residue, known as char. The char will be transported off site for disposal or reuse.

The syngas is cooled and cleaned before being used to generate electricity via a gas engine. The waste heat generated will be captured and also used to generate additional electricity or to dry the fuel before it is pyrolysed.

When fully operational the facility will generate some 10.4MW of electrical power, of which 2.2MW will be used on site and 8.4MW will be available for export to the National Grid.

Although the pyrolysis process does not involve combustion, the gas engines used to create electricity produce exhaust gases. These exhaust gases will be cleaned to meet the requirements of the Industrial Emissions Directive before being discharged to the atmosphere via a 30m high stack.”

- 2.06 The submitted drawings show the southern and south-western part of the site largely hard landscaped to provide vehicle parking and turning areas. A small landscaping strip is shown on the south-eastern site boundary, close to the electricity pylon. A much larger area of soft landscaping and planting (including grass, hedgerows, tree planting, and a drainage pond with a surrounding reed bed) are proposed at the northern end of the site. Landscaping and visual impact is discussed in greater detail at section 9 below.

3.0 SUMMARY INFORMATION

| | Proposed |
|-------------------------|-------------|
| Site Area | 1.4ha |
| Maximum Ridge Height | 10m |
| Maximum Depth | 105m |
| Maximum Width | 22m |
| Parking Spaces | 19 (+bikes) |
| Maximum Output | 10.4MW |
| Output to National Grid | 8.4MW |

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within the Environment Agency’s Flood Zones 2 and 3; within the defined built up area boundary; and within an area allocated for employment uses by the adopted Swale Borough Local Plan 2008, which I describe at section 5.08 below.
- 4.02 It also lies close (a minimum of 530m) to the southern tip of the Swale SSSI / SPA, a national / international ecological designation.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The European Waste Framework Directive (2008/98/EC) sets out measures to protect the environment and human health by preventing or minimising the adverse impacts of waste management, and improving efficiency of resource use. Article 4 of the Directive sets priorities for the management of waste, with re-use, recycling and recovery placed above final disposal, and Article 13 deals with protecting public health.

5.02 Part 6 of the Waste (England and Wales) Regulations 2011 implements those two Articles at a national level, and notes that *“the planning authority [in this case KCC] must ensure that appropriate periodic inspections of those establishments or undertakings are made.”* Paragraph 12(3) of the Regulations states:

- “(3) When considering the overall impacts mentioned in paragraph (2), the following considerations must be taken into account -*
- (a) the general environmental protection principles of precaution and sustainability;*
 - (b) technical feasibility and economic viability;*
 - (c) protection of resources;*
 - (d) the overall environmental, human health, economic and social impacts.”*

5.03 The National Planning Policy Framework, at section 11 – Conserving and enhancing the natural environment – states that the planning system should aim to resist developments that would give rise to unacceptable levels of soil, air, water or noise pollution. Paragraph 120 states:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”

5.04 The NPPF notes, however, that planning authorities should not focus on the potential emissions from waste management facilities; paragraph 122 states:

“Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”

5.05 The National Planning Practice Guidance (NPPG) refers back to the National Planning Policy for Waste (NPPW), paragraph 4 of which states:

- *“Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations. In preparing their plans, waste planning authorities should [amongst others]:*
- *consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...*
- *give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.”*

5.06 Paragraph 7 of the NPPW advises that, *“when determining planning applications, waste planning authorities should [amongst others]:*

- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies...;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;”*

5.07 The adopted Swale Borough Local Plan 2008 does not specifically examine or comment upon waste recycling or energy generation proposals, as this falls within the remit of the County Council. Policies E1, E9, E12, E19, B1, T1 and T3 are relevant in terms of considering the impacts of developments upon the wider general amenity of the Borough; residential amenity; highway safety and amenity; protecting biodiversity / wildlife interests; and achieving good design.

