



Deadline 5: Applicant's Response to the Examining Authority's Further Written Questions (ExQ3)

Appendix I - SW/18/503317 Committee Report

Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility Development Consent Order

PINS Ref: EN010083

Document 13.2

June 2020 – Deadline 5



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

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 on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018)

[REDACTED]

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Wheelabrator Technologies 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 on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018).

Recommendation: Permission be granted subject to conditions.

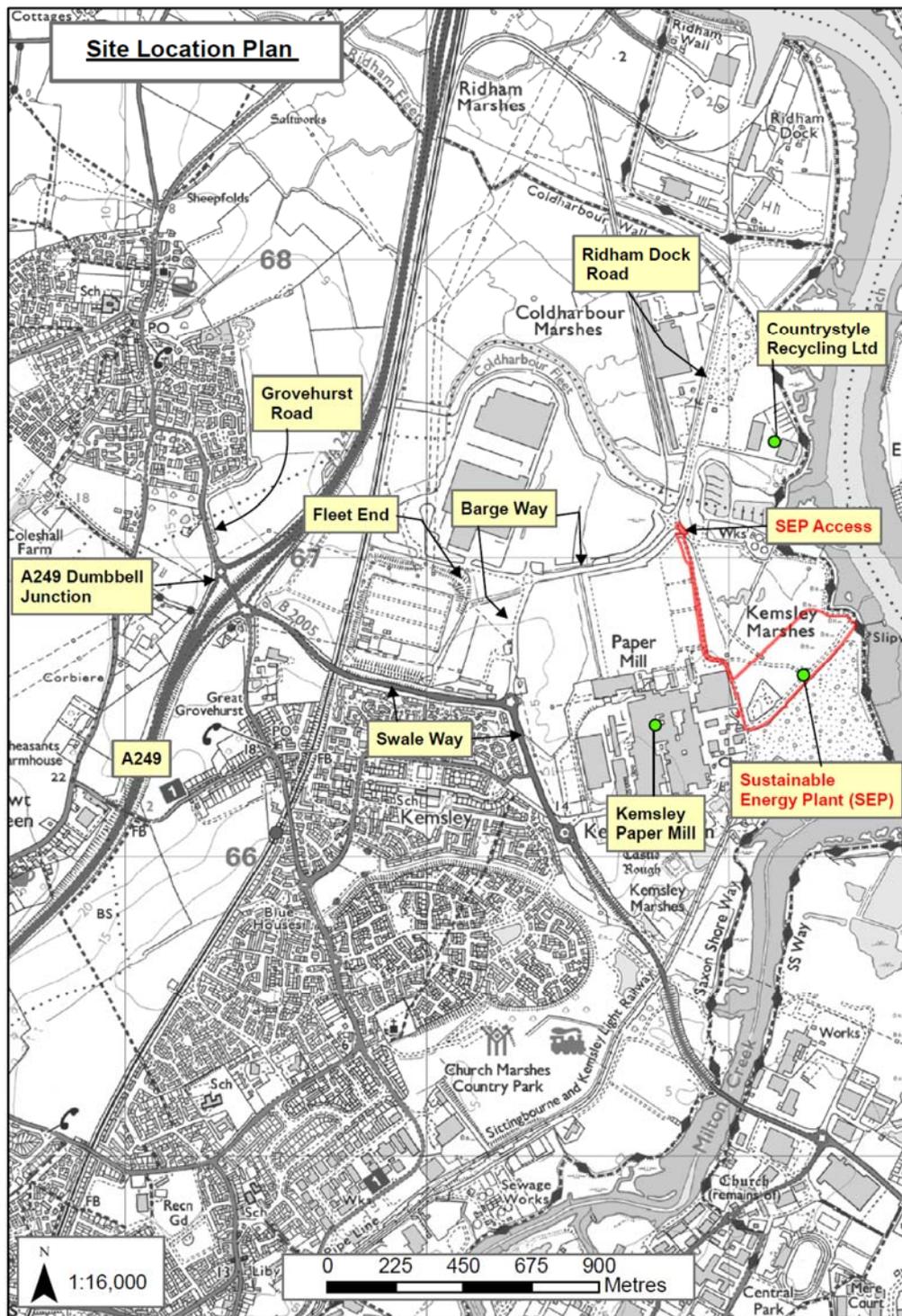
Local Member: [REDACTED]

Unrestricted

Site description

1. The Kemsley Sustainable Energy Plant (SEP) is currently under construction and is expected to become operational around August 2019. The Kemsley SEP is located on land immediately to the east of the Kemsley Paper Mill (a key local employer) about 3km north of Sittingbourne. The Swale Estuary lies just to the east, Coldharbour Marshes to the northwest and the Isle of Sheppey to the north.
2. The Kemsley SEP is accessed from the A249 (Dumbbell Junction) to the south of Iwade via Grovehurst Road (B2005), Swale Way (part of the Sittingbourne Northern Perimeter Road linking the A249 with the Eurolink Industrial Estate to the east and providing access to other industrial and residential areas in Sittingbourne), Barge Way and an internal access road (the Northern Site Access). The nearest residential properties (Kemsley) lie to the south of Swale Way. Land to the north of Swale Way contains a variety of existing and committed employment uses (including the Morrisons Distribution Depot at Fleet End). The A249 provides access to the A2, M2, M20 and beyond.

