



## **LOCAL IMPACT REPORT**

### **Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility DCO (PINS Reference EN010083)**

**Produced by Kent County Council (KCC)**

**March 2020**

#### **1. Introduction**

- 1.1. This report has been prepared by Kent County Council (KCC) as a statutory consultee, in accordance with advice and requirements set out in the Planning Act 2008, the Localism Act 2011 and Advice Note One: Local Impact Reports (Version 2, April 2012, The Planning Inspectorate).
- 1.2. The Advice Note states that a Local Impact Report (LIR) is a 'report in writing giving details of the likely impact of the proposed development on the authority's area'.
- 1.3. The Advice Note states that when the Examining Authority decides to accept an application, it will ask the relevant local authorities to prepare a LIR and this should centre around whether the local authority considers the development would have a positive, negative or neutral effect on the area.
- 1.4. The Report may include any topics that the local authority considers to be relevant to the impact of the development on their area and may be used as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Examining Authority.
- 1.5. This LIR has been written to incorporate some of the subject areas suggested in the Advice Note and in light of the application material submitted.
- 1.6. The LIR covers areas where the County Council has a statutory function or expertise. The County Council defers to Swale Borough Council on other matters, as set out within this LIR.

## **2. Location**

- 2.1. The site lies within the administrative districts of Swale Borough Council and Kent County Council.
- 2.2. The Wheelabrator Kemsley (K3) site is located to the east of Kemsley Paper Mill; within Kemsley, a suburb of Sittingbourne, Kent. The site is adjacent to the Swale Estuary, and beyond K3 lies a capped former landfill site. The site lies in close proximity to the A249, providing a highway connection to the M2, M20 and Isle of Sheppey.
- 2.3. K3 is currently under construction, following planning permission granted by KCC on 6 March 2012 for a waste to energy facility with a generating capacity of 49MW. A number of material and non-material amendments have been made to that original consent.
- 2.4. The Wheelabrator Kemsley North (WKN) site is located immediately north of K3.
- 2.5. The WKN site is currently being used by Wheelabrator Technologies Inc (WTI) as a laydown and parking area for the construction of the adjacent K3 facility.

## **3. Description of Proposed Development**

- 3.1. The County Council notes that the application is for a Development Consent Order (DCO) comprising a power upgrade and increase in tonnage throughput to the existing Kemsley Generating Station (K3) to allow for generation of up to 75MW; and a new Wheelabrator Kemsley North (WKN) waste to energy facility with a capacity of up to 42MW, which has been directed by the Secretary of State as a development for which development consent is required.

## **4. Relevant Planning History**

- 4.1. The County Council granted planning permission for a waste to energy facility with a generating capacity of 49MW (application reference SW/10/444). This plant is the subject of the K3 proposal, which is seeking to increase the waste feed tonnages with a resultant increase in power output.
- 4.2. The County Council has positively determined a number of non-material amendments and Section 73 applications associated with the main approved

consent (SW/10/444) for K3. The planning history for the K3 development, since the initial application approved in 2012, is set out below:

- **SW/10/444** - Development of a sustainable energy plant to serve Kemsley Paper Mill, comprising pre-treated waste fuel reception, moving grate technology, power generation and export facility, air cooled condenser, 2 no. stacks (90 metres high), transformer, bottom ash facility, steam pipe connection, office accommodation, vehicle parking, landscaping, drainage and access at Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
GRANTED – 6 March 2012
- **SW/12/1001** - Formation of improved access road and associated development to serve Kemsley Sustainable Energy Plant at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
GRANTED – 5 November 2012
- **SW/10/444/RVAR** - Details pursuant to conditions 6 (Rail Strategy), 10 (Contamination Risk), 11 (Buffer Management Zone), 12 (Environmental Management Plan), 13 (Archaeology), 14 (Landscaping) and 20 (Details of the Waste Bunker) of planning permission SW/10/444 at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
DETAILS APPROVED – 23 September 2013
- **SW/10/444/R** - Application for a non-material amendment to the site layout at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
DETAILS APPROVED – 2 September 2013
- **SW/13/1257** - Variation of condition 6 to provide the formation of improved access road and associated development to serve Kemsley sustainable Energy Plant (SW/12/1001) at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
GRANTED – 4 February 2014
- **SW/14/506680** - Section 73 application to vary conditions 2 & 4 of planning permission SW/10/444 to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
GRANTED – 21 April 2015
- **SW/10/444/RA** - Non-material amendment to building footprint and elevation and site layout as shown on amended plans at Land at Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD

DETAILS APPROVED – 18 December 2015

- **SW/10/444/RB** - Non-material amendments to site layout, building footprints, elevations and appearance of planning permission SW/10/444 at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD  
DETAILS APPROVED – 27 March 2017
- **SW/10/444/RVAR** - Details of Rail Strategy (Condition 6), Buffer Zone alongside the Western Ditch (Condition 11), Environmental Monitoring & Mitigation Plan (Condition 12), Landscaping Scheme (Condition 14) and details of Storage Bunkers (Condition 20) pursuant to planning permission SW/10/444 at Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD  
DETAILS APPROVED – 27 June 2017
- **SW/16/507687** - The construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant at Kemsley IBA Recycling Facility, Ridham Avenue, Sittingbourne, Kent, ME10 2TD  
GRANTED – 9 Feb 2017
- **SW/17/502996** - Section 73 application to vary the wording of condition 16 of planning permission SW/10/444 (as amended by SW/14/506680) to allow an amended surface water management scheme at the Sustainable Energy Plant to serve Kemsley Paper Mill at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD  
GRANTED - 23 August 2017
- **SW/18/503317** - Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD  
GRANTED – 11 October 2018
- **SW/13/1257/R** - Application for non-material amendment relating to access road layout to serve Kemsley Sustainable Energy Plant at Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD  
APPROVED – 21 December 2018
- **SW/18/503317/R (INITIALLY SUBMITTED UNDER SW/10/444/R)** - Application for non-material amendments relating to built elevations,

appearance and site layout at Kemsley Sustainable Energy Plant, Land North East of Kemsley Paper Mill, Ridham Avenue, Kemsley, Sittingbourne, Kent ME10 2TD

DETAILS APPROVED – 21 December 2018

- **SW/19/501345** - Section 73 application for the removal of Condition 11 (Western Ditch Buffer Zone) from approved planning application SW/18/503317 at Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent ME10 2TD  
GRANTED – 14 June 2019
- **SW/18/503317/R21** - Details of an external lighting scheme pursuant to Condition 21 of planning permission SW/18/503317 at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent ME10 2TD  
DETAILS APPROVED – 14 June 2019
- **SW/18/503317/RVAR** - Details of Landscaping (Condition 14) and Flood Risk Assessment (Condition 16) pursuant to planning permission SW/18/503317 at Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent ME10 2TD  
DETAILS APPROVED – 16 July 2019

- 4.3. The County Council would be happy to provide copies of the relevant reports to the Planning Applications Committee and the associated planning decisions, if this would aid the Inspector on understanding the matters that were considered during the planning application process and how they were resolved.

## 5. Relevant Kent County Council Policy Documents

### The Kent Minerals and Waste Local Plan

- 5.1. The County Council, as the Waste Planning Authority for Kent, is responsible for planning the management of waste within the County. In July 2016, KCC adopted the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) that sets out the strategic and development management policy framework to be used in determining planning applications for waste management facilities in Kent. This policy framework is predicated on a principle of 'net self-sufficiency' and the management of waste in accordance with the Waste Hierarchy. This approach was found sound following independent examination by the Planning Inspectorate.
- 5.2. The KMWLP committed KCC to preparing a Waste Sites Plan, which would identify and allocate land considered suitable for waste development to

accommodate specific types of facilities to meet the evidenced capacity gap identified in the adopted KMWLP. This capacity was met with the implementation of planning permission SW/10/444 and the waste capacity to feed the K3 plant. As a result, an Early Partial Review of the KMWLP was undertaken to ensure that waste planning in Kent was being properly planned for.

- 5.3. In October 2019, the Early Partial Review (EPR) was subject to Independent Examination by Planning Inspector Nicholas Palmer BA (Hons) BPI MRTPI.
- 5.4. Following the Independent Examination hearings, the County Council undertook a further round of consultation on the proposed Main Modifications. None of which related to waste capacity requirements. A Sustainability Appraisal of the Main Modifications was published to accompany the consultation. The consultation ran for eight weeks from 19 November 2019 to 14 January 2020.
- 5.5. The County Council awaits the Inspector's Report, which is expected to be issued in Spring 2020.

#### Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031)

- 5.6. The local transport plan includes details on how KCC will work towards a transport vision over the coming years. Local Transport Plan brings together transport policies, looking at local schemes and issues as well as those at a countywide and national significance.
- 5.7. This plan incorporates the strategic priorities from Kent's transport delivery plan (Growth without Gridlock (2010)). The Local Transport Plan is a critical tool in assisting Kent County Council to attract investment from central government and other organisations for transport schemes.

#### Rights of Way Improvement Plan

- 5.8. The Rights of Way Improvement Plan aims to provide a high quality, well maintained public rights of way network, that will:
  - support the Kent economy
  - encourage active lifestyles and sustainable travel choices; and
  - contribute to making Kent a great place to live, work and visit.
- 5.9. The plan assesses the extent to which the public rights of way network meets the present and likely future need of the public by contributing towards more

sustainable development, delivering active travel options and providing opportunities for exercise, leisure and open-air recreation

### Drainage and Planning Policy Statement

5.10. This policy statement sets out how KCC, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development.

## **6. Relevant development proposals under consideration or granted permission but not commenced or completed**

### Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility (Application Number KCC/SW/0008/2020)

- 6.1. This proposal is for the construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ.
- 6.2. The application was submitted to KCC as planning authority and validated on 10 January 2020.
- 6.3. IBA is the non-combustible residue arising from the incineration of waste in waste to energy plants. It is classified as a non-hazardous waste and can be processed to recover metals and prepare the remaining material for re-use. The recovered metals are exported to specialist facilities for onward recycling with the remaining material cleaned of contaminants and standardised. The resulting product forms a secondary/recycled aggregate known as Incinerator Bottom Ash Aggregate (IBAA).
- 6.4. The facility would have a throughput capacity of up to 400,000 tonnes of IBA per annum. The operation would entail the importation of non-hazardous IBA by HGV.
- 6.5. This scheme is intended to provide for the management of IBA residue arising from K3. K3, as currently consented, is estimated to produce approximately 137,500 tonnes of IBA per annum. The application also recognises the potential for additional IBA sources from the expanded K3 and the WKN plants, along with other markets.
- 6.6. The County Council is currently reviewing this application.

## 7. Likely Significant Effects of the Proposed Development

7.1. KCC has been consulted on the scope of the Environmental Statement (ES) and has considered the following local impacts:

- Minerals and Waste (as Minerals and Waste Planning Authority)
- Highways (as Local Highway Authority);
- Public Rights of Way (as Local Highway Authority);
- Sustainable Urban Drainage Systems (as Lead Local Flood Authority);
- Heritage Conservation;
- Biodiversity;
- Public Health; and
- Other Matters.

### Minerals and Waste (as Minerals and Waste Planning Authority)

7.2. The County Council, as Minerals and Waste Planning Authority, raises an objection to this application. To avoid repetition, the County Council would draw attention to its Written Representation and annex.

### Highways (as Local Highway Authority)

7.3. KCC, as the Local Highway Authority has provided comments on this application during the previous stages of the DCO process and there has been no further submission of information by the applicant to address the highway issues raised in the Relevant Representation provided by KCC. However, discussions have taken place between KCC and the applicant to clarify some of the information provided in the technical documents. The LIR will therefore reflect any changes from the matters highlighted previously at the Preliminary Environment Impact Assessment and Relevant Representations stages of this DCO application.

### *Baseline Conditions*

7.4. KCC is now satisfied that the Baseline Conditions used in the traffic modelling are acceptable, as the figures do include the appropriate TEMPRO growth and committed development up to the 2019 date of submission, as had been previously requested.

7.5. However, it is not clear whether the removal of the consented IBA development adjacent to the K3 site, in order to accommodate WKN, has been fully accounted for in the assessment. Whilst it has not been included in the



baseline, the removal of the IBA will impact on the operation of K3, as the residual waste from the energy plant will no longer be dealt with on site. Consequently, a greater volume of residual waste will need to be transported away via the local highway network to be disposed of elsewhere.