5.08 Policy B11 of the Local Plan relates specifically to the wider 135ha within which the site sits, and allocates it *“for a mix of employment uses.”* This area is the largest employment allocation within the adopted Local Plan, and has been identified as being particularly suitable for B2 and B8 uses (SBLP para. 4.8) in recognition that these often require a large land area. Further to this policy B2 generally supports new employment developments.

6.0 LOCAL REPRESENTATIONS

6.01 I would remind Members that Swale Borough Council is a consultee to this application and not the determining authority. All comments (other than those of Swale Borough Council’s Environmental Health Manager) have therefore been submitted directly to KCC and it is for their officers to undertake any further consideration.

6.02 Nine letters of objection have been submitted to KCC by local residents, raising the following summarised concerns:

- Increased pollution and a reduction in air quality;
- There are already incinerators at the paper mill and at Ridham Dock;
- Additional HGV movements giving rise to noise and disturbance;
- Additional vehicle movements will exacerbate local traffic issues;
- If the site expands there may be even more HGV movements;
- Locals will not know what is being burned;
- Pollution from the plant may increase local incidences of cancer;
- Shouldn't be positioned so close to the Morrison's distribution centre as it may impact on food safety;
- Site is within a flood zone, and may be affected by sea level rise if flood defences are breached [Members will note that the Environment Agency does not raise an objection];
- More energy will be required to burn the waste than energy will be generated as a result, and the development is aimed at making money from waste disposal rather than electricity generation; and
- Impact on local wildlife.

7.0 CONSULTATIONS

7.01 The Environment Agency has no objection subject to conditions in respect of on-site pollution control in order to prevent contamination of groundwater.

7.02 The Lower Medway Internal Drainage Board has no objection subject to a condition restricting the rate of surface water run-off from the site, and long-term maintenance of the proposed SUDS.

7.03 The National Grid has placed a holding objection on the scheme due to the position of the High Voltage Transmission Overhead Line – ZV, which runs across part of the site, and request full 3D drawings to be provided so that they can assess the proposal further.

7.04 The Council's Environmental Health Manager has no objection subject to the suggested conditions noted below in regards to contamination. He comments:

"The evidence is compelling and overpowering that there should be no adverse impact on the local environment, and on human health from the installation of this facility with a stack height of 30 metres.

It is very difficult to produce any arguments against this level of evidence and therefore I have very little alternative but to accept the report and not to have any air quality objections to the proposal."

- 7.05 Kent Highway Services, Natural England and KCC Ecology have not yet commented, and will do so directly to KCC.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is accompanied by a full suite of supporting documents, including a planning statement; contamination study; human health risk assessment; traffic survey; habitat survey; reptile survey; noise impact assessment; flood risk assessment and drainage assessment, amongst others.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site lies within an area designated by the adopted Local Plan for business and employment uses. Following a request to KCC the applicant has submitted further information in regards to employment generated by the proposal:

“Also in relation to the jobs generated, although there will be 20 jobs generated directly on-site, there would also be numerous other jobs created/safeguarded both in the construction phase of the development and during the operational life span, e.g. construction, transport, maintenance etc. In addition to this, Brunel University will also be involved with the project from a research and development point, thus creating further job opportunities.”

- 9.02 Whilst other forms of employment provision could provide a higher number of jobs, given its location in close proximity to heavy industry uses at the Knauf plant and Ridham Docks, it is considered that the proposal would be acceptable in principle.
- 9.03 In this regard I consider the proposal acceptable in principle as an exception to the employment allocation.

Visual Impact

- 9.04 The proposed facility would sit close to the paper mill and the Knauf factory, both of which are of an industrial appearance featuring exhaust stacks and extensive supporting and surrounding infrastructure. In this regard the facility would not be an alien feature within the local landscape and I do not have any serious objection in principle to its siting here.
- 9.05 The submitted 3D renderings show the main buildings making use of timber cladding and green roofs to soften the appearance of the development. I am therefore satisfied that, subject to conditions to secure high-quality external materials, a good scheme could be achieved here that would sit comfortably within the landscape.

