



LOCAL IMPACT REPORT

Applicant: **WTI/EFW Holdings Limited (Wheelabrator Technologies Inc)**

Project: **Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility DCO**

PINS Reference: EN010083

SBC Reference: 19/505549/NSIP

A REPORT PREPARED BY SWALE BOROUGH COUNCIL

2nd MARCH 2020

1.0 INTRODUCTION

- 1.1 This Local Impact Report (LIR) has been prepared by Swale Borough Council to highlight the likely impacts of the development in respect of planning issues where the Council has the relevant expertise. It is not intended as a precise technical document – the application is accompanied by a great deal of technical information – but as a broad overview of the likely issues that might arise from the proposed development. This LIR is intended as a factual document and does not attempt to come to a conclusion on the acceptability of the proposals.
- 1.2 This LIR has been prepared in the light of guidance set out in The Planning Inspectorate's Advice Note One: Local Impact Reports. KCC are preparing their own LIR using their own expertise to cover matters relating to ecology, flood risk / sustainable urban drainage, highway safety, cultural heritage (in particular, archaeology), public rights of way, public health, and minerals and waste planning, which the Borough Council does not have expertise in. This LIR is not intended to repeat or contradict KCC's views.

2.0 LOCATION AND SITE CHARACTERISTICS

- 2.1 The K3 and WKN sites are adjoining and are located 0.8 kilometres to the east of the settlement of Kemsley, which in turn is at the northern end of the town of Sittingbourne. The Kemsley Paper Mill is located just to the north-west of Sittingbourne, separated from it by Swale Way, and adjoins the Development Consent Order (DCO) site. Vehicular access would be taken from Barge Way (which connects to Swale Way). At its north-eastern edge the application sites adjoin the Swale, an estuary separating the Isle-of-Sheppey from the Kent mainland.

- 2.2 The sites – which sit within the built-up area boundary as defined in the adopted Local Plan - have a combined area of eight hectares; the K3 site measures 5.5 hectares and the WKN site 2.5 hectares.
- 2.3 The K3 site is currently under construction, while the WKN site is, as set out in the Planning Statement, currently being used as a parking and laydown area for the K3 construction project. As such, the latter has been cleared of vegetation and hard surfaced to facilitate this use.
- 2.4 To the east, the site adjoins land at the Swale and Milton Creek, which is designated an Area of High Landscape Value (Kent Level).
- 2.5 With regard to biodiversity, the site adjoins land to the east that has a local designation on account of biodiversity value, while slightly further to the east and south parts of Milton Creek and the Swale have national and international designations on account of their wildlife value.
- 2.6 The site is not allocated for employment development in the adopted Local Plan.

3.0 PLANNING HISTORY

- 3.1 The planning history of the two sites is set out comprehensively in the Planning Statement and I will not repeat it here.

4.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 4.1 The proposed development is described in full in the information submitted by the applicant (in Chapter 2 of the Environmental Statement and elsewhere), but in summary consists of two elements:
- a) Changing the consented generating capacity of the previously-approved (and currently under construction) K3 sustainable waste-to-energy facility such that its total electricity generating capacity is 75MW, rather 49.9MW as approved by Kent County Council, and capable of processing a total of 657,000 tonnes of waste per annum; the external appearance of the development will be unchanged, and it is noted that the stack height will be 90 metres, whilst other elements of the building will extend to just over 50 metres in height; and
- b) Construction of a new waste-to-energy facility (known as Wheelabrator Kemsley North, or KWN) capable of generating 42MW of electricity and capable of processing 390,000 tonnes of waste per annum. Although final design of the WKN facility has not been set, from the parameters details it is noted that the stack height is set at 99 metres. With regard to the heights of other elements of the development, it is noted, among other things, that the boiler hall would have a maximum height of 58 metres and the fuel gas treatment plant 44 metres.