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3. The Swale Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) covers the majority of the Swale Estuary (to the east and north of the site) and Coldharbour Marshes (to the north). The Medway Estuary and Marshes SPA, Ramsar and SSSI lies further north and to the northwest (primarily to the northwest of the A249).
4. The application site is safeguarded for waste management use by Policy CSW16 of the Kent Minerals and Waste Local Plan 2013-30.

Planning History and background

5. Planning permission (SW/10/444) was granted for the development of a SEP to serve Kemsley Paper Mill comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access by the County Council (KCC) as Waste Planning Authority on 6 March 2012 following completion of a Section 106 Agreement. The application (which was accompanied by an Environmental Statement) had been considered by KCC's Planning Applications Committee on 12 April 2011. The Section 106 Agreement (dated 5 March 2012) included owner / developer covenants (relating to reedbed habitat creation, an employment strategy setting out a strategy to maximise the use of locally employed personnel at the site, commencement and relocation of species) and RSPB covenants (relating to a land maintenance scheme). The applicant and prospective operator at that time were the St Regis Paper Co. Ltd and E.ON Energy from Waste UK Ltd. Wheelabrator Technologies subsequently took over these interests.
6. KCC approved a non-material amendment (NMA) (SW/10/444/R) relating to the site layout on 2 September 2013.
7. KCC approved details relating to conditions 6 (rail strategy), 10 (contamination risk), 11 (buffer management zone for ditch), 12 (environmental management plan), 13 (programme of archaeological work), 14 (scheme of landscaping) and 20 (waste bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 23 September 2013.
8. KCC granted planning permission (SW/14/506680) for the variation of conditions 2 (amendment) and 4 (deletion) of planning permission SW/10/444 (relating to the permitted hours of delivery) on 21 April 2015. The variation enabled the Kemsley SEP to receive waste 24 hours per day / 7 days a week. Given the wording of the Section 106 Agreement dated 5 March 2012 (which meant that its obligations continued to apply in the event of the approval of reserved matters and any variation or modification to planning permission SW/10/444), there was no need to require a further Section 106 Agreement to ensure that the obligations contained therein remained effective.

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9. KCC approved a NMA (SW/10/444/RA) relating to the building footprint, elevation and site layout on 18 December 2015. This superseded the NMA dated 2 September 2013.
10. KCC approved a NMA (SW/10/444/RB) relating to the building footprint, elevations, appearance and site layout on 27 March 2017. This superseded the NMA dated 18 December 2015.
11. KCC confirmed in writing that the majority of the Owner / Developer obligations contained in the Section 106 Agreement dated 5 March 2012 had been satisfied on 24 June 2016. The current position is as follows:
 - (a) Schedule 1 (Owner / Developer Obligations): Clauses 1.1 and 1.2 (Reedbed Habitat Creation – Site 2), 1.4 (Commencement Notice) and 1.5 and 1.6 (Relocation of Species) have been fully addressed. Clause 1.3 (Employment Strategy) has been partially addressed. Whilst the obligations in the Employment Strategy relating to the construction of the plant have been met by virtue of the “Meet the Buyer” event held on 12 May 2016, those associated with the operation of the plant remain to be addressed. The Employment Strategy requires a second open day focussing on goods and services likely to be needed at the plant and for job vacancies to be advertised in (amongst other places) the local media.
 - (b) Schedule 2 (RSPB Obligations): Clause 1.2 (Full implementation of the Scheme in Site 2) has been addressed, clause 1.1 (the maintenance of Site 2 in accordance with the provisions of the Maintenance Scheme) is ongoing and clauses 1.3 and 1.4 (relating to an alternative Maintenance Scheme) have not yet been triggered.
 - (c) Schedule 3 (The Scheme): The Scheme has been fully implemented (see clauses 1.1 and 1.2 of Schedule 1 and clause 1.2 of Schedule 2 above).
 - (d) Schedule 4 (The Maintenance Scheme): It is understood that the Maintenance Scheme is being implemented (see clause 1.1 of Schedule 2 above) and that no changes to this have been made (see clauses 1.3 and 1.4 of Schedule 2 above).
 - (e) Schedule 5 (Employment Strategy): The obligations associated with the construction of the plant have been met (by virtue of the “Meet the Buyer” event held on 12 May 2016). However, those associated with the operation of the plant remain to be addressed (see clause 1.3 of Schedule 1 above).
 - (f) Schedule 6 (The Relocation Scheme): The Relocation Scheme has been fully implemented (see clauses 1.5 and 1.6 of Schedule 1 above). However, it is understood that ongoing management remains to be completed.
12. KCC approved details relating to conditions 6 (rail strategy), 11 (buffer zone alongside western ditch), 12 (environmental monitoring and mitigation plan), 14 (landscaping scheme) and 20 (storage bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 27 June 2017.