- 9.06 The submitted layout, however, shows the buildings situated close to the pavement edge with Barge Way, leaving little room for meaningful landscaping to the front of the site. There does appear to be room at the rear of the site to allow for slight repositioning of the buildings, however, so as to provide a more robust landscaping scheme (ideally an unbroken 5m wide strip) adjacent to Barge Way. This would (subject to good planting details) considerably reduce the visual impact of the development.
- 9.07 If a continuous landscape strip along the frontage can be achieved this would link nicely to the landscaping proposed at the northern end of the site, which includes a drainage pond, reed bed, hedgerows and tree planting. This, together with the robust landscaping to the front of the adjacent Morrison's site (which is maturing nicely) will form a pleasant green area around the roundabout between the two sites.
- 9.08 I therefore recommend that SBC raise no objection subject to KCC requesting and receiving an accordingly-amended layout plan and imposition of stringent landscaping conditions to secure a 5m-wide landscaping strip along the frontage with Barge Way.

Residential Amenity

- 9.09 The application site boundary is approximately 190m to the north of the closest residential dwelling (at Kemsley Fields) and the closest part of the main building lies approximately 230m from that dwelling.
- 9.10 As noted above the location of the site is close to other industrial operations and the external materials will result in a good standard of appearance. I therefore do not believe that the development would – subject to the above-mentioned amendment to layout and landscaping – give rise to serious visual harm from any dwellings.
- 9.11 The submitted noise assessment has been carried out in a clear, methodical manner using methods set out by the current British Standards. It clearly demonstrates that the development would not have a significant impact upon the amenity of the nearest residential properties and I am therefore confident that the proposal is acceptable in this regard.
- 9.12 The submitted documentation also clearly shows that air quality and pollution will be within acceptable limits – set by current legislation – for human health (the EHO manager's comments at 6.03 note this). In this regard there is no reason to assume that the proposal would give rise to any significant increase in the disturbance of local residents or serious amenity concerns in terms of smell, air quality or pollution reaching nearby dwellings.

Highways

9.13 Kent Highway Services had not responded to KCC at the time of writing, so I am unaware of their views. KCC will, however, take these into account before a decision is made and I therefore recommend that no objection be raised on highway grounds *subject to* KHS being satisfied with the proposals.

9.14 I also note the site's location close to the Northern Relief Road and the A249.

Ecology

9.15 Similar to highways, above, responses have not yet been submitted by Natural England or the KCC Biodiversity officer. KCC will, however, take these into account before a decision is made and I therefore recommend that no objection be raised on ecology grounds *subject to* no objection being raised by the relevant bodies.

10.0 CONCLUSION

10.01 The application seeks comment from Swale Borough Council on an application submitted to Kent County Council for the erection of a waste to energy plant to the north of Kemsley. The submitted information clearly demonstrates that there will be no serious impacts upon local residential amenity, noise, air quality, or ecology.

10.02 With regard to visual impact, and further to paragraphs 9.06 to 9.08 above, the layout needs to be amended to provide sufficient room for landscape planting to the Barge Way frontage.

10.03 Kent Highway Services are yet to comment on the application, but will do so directly to KCC. Subject to their comments, use of high-quality external materials, and any other conditions recommended by consultees I recommend that Swale Borough Council does not raise an objection to this application.

11.0 RECOMMENDATION – RAISE NO OBJECTION subject to the following:

- (1) No objection from Kent Highway Services, Natural England, or the Kent County Council Biodiversity Officer;
- (2) Amendment of layout to set buildings back and provide a 5m-wide landscaping strip adjacent to Barge Way, and submission of a scheme of tree planting using native and biodiversity-enhancing species;
- (3) High quality external materials;
- (4) Any conditions recommended by other consultees.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.