### *Trip Generation*

- 7.6. KCC does not agree with the trip generation that has been submitted in the Transport Assessment (TA), as it has not been demonstrated that the figures provided represent a realistic profile of vehicle movements. Evidence has been requested from the applicant to justify the current number of movements in respect to arrival and departure times, and records from existing waste to energy facilities are sought to provide this information. The TA currently spreads the total number of HGV movements evenly across a 24 hour period, whereas KCC does not believe that this would be likely. Despite the plant operating over 24 hours a day, seven days a week, it is not considered that waste material can be regularly delivered throughout that time. For instance, loading or operating restrictions are likely to exist overnight where the material is to be sourced from, and availability is therefore expected to be reduced. It is acknowledged that the applicant has provided a sensitivity test for operating over a period of twelve hours from 07:00 to 19:00, however no evidence to justify the expected size of HGVs arriving is evident.
- 7.7. Paragraph 6.17 of the TA suggests that this is an inappropriate methodology to use, as each facility will have a specific profile based on the contracts that are in place for sourcing the waste material. Whilst this may in part be the case, it has not been demonstrated that contracts will be in place to ensure that waste material will be delivered evenly over a 24 hour period. Furthermore, even if these contracts exist initially, it is entirely possible that future contracts may not be so flexible when retendered, and material will only be available for delivery during normal working hours. It is therefore considered that the TA does not present a robust assessment of the traffic profile, and certainly not a worst-case scenario.
- 7.8. The applicant operates a waste to energy site at Ferrybridge and the gate records from there could be used to assist with validating the traffic profile given in the TA and present a more accurate picture of the movements generated during the network peak hours.
- 7.9. An existing operational waste to energy plant at Aylesford was granted consent for 582 HGV movements per day for annual waste deliveries of 500,000 tonnes. The applicant has proposed considerably fewer daily movements (416) for a facility processing 157,000 more tons of waste than that at Aylesford.

KCC as the Local Highway Authority therefore contests that the application is not presenting a robust evidence base.

- 7.10. KCC had requested that evidence from the construction programme of the existing K3 project be submitted to demonstrate that the level of HGV traffic associated with construction of the WKN proposal is reasonable, which also suggests a peak of 482 staff during months 24 to 40. The applicant has advised that as this was not a requirement of the construction contract, no records are available. Therefore, based on the previously accepted figures used when determining the existing K3 development for a two-line facility, KCC is now prepared to accept the methodology used in the TA for estimating figures for the single line WKN construction. This estimates movements based on activities likely to amount to 75% of those considered for construction of the existing K3 development.
- 7.11. It is accepted that construction of the proposed K3 development does not require a Traffic Assessment, as this is not expected to involve any material change in activities from the existing programme associated with the existing project.

#### *Impact on the Existing Highway Network*

- 7.12. KCC disputes the conclusions drawn in paragraphs 6.47, 6.69 and 6.94 of the TA that suggest the operation of K3 proposed development and the construction and operation of WKN will not have a significant impact on the highway network. The conclusion has referenced previous acceptance of highway impacts for other individual developments, but with the known constraints that exist on the highway network, it is appropriate to consider the cumulative impact that all these developments will have. This is consistent with the approach being taken by the Examining Authority in determining that the K3 and WKN proposed developments should be linked to form a combined DCO application.
- 7.13. Notwithstanding the issues raised above in respect of the trip generation, the traffic modelling undertaken to assess the junction capacity for nodes along the local highway network does show that some junctions are predicted to operate in exceedance of their capacity in both the future year 2024 and 2031 baseline scenarios with committed development, but these will worsen with the K3 and WKN proposed development.
- 7.14. In the case of the Swale Way/Barge Way roundabout, the Swale Way West arm would see an increase in AM queue lengths by around fourteen vehicles under the applicant's own sensitivity testing in section 13 of the TA. This is an increase of over 15% and will exacerbate what would already be an

inappropriate amount of delay. No mitigation has been proposed to address this congestion. The 2017 base reported queue is 4.4 and it is unclear how in 2024 the Ratio of Flow to Capacity (RFC) has increased to 67 due to committed development flows particularly as the Appendix E “Committed development traffic Flow diagram” only shows four opposing movements from Swale Way South to Barge Way. In the applicant’s summary, table 14.3 shows a 2031 base line to be the same as the 2024 baseline queue at 84.9 and yet the 2017 to 2024 queue grows from 4 to 84.9. which appears to be incorrect and requires explanation. The resultant cumulative 2031 assessment demonstrates a queue of 173 vehicles and an RFC of 1.22. Irrespective of how this is calculated, the junction is clearly unable to facilitate additional traffic without severe impacts to congestion and safety.