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13. KCC granted planning permission (SW/17/502996) for the variation of condition 16 (relating to a flood risk assessment) of planning permission SW/10/444 on 23 August 2017. This planning permission reflects the latest position by incorporating the variation proposed and all previous amendments to or approvals given under planning permission SW/10/444 (i.e. all planning permissions, approvals and the most recent NMA).
14. KCC has also granted planning permission or approved details or non-material amendments relating to the Kemsley SEP Site Access Road. Planning permission (SW/12/1001) was granted for an improved access road and associated development to serve Kemsley SEP on 5 November 2012. A NMA (SW/12/1001/R) relating to a surface water drainage pond associated with the site access road was approved on 29 August 2013 and details relating to conditions 4, 5, 7 and 8 of planning permission SW/12/1001 (SW/12/1001/RVAR) were approved on 5 February 2014. KCC also granted planning permission SW/13/1257 for the variation of condition 6 of planning permission SW/12/1001 (relating to the formation of an improved access road and associated development to serve Kemsley SEP) on 4 February 2014.
15. KCC has also granted planning permission or approved details or non-material amendments for a number of other facilities or operations related to Kemsley Paper Mill. Planning permission (SW/12/167) was granted for the refurbishment and use of the existing rail sidings and site infrastructure for the importation and transfer of containers of waste to the proposed Kemsley Mill SEP for use as a fuel on 22 May 2012. This permission was not implemented and has lapsed. Planning permission (SW/16/507687) was granted for an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley SEP on 9 February 2017. This permission has not yet been implemented but remains live. Planning permission (SW/11/1291) was granted for an anaerobic digestion (AD) plant and associated ground reprofiling and landscaping on 16 July 2012. KCC also approved details relating to reptile mitigation pursuant to Schedule 1 of the associated Section 106 Agreement on 19 September 2016, condition 7 of planning permission SW/11/1291 (relating to ground contamination) on 30 November 2016, conditions 3, 5 and 11 of planning permission SW/11/1291 (relating to vehicle parking, wheel washing and dust control) on 27 January 2017, conditions 4, 9 and 10 of planning permission SW/11/1291 (relating to vehicle parking, surface water drainage and external finish) on 18 April 2017 and condition 8 of planning permission SW/11/1291 (relating to foundation piling design) on 18 April 2017 and approved a non-material amendment relating to the site layout and elevations on 7 March 2017. Planning permission SW/11/1291 has been implemented and it is understood that the AD plant is nearing operation. KCC has also granted planning permissions for various waste disposal / landfill and related infrastructure associated with the Kemsley Paper Mill since 1977 (i.e. SW/76/453, SW/91/793, SW/93/626, SW/98/1026 and SW/12/1069). With the exception of the permissions relating to the refurbishment and use of the existing rail sidings (SW/12/167) and IBA

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Recycling Facility (SW/16/507687) these have no bearing on the Kemsley SEP.

16. Once operational, the Kemsley SEP will be capable of receiving between 500,000 and 550,000 tonnes per annum (tpa) of pre-treated waste comprising Solid Recovered Fuel Waste, Commercial and Industrial (C&I) Waste and pre-treated Municipal Solid Waste (MSW). The heat generated from the combustion of that waste would create high pressure steam which would drive a steam turbine and in turn a generator to produce electricity which would be exported to the grid. The resulting low-pressure steam would be fed to the adjacent Kemsley Paper Mill, for use within the paper production process. At least 20% of the waste (fuel) was expected to arise from within Kent, Medway, Thurrock and Tandridge with the rest sourced from London, the South East and elsewhere in the UK subject to commercial viability.
17. Condition 3 of planning permission SW/17/502996 (previously condition 3 of planning permission SW/10/444) states:
 3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 258 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

Reason: In the interests of highway safety.

18. Condition 5 of planning permission SW/17/502996 states that waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to condition 3.
19. As noted in paragraph 15 above, planning permission SW/12/167 provided for the refurbishment and use of the existing rail sidings and site infrastructure (at Ridham Docks) for the importation and transfer of containers of waste to the Kemsley SEP. Since this permission has lapsed, waste will not now be delivered by rail unless a further planning permission is obtained for the refurbishment. On this basis, the second part of condition 3 is no longer of direct relevance at this stage.
20. Notwithstanding this, it should also be noted that condition 6 of planning permission SW/10/444 required the submission, approval and implementation of a strategy to encourage the use of the railway as a means of delivering waste to the site, that a rail strategy was first approved in September 2013 and a revised rail strategy approved in June 2017 and that condition 6 of planning permission SW/17/502996 requires the revised 2017 rail strategy to be implemented as approved. The 2013 rail strategy was based on upgrading the Ridham Docks rail sidings and securing the North London Fuel Use contract from the North London Waste Authority. As the North London Fuel Use contract was subsequently withdrawn (and the waste managed more locally at the

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North London Heat and Power project at Edmonton Eco Park) it became necessary for alternative waste sources to be secured for the Kemsley SEP. In the absence of a similar waste (fuel) source(s) which could viably be transported by rail to the Kemsley SEP, the rail sidings at Ridham Docks were not upgraded and it is understood that the option to acquire the site for the upgrading lapsed and the land was developed for other purposes. On that basis, the rail strategy was amended. The 2017 revised rail strategy acknowledges the desirability of non-road transport where environmentally advantageous, feasible and viable and provides for 5-yearly reviews being submitted to KCC for approval. Ultimately, whether or not non-road transportation is to be used is likely to depend on waste (fuel) sources, quantities and contractual arrangements.