5.0 PLANNING POLICY

5.1 National Planning Policy

- 5.1.1 The applicant's Planning Statement deals very thoroughly with the legislative context for this DCO, the two relevant National Policy Statements (namely EN-1 and EN-3),

and with the National Planning Policy for Waste. The Planning Statement also deals comprehensively with the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). I will not repeat any of this here.

5.2 Kent County Council Planning Policies

5.2.1 With regard to County-level planning policy, the site is covered by the Kent County Council Minerals & Waste Local Plan (2013 to 2031) in relation to minerals and waste. This is addressed from 13.3.3 onwards in the Planning Statement.

5.3 Swale Borough Council Planning Policies

5.3.1 The Borough Council adopted Bearing Fruits 2031; The Swale Borough Local Plan on 26 July 2017, and not “July 2016” as stated in the applicant’s Planning Statement. This is an NPPF compliant Local Plan of recent origin, and it contains a number of relevant planning policies, including;

- Policy ST 1 Delivering Sustainable Development in Swale
- Policy ST 5 The Sittingbourne Area Strategy
- Policy ST6 The Isle of Sheppey Area Strategy
- Policy CP 1 Building a strong, competitive economy
- Policy CP 4 Requiring Good Design
- Policy CP 5 Health and wellbeing
- Policy CP 8 Conserving and enhancing the historic environment
- Policy DM 6 Managing transport demand and impact
- Policy DM 14 General Development Criteria
- Policy DM 19 Sustainable Design and Construction
- Policy DM 20 Renewable and Low Carbon Energy
- Policy DM 21 Water, Flooding and Drainage
- Policy DM 22 The Coast
- Policy DM 23 Coastal Change Management
- Policy DM 24 Conserving and Enhancing Valued Landscapes
- Policy DM 28 Biodiversity and Geological Conservation
- Policy DM 29 Woodland, Trees and Hedges
- Policy DM 32 Development involving listed buildings
- Policy DM 33 Development affecting a conservation area
- Policy DM 34 Scheduled Monuments and archaeological sites

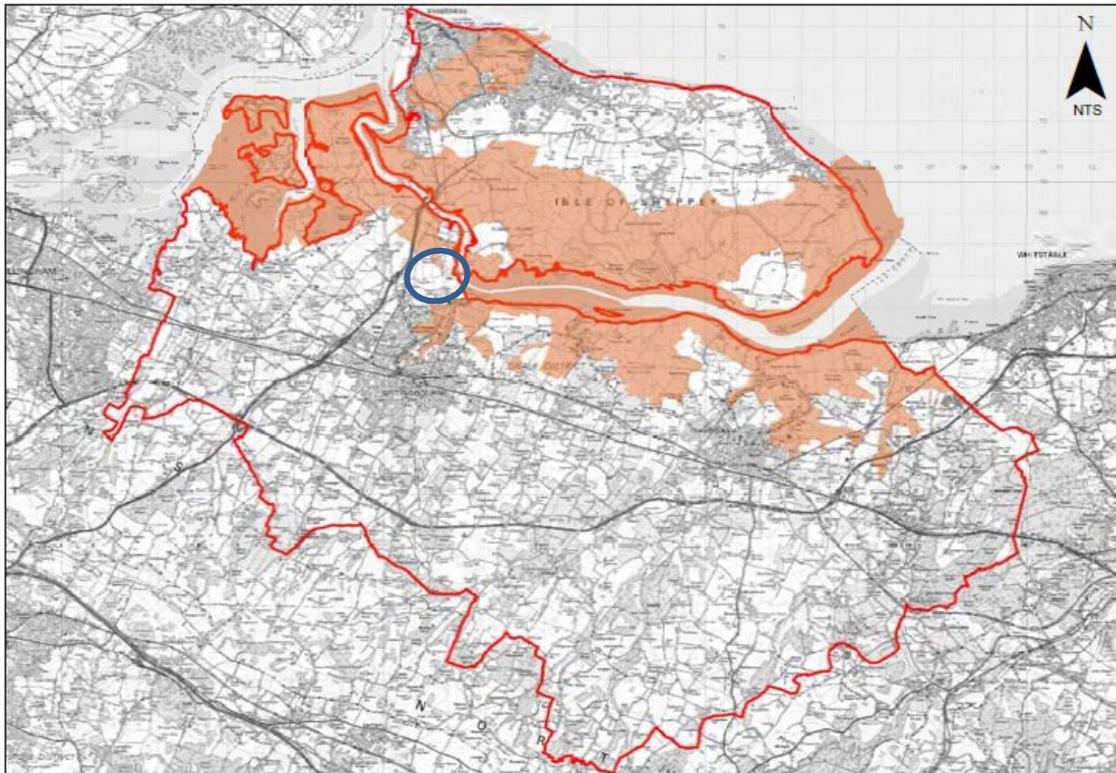
5.4 In addition to the adopted Local Plan, the Borough Council has published the **Swale Landscape Character and Biodiversity appraisal (2011)** which highlights the different landscape types across the Borough. The application site does not fall within a particular landscape character area.