- 7.15. The second junction constraint exists at the A249/Grovehurst Road interchange. Again, notwithstanding the disputed trip generation figures from above (paragraph 7.6), the junction assessment has been based on the existing geometry and also on the interim junction improvement scheme that is proposed to be delivered by the as yet undetermined application, Land North Quinton Road Sittingbourne(Reference: 18/502190/EIHYB). KCC has successfully bid for funding to construct a major junction improvement scheme at this location, with works planned to commence in 2021.
- 7.16. Sensitivity testing of the Future Year Junction Assessments for the committed upgrade to the A249/Grovehurst Road interchange is still required, to ensure that this application does not jeopardise the delivery of housing allocated in the adopted Swale Local Plan. The upgrade of the junction has been made possible following the successful Housing Infrastructure Fund (HIF) bid, which will help enable the delivery of this housing. The applicant has recently confirmed that the sensitivity testing will be undertaken as requested, and the provision of this assessment is therefore anticipated in due course, for KCC to consider. The assessment provided for in the TA demonstrates that the existing junction is exceeding its capacity on five of the seven arms of the junction in the AM peak and 3 in the PM peak. Queues in the PM peak are of such severity that they extend for over 362 vehicles. In the AM peak, the south A248 slip has queues of 23 vehicles, introducing significant safety concern. It is clear therefore that any development affecting this junction would be required to provide mitigation and that until such mitigations are complete that any development which adds traffic to the junction could not proceed prior to guaranteed delivery of improvements.

### *Mitigation*

- 7.17. No mitigation has so far been proposed by the applicant, and it is considered by KCC that a proportionate package of mitigation should be provided. Where

junction capacity is exceeded, KCC, as the Local Highway Authority, would like to see mitigation that at least redresses the impact caused by the WKN and K3 proposed development.

- 7.18. This would appear to apply to the Swale Way/Barge Way junction as modelled in the applicant's own TA, although further modelling once the trip generation has been agreed may show the impact to be greater than has so far been modelled.
- 7.19. In any event, mitigation will be required at the A249/Grovehurst Road junction. The extent of this would be unable to be assessed until the sensitivity testing of KCC's HIF junction improvements have been undertaken.

#### *Project Construction Programme*

- 7.20. As previously highlighted, the proposed development is anticipated to be constructed during a time when both KCC and Highways England are programming to undertake major highway improvement works on the direct route between the M2 and the application site.
- 7.21. Closest to the application site, KCC's work to upgrade the A249/Grovehurst Road interchange is anticipated to commence in 2021 and continue for around eighteen months. Major disruption is likely during that time while the works progress as temporary traffic management measures will be in place to navigate vehicles and pedestrians through the roadworks.
- 7.22. Similarly, Highways England is also expecting to carry out their proposed improvement scheme to M2 Junction 5 at the same time. This is a significant project, and the temporary traffic management that is likely to be implemented to accommodate the construction is going to reduce capacity there.
- 7.23. Additional construction traffic associated with the WKN proposed development, during the same period as KCC's and Highway England's junction improvements taking place, would compound the existing safety and congestion issues. KCC would therefore recommend that no works to the WKN proposed development are commenced until both the M2 Junction 5 and A249/Grovehurst Road improvement works are completed.

#### *Rail and Water Transportation Strategy*

- 7.24. Given the possible direct access for the application site to rail and water transport options, and that the source of the waste material to be brought to the K3 and WKN proposed development would be from further afield than Kent, KCC considers that more consideration of these modes is needed.