21. The Kemsley SEP (as permitted) is capable of providing a maximum gross electrical power output of 49.9 Megawatts electrical (MWe). However, the applicant has identified an opportunity to increase this to an estimated 75MWe. In order to be able to increase the power output above 50MWe gross, a Development Consent Order (DCO) is required from the Secretary of State (SoS) for the Department for Business Energy and Industrial Strategy (BEIS) under the Planning Act 2008 as it would represent a Nationally Significant Infrastructure Project (NSIP). The applicant formally initiated this process in July 2016 when it held a Project Meeting with the Planning Inspectorate (PINS). It subsequently submitted an EIA Scoping Report to PINS in December 2016, received a Scoping Opinion from the SoS BEIS in January 2017 and published a Preliminary Environmental Information Report (PEIR) for consultation in March 2017. At that stage, the applicant stated that there would be no need for the DCO application to alter the design or other restrictions imposed on the planning permission (including those relating to the types and quantity of fuel input) or alter emissions. However, on 1 June 2018 the applicant sought a direction from the SoS under Section 35 of the Planning Act in respect of another proposal for a new waste-to-energy plant known as Wheelabrator Kemsley North (WKN) capable of processing 390,000tpa of waste with a generating capacity of 42MWe. The SoS confirmed that WKN could be treated as a DCO on 27 June 2018. The applicant subsequently submitted a Scoping Report to the SoS on 7 September 2018 in which it set out proposals for both WKN and the upgrade of the Kemsley SEP (also known as the K3 Project). The Scoping Report proposes that as well as the power upgrade for the K3 Project, the DCO application would include proposals for the Kemsley SEP to process an additional 107,000tpa of waste. On that basis, it is proposed that K3 and WKN would process up to a combined total quantity of waste of 1,047,000tpa (i.e. 550,000 + 107,000 + 390,000tpa). The PINS website states that the DCO application for K3 and WKN is expected to be submitted in April 2019.
22. Although not directly connected to K3 Project, DS Smith Paper Ltd (which operates Kemsley Paper Mill) has also submitted a DCO application for a Combined Heat and Power (CHP) Plant comprising a gas turbine (52MW), waste heat recovery boilers (105MWth steam) and steam turbine (16MW). This project (known as the K4 Project) is intended to provide a replacement for the existing natural gas fuelled energy plant at

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Kemsley Paper Mill. The existing natural gas fuelled energy plant known as the K1 Project would be decommissioned when the K4 Project is fully operational. The power demands of the Paper Mill necessitate both the K3 and K1 or K4 Projects. The K4 Project was formally initiated with the submission of a Scoping Request to PINS in August 2017 and is the subject of an Examination which must end by 17 January 2019 (i.e. 6 months beginning with the day after the close of the Preliminary Meeting).

The Proposal

23. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). The applicant states that the proposed increase in HGV movements reflects a change in the type of HGVs that will deliver waste to the site rather than any increase in the operational capacity or generation output and that no other changes are proposed.
24. The 258 HGV movements a day (i.e. 129 in / 129 out) were originally considered sufficient to enable the importation of waste, the export of ash / aggregate arising from the combustion process and the delivery of reagents. The figure was derived from a waste throughput of 550,000tpa, waste being delivered in 20 tonne (t) loads (equating to a total of 27,500 loads or 55,000 movements each year) and the Kemsley SEP receiving waste 5.5 days a week (i.e. Monday to Friday and Saturday mornings). Based on a 5.5 day week, an average of 192 movements (96 in / 96 out) were expected to be related to waste deliveries on weekdays (reduced to 96 movements or 48 in / 48 out on Saturday mornings). A further 58 movements (29 in / 29 out) per weekday (reduced to 29 movements on Saturday mornings) were expected for the export of ash / aggregate and 8 movements (4 in / 4 out) a day were assumed for reagent transport.
25. The applicant notes that although SW/10/444 was amended to allow deliveries on a 24/7 basis, no change was made to the maximum number of HGVs permitted per day such that the 258 HGV movement would be spread over a full 7-day week. It also notes that the IBA recycling facility (SW/16/507687) makes provision for a maximum of 84 HGV movements per day (42 in / 42 out) and that these are additional to 258 movements per day provided for by the Kemsley SEP.
26. The applicant states that it now expects approximately 50,000tpa of waste to be delivered to the Kemsley SEP by Countrystyle Recycling Ltd which operates a recycling facility to the north of the site in Ridham Dock Road. It also states that unless additional HGV movements are permitted, Countrystyle's Refuse Collection Vehicles (RCVs) would need to travel to its own recycling facility to bulk up the waste prior to it being transported to the Kemsley SEP. The applicant would like Countrystyle to be able to deliver waste directly to the SEP in RCVs or similar size

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vehicles instead. In addition, the applicant now also anticipates more generally that a larger proportion of the 550,000tpa of waste will be delivered directly to the Kemsley SEP in RCVs with a capacity of less than the 20t bulk loads originally assumed and that an increase in the permitted number of HGV movements per day is necessary to accommodate this. The RCVs would typically carry an average payload of about 8t.