6.0 LOCAL IMPACTS

6.1 Landscape Character Assessment and Impact Assessment and Visual Impact Assessment are subject to national guidelines and policies as listed in the applicant’s submission. In addition, Swale Borough Council has local guidelines and policies

which are also listed in the applicant's submission. Key points related to guidelines and policies relevant to the Development include the following:

- 6.1.1 **Landscape Institute and the Institute of Environmental Management Guidelines, 2013**
- 6.1.2 GLVIA3 places greater emphasis (than GLVIA2) on professional judgement, combines the assessment of landscape and visual impact, elaborates on 'significance' and expands on 'cumulative' effects. Value of landscape is assessed on it's condition, scenic quality, rarity, how representative it is, wildlife conservation value, recreation value, perception and local association.
- 6.1.3 **National Character Area 81: Greater Thames Estuary**
- 6.1.4 National Character Areas are areas of "similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries".
- 6.1.5 The landscape characteristics of the Greater Thames Estuary National Character Area are summarised by Natural England as "predominantly a remote and tranquil landscape of shallow creeks, drowned estuaries, low-lying islands, mudflats and broad tracts of tidal salt marsh and reclaimed grazing marsh" and Statement of Environmental Opportunity (SEO) 1 sets out to maintain and enhance this expansive, remote coastal landscape. SEO 2 aims to work with landowners and managers to incorporate measures to improve biodiversity, geodiversity, pollination, water quality, soil quality and climate adaptation and to prevent soil erosion, whilst SEO 3 aims to ensure that the tranquil and remote character of the estuary is maintained.



Plan showing location of the Development and Landscape Context

6.1.6 **Swale Borough Council Landscape Character and Biodiversity Appraisal 2011**

Further to paragraph 5.4 above, the Swale Landscape Character and Biodiversity Appraisal, Supplementary Planning Document (SPD), classifies the areas within which the Zone of Theoretical Visibility as falling within the following eight character areas:

- Area 2 Elmley Marshes
- Area 14 Elmley Island
- Area 11 South Sheppey Marshes and Mudflats
- Area 1 Chetney and Greenborough Marshes
- Area 25 Lower Halstow Clay Farmlands
- Area 24 Iwade Arable Farmlands
- Area 31 Teynham Fruit Belts
- Area 8 Luddenham and Conyer Marshes