- 7.25. In order to comply with national policy, the NPPF states that development should seek to encourage sustainable travel, lessen traffic generation and its detrimental impacts, reduce carbon emissions and climate impacts. The application places unnecessary burdens on highway infrastructure that already suffers from severe congestion, particularly when more sustainable waste transport options could be made available.
- 7.26. National Policy Statement (NPS) EN1 – The overarching NPS for Energy sets out that the consideration and mitigation of transport impacts are an essential part of Government’s wider policy objectives for sustainable development (paragraph 5.13.2), and that water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective (paragraph 5.13.10). The National Planning Policy for Waste (2014) sets out that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against a number of criteria including the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport. The site therefore has the ability to comply with this policy, due to the proximity of Ridham Dock; however, the proposed waste transport strategy is at odds with these national policies.
- 7.27. The applicant’s submission suggests that it will review the situation when new contracts come forward; however, there is clearly no incentive for this to be completed. It is also suggested that the infrastructure for loading of waste at the source is not available and as such, waste can only be supplied by road. However, the applicant is clearly in control of the contracts it accepts, and it has been indicated that the waste would arrive from larger commercial waste operators. It is suggested that it is within the applicant’s ability to work in greater collaboration with waste suppliers to provide local waste collection points to facilitate the sustainable transfer of waste. Without tight planning constraints on this matter, there is no incentive for waste operators to work towards national policy objectives.

### *Summary*

On the basis of the above representation, KCC as the Local Highway Authority objects to the proposed DCO application.

### Public Rights of Way (as Local Highway Authority)

- 7.28. The applicant has identified the existence of Public Footpath ZU1, which abuts the development application boundary. Further, the submission documents highlight the existing Saxon Shore Way promoted route that is currently aligned along this right of way, along with the England Coast Path National Trail that has been proposed by Natural England. Should this coast path alignment be approved, public use of the footpath is likely to increase as a result of the National Trail status and promotion associated with this path designation. This needs to be taken into account when assessing the likely impacts of the proposed development.
- 7.29. The County Council notes that there will be a visual impact of the development, including from PRoW on the Isle of Sheppey – although the industrial landscape context of the area is appreciated. In consideration of the scale of the development, the County Council considers it is challenging to suggest reasonable mitigation measures which could be implemented to reduce the visual impact.
- 7.30. The applicant's submission suggests that there will be negligible noise and air quality impacts on PRoW users. However, KCC considers that the proposed development may have a significant impact on path users due to air quality and noise effects arising from the development.
- 7.31. Public Footpath ZU1 provides a sustainable transport link with Sittingbourne town centre and opportunities for outdoor recreation along Milton Creek, which could be used by site employees. Given the potential for increased use along this right of way and the potential noise and air quality impacts arising from the site, it is requested that the applicant contributes towards the improvement of the PRoW surrounding the development site, to compensate and mitigate some of the development impact. The KCC PRoW and Access Service would welcome engagement with the applicant to consider this further.

### Sustainable Urban Drainage Systems (as Lead Local Flood Authority)

- 7.32. The County Council notes the submission of the Flood Risk Assessment and Surface Water Management Design and Foul Drainage Design Philosophy Statement have been submitted as part of the application. This states that details of the surface water drainage will require approval by the relevant authority, ahead of commencement of development. This is acceptable to the County Council as Lead Local Flood Authority.

### Heritage Conservation

- 7.33. The County Council notes that the desk-based assessment carried out by the applicant includes the results of site investigations within the WKN site, and this shows that there are substantial deposits of made ground of a modern date present.
- 7.34. The County Council agrees that any required archaeological mitigation required can be addressed through a programme of archaeological work, secured through a requirement in the DCO.
- 7.35. The County Council recognises that the proposal is located close to a Scheduled Monument - Castle Rough. The County Council defers to Historic England to detail the impacts that this proposal may have on the Scheduled Monument.

### Biodiversity

- 7.36. The County Council recognises that the proposal is located close to the Swale Special Protection Area, Special Site of Scientific Interest and Ramsar site designated for its grazing marshes and estuarine habitats and the assemblage of breeding and overwintering birds it supports. The County Council defers to Natural England to assess the impact of the proposal on these sites.
- 7.37. The County Council is satisfied that sufficient information has been provided to enable the Examining Authority to assess the impact on designated sites and advises that as the competent authority, the Examining Authority will need to carry out an Appropriate Assessment.

### Public Health

- 7.38. The County Council is concerned with the increase in HGV movements resulting from this proposal and the consequent increase in air pollution. The scheme is likely to have a negative impact on local air quality due to this rise in large vehicle movements and changes to traffic patterns.

### Other matters

- 7.39. The County Council will defer to Swale Borough Council on the following matters:

- Economic development
- Landscape and visual impact
- Noise
- Air quality
- Ground contamination
- Cultural heritage

## **8. Conclusion**

- 8.1. KCC will continue to engage positively with the applicant and the Examining Authority as the examination advances.