27. The applicant estimates that the proposed increase in the number of HGVs would generate 7 to 8 extra HGV movements (around 4 in / 4 out) per hour between 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. It states that the proposed additional 90 HGV movements (45 in / 45 out) would provide an appropriate level of flexibility in respect of both the size of source of HGVs to ensure that the Kemsley SEP can function to its maximum operational capacity (as defined by the Environmental Permit). It further states that this would also reflect ongoing contractual discussions with waste providers regarding sources of waste for the Kemsley SEP. The applicant advises that the Kemsley SEP is a merchant facility and therefore not underpinned financially by a specific local authority contract such that the majority of waste is likely to be C&I waste from Kent and surrounding areas. It states that waste hauliers will try to minimise travel distances to ensure the most efficient and cost effective collection and disposal service and will aim to prioritise waste that is close to the plant, removing the need to bulk up and put additional road miles onto the road network.
28. In terms of potential alternatives to road transport, the applicant states that the movement of waste by rail or water requires an appropriate contract for a significant volume of waste with loading facilities at the waste source and an appropriately long contract period to allow depreciation of the rail / water capital infrastructure. It states that opportunities to use these modes typically relate to local authority tenders, but that these are limited and only occur occasionally due to the long term nature of the contracts. It further states that it is not currently involved in any suitable tender opportunities that would allow the delivery of waste by rail or water but points out that alternatives to road transport will continue to be reviewed under the approved Revised Rail Strategy.
29. The application is supported by a Planning Statement and an Environmental Statement Addendum which includes a Transport Assessment and an Air Quality Impact Report, as well as the original Environmental Statement and subsequent supplementary reports.

Planning Policy Context

30. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014) and the National Planning Practice Guidance. These are all material planning considerations.

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31. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-Hazardous Waste), CSW8 (Recovery Facilities for Non-Hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM8 (Safeguarding Waste Management Facilities), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure) and DM16 (Information Required in Support of an Application).
32. **Bearing Fruits 2031: The Swale Borough Local Plan (July 2017)** – Policies ST1 (Delivering sustainable development in Swale), CP1 (Building a strong, competitive economy), CP2 (Promoting Sustainable Transport), CP7 (Conserving and enhancing the natural environment), DM6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage) and DM28 (Biodiversity and geological conservation).
33. **Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (December 2017)** – the Partial Review proposes changes to (amongst others) Policies CSW4, CSW6, CSW7, CSW8 and DM8. One of the reasons for the Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8 to reflect the fact that the Kemsley SEP planning permission has been implemented and ensure that the permitted 550,000tpa capacity is not double counted. Since the application proposes no changes to the quantity of waste or waste sources, as the Kemsley SEP is already being constructed and as no other changes are proposed to the policies referred to in paragraph 31, the Partial Review is not considered to have any significant implications for the determination of this application.

Consultations

34. **Swale Borough Council** – No comments received.
35. **Iwade Parish Council** – Objects on the grounds that the application proposes a huge increase in lorry movements (90 vehicles per day).
36. **Bobbing Parish Council** – No comments received.
37. **Highways England** – No objection. Its response is set out below:

“Highways England has been appointed by the Secretary of State for Transport as

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strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly the A249.

We note from the Transport Assessment (contained in Appendix 1 of the Environmental Statement Addendum) that the variation of the condition would result in a potential additional 7-8 HGV movements per hour. These vehicles will primarily already be travelling on the wider network, however may induce additional turning movements at local junctions (estimated at up to 5 per hour at the Grovehurst Roundabout).

The junction modelling undertaken indicates that the A249 Grovehurst Roundabout will operating above design capacity in the future baseline (no proposals) without improvement. The impact of the additional vehicles due to the proposals are minimal, with predicted queues on the A249 increasing by a maximum of three.

It is noted that improvements for the mitigation of the junction as part of the Swale Local Plan are under discussion. It is therefore anticipated that the operation of the junction will improve in the future.

On the basis of the above, we can only conclude that the proposed variation will not have a severe impact on the safety, reliability and/or operation of the existing SRN. We therefore offer No Objection to the proposals.”

38. **KCC Highways and Transportation** – No objection. It states that it has reviewed the information provided and can find no reasonable justification for refusal and therefore recommends that permission be granted. Its response is set out below:

“Thank you for consulting the Highway Authority on the above application for which we have the following observations and comments on the submitted Transport Assessment.

Baseline conditions

The traffic and junction counts were completed in neutral dates in March 2017 and June 2016 and are agreed as valid. The resulting baseline junction assessments and queue lengths are as expected and therefore considered robust.

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Development proposals

Access – The route of access is unchanged and no assessment is required to ensure suitable geometry can be achieved.

Delivery times – An assumption has been made that the new “RCV” movements will be between 07:00 and 19:00. A quick assessment of the hours of opening of two local facilities operated by Countrystyle and East Kent Recycling would indicate that their operations cease at 18:00. The number of predicted movements would be expected to increase to 8.1 per hour however the submitted Appendix G (Development trips) already accounts for 8 movements and this difference is considered as inconsequential.

Future Year Traffic Flows

A date of 2023 has been assessed for the future operational test and is in accordance with the 5 year national guidance. The impact of existing committed development sites have been included and are agreed as demonstrated on table 5.3 of the assessment. Further cumulative assessments have been completed to take into consideration the anticipated growth attributed to allocated local plan development. The future assessments are therefore considered to be robust.

Trip Generation

The trip generation and junction assessments have been correctly modelled routing all traffic via Swale Way including those that may come direct from the adjoining Countrystyle recycling plant. If, as indicated, a proportion of the additional HGV movements come from the Countrystyle site, then any associated trips would reduce the assessed impact on the wider highway network. Appropriate weekday peak assessments of 07:30-08:30 and 16:30 – 17:30 have been submitted for the affected junctions including that at of the A249/Grovehurst Road.