- 6.1.7 The SPD notes that the marsh, grazing marsh and mudflat landscapes areas are described as vast, atmospheric and tranquil landscape(s) with large, open and often dramatic skies, with (often) extensive uninterrupted panoramic views. By contrast, the farmland and fruitbelt landscape areas are more introverted landscapes of small, medium or large fields with hedgerows, pockets of woodland vegetation and isolated farm buildings or dwellings. Major transport routes and power lines cut across the area surrounding the site while large industrial units including the Kemsley Paper Mill are highly visible within the largely flat and treeless marshland.
- 6.1.8 The site itself lies wholly within the Sittingbourne urban area which lies outside any of the landscape character areas described above and therefore has no landscape character status. The site is immediately surrounded by large scale buildings and stacks which sometimes have visible emissions.
- 6.1.9 The open landscapes of the marsh and mudflats are considered sensitive to vertical built elements such as the proposed generating station and associated stack. Similarly, as the proposed site is within flat open ground, any middle or distant views towards the development from farm land and fruitbelt landscapes could render the building and stack visible. Sensitive receptors include users of the Saxon Shore Way, users of the Rights of Way particularly within protected landscapes such as Elmley National Nature Reserve and occupiers of some residential properties. The proposed development will likely to be highly visible to these sensitive receptors.
- 6.1.10 However, the context of the proposed building and stack, namely the existing five stacks and existing large-scale buildings render the proposed development as a part of the existing industrial scene.

6.2 Residential Amenity

- 6.2.1 As noted above, the development would be approximately 800 metres from the nearest dwellings, which form part of the settlement of Kemsley. Swale Way, the B2005, which forms an incomplete bypass around the north-eastern part of Sittingbourne, and the existing papermill buildings, would be located between these dwellings and the proposed development.

6.3 Cultural heritage

- 6.3.1 The development site does not contain any designated heritage assets in the form of listed buildings, scheduled monuments or designated conservation areas.
- 6.3.2 It is noted that there are heritage assets in the form of a scheduled monument (Castle Rough), a number of listed buildings and conservation areas (at Milton High Street, Sittingbourne High Street and Tonge Mill) in the general vicinity (within approximately two miles) of the development site.

6.3.3 The Relevant Representation from Historic England is noted, and I will not add to it here.

6.4 Economy

6.4.1 The Planning Statement addresses the economic impacts of the development at Section 27, on Page 108, the anticipated job creation of 'up to 482 staff' during the construction period and '35 to 49 staff' once the WKN plant is operational is noted, and these figures are not challenged. This job creation in the Borough is welcomed.

6.4.2 It is also noted that the development would not be built on land allocated for employment in the adopted Local Plan so the job creation referred to above would not be at the expense of other potential job creation as might have been envisaged under the Local Plan.

6.5 Noise and Vibration

6.5.1 Adopted Local Plan policy DM 14 (General Development Criteria) includes a requirement (8) to cause no significant harm to amenity or to other sensitive uses or areas.

6.5.2 The assessment of noise and vibration impacts in the applicant's submission is noted, and the Council has no adverse comments on it.

6.6 Air quality

6.6.1 There are no Air Quality Management Areas (AQMAs) close to the development site, and it is noted that vehicles travelling to the site from the strategic road network (notably the M2 and the A249) will pass along Swale Way and Barge Way and will not need to travel through an AQMA(s).

6.6.2 The assessment of potential air quality impacts in the applicant's submission is noted, and the Council has no adverse comments on it.

6.7 Land contamination

6.7.1 The assessment of potential land contamination impacts in the applicant's submission is noted, and the Council has no adverse comments on it.

6.8 Comments on draft DCO general requirement wording

6.8.1 Having considered the wording of the general requirements in the draft Development Consent Order, the Council's comments are as follows:

6.8.2 With regard to General Requirement number (29), it is requested that the wording be amended at part (1) to add "*and in consultation with the Economic Development Officer at Swale Borough Council*" after "*planning authority*".

6.8.3 Further to paragraph 5.3.1 above, the requirements of Policy DM19 of the adopted Swale Borough Local Plan in respect of developments over 1,000 square metres floor area is that they "*should aim to achieve the BREEAM very good standard or an equivalent as a minimum*". The Council consider that an additional General

Requirement is required in respect of sustainable design and construction in order to address the requirements of this policy.

JRW – 2nd March 2020