Junction Assessments

Barge Way between Northern Access & Fleet End: This junction has been demonstrated to operate well within capacity at the future year scenarios. As such the Highway Authority has no concerns with the proposed development impact at this junction.

Swale Way/Barge Way roundabout: The assessment demonstrates that the roundabout currently operates within operational capacity although in the AM the Swale Way West arm has minimal reserve. The 2023 assessment unsurprisingly therefore demonstrates that the Swale Way West arm of the junction exceeds

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operational capacity at that time. It is however noted that the traffic generated is minimal; the development proposed represents a 4% HGV increase in the AM and 5% increase in the PM. The increase in delays directly attributed to the development would be 5 seconds which are agreed cannot be considered severe in respect of the NPPF tests. The assessment refers to a further DCO application being sought for the proposed K4 gas powered energy generating facility. The applicant should note that should that proposal be progressed, it should be expected that appropriate mitigation by way of a left turn lane facility off the Swale West arm may be required. The approach is currently of single carriageway width and improvements will be required for the dominant HGV left turning movements.

A249/Grovehurst Junction: The assessment demonstrates that this junction is already operating beyond its operational capacity and it is on that basis that the Highway Authority have submitted an application for "Housing Infrastructure Funding" in order that the proposed Local Plan Growth can be accommodated. That application is yet to be fully approved. Within the local plan however there are large allocated residential sites that at Iwade and North West Sittingbourne that will have far greater effect on the operations of this junction. The proposed development would decrease the operational effectiveness of the junction by 0.02% which is considered minimal compared to the other allocated local plan sites. It is appropriate that those sites having the greatest impact should provide the greater levels of mitigation. It could not therefore be considered reasonable to request mitigation from this application towards improvements at this junction.

Conclusion

Having reviewed the information provided I can find no reasonable justification for refusal and therefore recommend that the application be granted permission."

39. **Environment Agency** – Has no comments to make.
40. **Natural England** – Has no comments to make.
41. **KCC Ecological Advice Service** – No objection. It is satisfied that the proposed variation would not result in a negative impact on the designated sites.
42. **KCC Noise and Air Quality Consultant** – No objection. It is satisfied that the proposal to increase the number of vehicles by 90 per day will not have an adverse effect on noise or air quality at any of the nearest sensitive human and ecological receptors and therefore sees no grounds for refusal resulting from changes to noise and air emissions.

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Representations

43. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the site were notified in June 2018.

Local Member

44. County Council Member [REDACTED] (Sittingbourne North) was notified in June 2018. [REDACTED] (Swale West) was also notified as the adjoining Member.
45. [REDACTED] has commented that he raises no objection assuming the additional lorries will connect directly to the Strategic Road Network via a single agreed path and not use other local roads.

Discussion

46. The application is being reported to KCC's Planning Applications Committee for determination as Iwade Parish Council has raised objection. No objections have been received from any technical or other consultees and, with the exception of the comments from [REDACTED] (as adjoining KCC Member), no representations have been received.
47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 31 and 32 are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 30 and the draft policies referred to in paragraph 33.
48. The principle of the Kemsley SEP has already been established by the planning permissions referred to in paragraphs 5 to 13 inclusive and the related permission for the site access road referred to in paragraph 14. Given this and as the relevant permissions have already been implemented, it is therefore only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy.
49. Given the above, the issues that require consideration are as follows:
- Highways and Transportation;
 - Noise and Air Quality; and
 - Ecology.

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Highways and Transportation

50. Paragraph 108 of the National Planning Policy Framework (NPPF) states that when assessing applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway 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 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of traffic and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning transport policy in “Transport evidence bases in plan making and decision taking” (13 March 2015) and “Travel Plans, Transport Assessment and Statements” (6 March 2014).
51. Policy CSW1 of the Kent Minerals and Waste Local Plan (Kent MWLP) establishes the principle of taking a positive approach to waste development proposals which reflects the presumption in favour of sustainable development. Policy DM13 of the Kent MWLP states that minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised so far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.
52. Policy ST1 of the Swale Borough Local Plan (Swale BLP) seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and conserving and enhancing the natural environment. Policy CP2 promotes sustainable transport and identifies a number of measures to be promoted by development proposals,

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including by making best use of capacity in the network and facilitating greater use of waterways for commercial traffic. Policy DM6 seeks to manage transport demand and impact, with development proposals generating a significant amount of transport movements to be supported by a Transport Assessment. Development proposals are expected to demonstrate that opportunities for sustainable transport modes have been taken up, and states that development will not be permitted where the residual cumulative impacts of development are severe. Proposals are expected to ensure they do not worsen air quality to an unacceptable degree. Policy DM14 sets out general development control criteria, including that proposals should achieve safe vehicular access.

53. The acceptability of 258 HGV movements (the equivalent of 129 in / 129 out) associated with the delivery of waste / fuel to the Kemsley SEP using the A249 (Dumbbell Junction), Grovehurst Road (B2005), Swale Way, Barge Way and the internal access road, together with an additional unspecified number of additional movements associated with the delivery of waste / fuel from a railway depot at Ridham Docks along Ridham Dock Road, has already been established.
54. The application is accompanied by an Environmental Statement Addendum and a Supplementary Transport Assessment which considers the potential impact of the proposed additional 90 HGV movements in the context of up to date information on traffic flows, road safety and new and other committed development (including cumulatively). In terms of the transport links between junctions / roundabouts, the Transport Assessment predicts that the proposed development would not have a significant impact on traffic flows between the Kemsley SEP and the M2 in 2023 (i.e. when all committed development and the proposed additional HGV movements are taken into account). In terms of junction assessment, it predicts that the Barge Way / Northern Site Access and Barge Way / Fleet End junctions would continue to operate within their design capacity in 2023, that the Barge Way / Swale Way junction (currently within capacity) would operate over capacity during the morning (07:30 to 08:30 hours) and afternoon (16:30 to 17:30 hours) peaks in 2023 and the A249 Dumbbell junction would continue to operate over capacity in 2023. It notes that significant vehicle queuing already occurs on Swale Way during the afternoon peak but that a mitigation scheme for the Grovehurst Road (A249) Dumbbell junction put forward at the recent Swale Local Plan Examination relating to housing development to the Southwest of Sittingbourne would improve the operation of the junction when future residential development moves forward. It should be noted that the Transport Assessment does not assume the implementation of the mitigation scheme for the purposes of assessing the development now proposed. Notwithstanding the above, the Transport Assessment also states that the proposed additional HGVs would not have a significant impact on the operation of any junction. Given this, the Transport Assessment (which adopts a worst-case approach) concludes that the impact of the proposed additional HGV movements on the local highway network would be negligible and would not result in any severe impacts on the link or junction operation

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nor on highway safety.

55. Whilst Iwade Parish Council has objected to the application as it proposes “a huge increase in lorry movements of 90 vehicles per day” and the applicant’s own Transport Assessment acknowledges that two of the junctions between the Kemsley SEP and the A249 would operate over capacity in 2023, neither KCC Highways and Transportation nor Highways England have objected. KCC Highways and Transportation has recommended that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network. KCC Highways and Transportation has also specifically stated that the Transport Assessment is robust and accords with the relevant NPPF tests and that the additional impact of the proposed development is not sufficient to warrant a contribution towards the A249 / Grovehurst Road junction improvements. Given the highway responses, I am unable to recommend that the application be refused on highway capacity or safety grounds and am satisfied that the proposed development accords with relevant planning policies in respect of these issues.
56. Whilst the NPPF and several development plan policies promote the use of sustainable transport modes, they do not preclude road use. Indeed, there are circumstances where road use will be the most sustainable transport mode. The most sustainable mode of transport for importing waste / fuel to facilities such as the Kemsley SEP is likely to be determined by the geographical distribution of available sources of waste, the quantity and reliability of the waste source (related to contractual arrangements) and the proximity of both the facility and the source(s) of waste to the necessary rail or dock infrastructure. In the case of the Kemsley SEP, it was originally envisaged that a significant quantity of waste / fuel would be delivered to Ridham Docks by rail from London and then transferred to the facility along Ridham Dock Road. However, the applicant was unable to secure the waste / fuel contract on which the rail use depended and has had to establish alternative waste / fuel sources. In the absence of a similar large contract for the delivery of waste / fuel by rail (or water), the applicant has had no choice but to seek alternatives if the Kemsley SEP is to operate and provide power to Kemsley Paper Mill. In these circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. Ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP. Whilst there is currently no specific obligation on the applicant relating to the use of water transport, the 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis. I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. I am also satisfied that if the applicant were able to secure an appropriate waste / fuel contract(s) which justified the use rail and / or water transport that it would take steps to enable use these alternative transport modes.

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57. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of noise, air quality and ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of highways and transportation.

Noise and Air Quality

58. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and 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 new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and that in doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 181 states (amongst other things) that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of noise and air quality, Appendix B states that considerations will include the proximity of sensitive receptors (human and ecological), including those associated with vehicle traffic movements to and from a site. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for noise and air quality in “Noise” (6 March 2014) and “Air Quality” (6 March 2014).
59. Policy DM1 of the Kent MWLP states that proposals for minerals and waste development will (amongst other things) be required to demonstrate that they have been designed to minimise greenhouse gas emissions and other emissions. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements.

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60. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and Policy DM6 seeks to minimise adverse air quality impacts associated with traffic. Policy DM14 states that development proposals should cause no significant harm to amenity and other sensitive uses or areas.
61. It has previously been established that the Kemsley SEP would be acceptable in terms of noise and air quality impacts based on condition 3 as currently worded. The proposed increase in HGV movements has the potential to increase off site road traffic noise and traffic generated pollution levels with consequential effects on ambient air quality.
62. The application is accompanied by an Environmental Statement Addendum (which considers the potential noise and vibration and air and climate impacts associated with the proposed additional 90 HGV movements) and a Supplementary Air Quality Assessment which considers air quality impacts in the context of up to date information on air quality (including cumulatively). The Environmental Statement Addendum concludes that significant noise (and vibration) effects associated with the proposed increase in HGV movements can (when considered alone and cumulatively) be screened out as not significant and that the conclusions of the original Environmental Statement remain valid. In terms of noise, the Environmental Statement Addendum points out that a 10dB(A) increase in noise is typically taken to represent a doubling of loudness, a 3dB(A) increase is generally just perceptible, that a halving or doubling of road traffic flow generally produces a 3dB(A) change in noise level and that the Transport Assessment demonstrates that the greatest increase in traffic levels on any road link would (when considered cumulatively with all existing and committed development) be 23%. In terms of air quality, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the concentrations of nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) at the facades of existing receptors would remain similar and negligible at all human receptors. The Environmental Statement Addendum and associated Supplementary Air Quality Assessment conclude that there would be a negligible effect on air quality and human health receptors that is not significant (when considered alone and cumulatively) and that the conclusions of the original air quality assessment remain valid. They also include information and conclusions on the potential impact on ecology which are addressed in the Ecology section below.
63. No objections have been received in respect of noise and air quality from KCC's Noise and Air Quality Consultant which is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive human receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. The Environment Agency has stated that it has no comments to make. I note that the Kemsley SEP is subject to an Environmental Permit which (amongst other things) regulates air emissions from the

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facility.

64. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of noise and air quality.

Ecology

65. 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) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should (amongst others) apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Paragraph 176 states (amongst other things) that listed or proposed Ramsar Sites should be given the same protection as habitats sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of nature conservation, Appendix B states that considerations will include any adverse effect on a site of international importance for nature conservation (e.g. SPA, Ramsar Sites and Special Areas of Conservation), a site with a nationally recognised designation (e.g. SSSI) and ecological networks and protected species. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for ecology in "Natural Environment" (21 January 2016).
66. Policy DM1 of the Kent MWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Policy DM2 states that proposals for minerals and waste development must ensure that there is no unacceptable adverse impact on

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sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

67. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) conserving and enhancing the natural environment. As noted in paragraph 60 above, Policy DM14 states that development proposals should cause no significant harm to sensitive areas. Policy CP7 states that the Council will work with partners and developers to ensure the protection, enhancement and delivery of the Swale natural assets, in order to conserve and enhance the natural environment, including ensuring that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site. Policy DM28 states (amongst other things) that development proposals will give weight to the protection of designated biodiversity sites equal to the significance of their status (with internationally designated sites receiving the highest level of protection).
68. As noted in the Noise and Air Quality section above, the application is accompanied by an Environmental Statement Addendum and a Supplementary Air Quality Assessment which address these issues. In terms of ecology, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the annual mean nitrogen oxide (NOx) concentration would not exceed 1% of the critical level at any modelled receptors (meaning that the air quality effects on the ecologically designated sites is not considered to be significant) and that there would be minimal change to modelled nutrient deposition rates (also not considered to be significant). In terms of the potential impact on ecology and nature conservation they conclude that no significant effects are likely to occur as a result of the proposed increase in HGV movements (when considered alone and cumulatively) and that the conclusions of the original ecology assessment remain valid.
69. No objections have been received from KCC's Noise and Air Quality Consultant, Natural England, KCC Ecological Advice Service or other consultees and no representations have been made in respect of ecological issues. KCC's Noise and Air Quality Consultant is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive

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ecological receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. KCC Ecological Advice Service is satisfied that the proposed variation would not result in a negative impact on the designated sites. As Natural England has stated that it has no comments on the proposed development I am satisfied that it must be content that the proposed increase in HGV movements would not have any significant effect on the designated sites.

70. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements and the re-imposition of the other conditions imposed on planning permission SW/17/502996, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of ecology.

Conclusion

71. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). No other changes are proposed.
72. The principle of the Kemsley SEP has already been established by a series of planning permissions (most recently SW/17/502996) and as these have already been implemented it is only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy. In determining this, the key issues relate to highways and transportation, noise and air quality and ecology.
73. Whilst the proposed increase in HGV movements would result in additional traffic on the road network, KCC Highways and Transportation and Highways England have no objection. KCC Highways and Transportation has advised that it can find no reasonable justification for refusal and recommends that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network.
74. KCC's Noise and Air Quality Consultant has raised no objection and advised that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any sensitive human or ecological receptors and sees no grounds for refusal from changes to noise and air emissions.
75. Neither Natural England nor KCC Ecological Advice Service have raised objections. KCC Ecological Advice Service has specifically stated that it is satisfied that the proposed variation would not result in a negative impact on designated sites.

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76. Given the proximity of the Kemsley SEP to potential rail and existing water transshipment facilities, it is disappointing that waste / fuel is unlikely to be delivered to the Kemsley SEP by rail or water in the near future. However, granting planning permission for the proposed variation would not preclude either delivery mode. As noted in paragraph 56 above, the most sustainable form of transport is likely to depend on factors that are largely outside the applicant's control. In the current circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. The 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis and I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. However, it should be noted that unless the applicant is able to secure a major, long-term waste / fuel contract which can enable the viable use rail or water transport, it is likely that road transport will remain the main or only means of transporting waste / fuel to the Kemsley SEP. It should also be noted that ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP and that this would assist in providing a sustainable power supply for Kemsley Paper Mill. These and related issues are likely to be explored further as part of the Kemsley DCO application relating to the K3 power upgrade and throughput increase and WKN projects referred to in paragraph 21 above.
77. I am satisfied that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the application should be refused. I am also satisfied that any harm that would arise from the proposed development would reasonably be mitigated by the imposition of the proposed conditions. I therefore recommend accordingly.

Recommendation

78. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

- (a) Condition 3 of planning permission SW/17/502996 being reworded as follows:
3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

Reason: In the interests of highway safety.

- (b) All other conditions included on planning permission SW/17/502996 being re-imposed.

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Case Officer: [REDACTED]	Tel. no: 03000 413484
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Background Documents: see section heading
