

1 MC/09/1628

Date Received: 30 September, 2009

Location: National Grid Property Holdings Grain Road Isle of Grain
Rochester Kent ME3 0AE

Proposal: Outline planning application for the development of up to 464,685 square metres of built employment floorspace for (Use Classes B1(c), B2 and B8 - including open storage), and up to 245 square metres of floorspace for a business park management centre (Class B1(a) and retail unit(s) (Classes A1, A3 and A5), with associated infrastructure, landscaping, car parking and access

Applicant: National Grid Property Holdings Ltd

Agent: Mr A Henderson Planning Perspectives LLP 24 Bruton Place
London W1J 6NE

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 March, 2010.

Recommendation - Approval with Conditions

- A) The applicants entering into an agreement under S106 of the Town and Country Planning Act 1990 to secure:
- i. A financial contribution of £5,375,000 towards safety and capacity improvements on the A228 between the site and Four Elms Roundabout.
 - ii. The provision of a bespoke bus service operating between the site and major transport hubs and residential areas within Medway, of sufficient capacity and frequency to meet all the potential shift-working patterns arising from the development and operating in perpetuity from 20% occupation of the development.
 - iii. The provision of an Umbrella Travel Plan for the whole site and Subsidiary Travel Plans for each unit constructed on the site containing a comprehensive car share strategy and other physical and management measures that facilitate travel by sustainable modes and discourage single occupancy car use, and including provision for the appointment of a Travel Plan coordinator for the development.

- iv. A financial contribution of £4,000 towards the implementation and monitoring costs incurred by the Council in respect of the Umbrella Travel Plan and a financial contribution of £4,000 for each Subsidiary Travel Plan for the individual units within the site.
- v. A financial contribution of £50,000 towards schemes identified by Grain Parish Council to improve the quality of life for existing residents of the Isle of Grain.
- vi. The provision of up to 65ha of land available for off-site ecological mitigation area.

And B) the following conditions:

Time Limits

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Application for approval of the reserved matters stated in condition 1 for the first phase or sub-phase of development shall be made not later than 5 years after the date of this outline planning permission.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall not commence later than whichever is the later of the following dates:-

- (i) 10 years from the date of the outline planning permission, or
- (ii) 3 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

Environment Statement/Masterplan

- 4 The development hereby permitted shall be undertaken in substantial accordance with the details contained within the Environmental Statement Volumes 1, 2 and 3 by Environmental Perspectives, dated September 2009 accompanying the planning application or in accordance with any written approval or modification agreed by the Local Planning Authority during any subsequent masterplan reviews.

- 5 Following the first review of the masterplan as required by condition 51 subsequent masterplan reviews shall be submitted to the Local Planning Authority for written approval at a frequency of every two years and to be no later than 2 months preceding the anniversary date of this permission or at such greater frequencies that may be reasonably requested by the Local Planning Authority until the substantial completion of the development. The development shall thereafter be implemented in substantial accordance with the provisions of the approved masterplan.
- 6 Prior to commencement of development hereby permitted, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved phasing plan unless any other variation is subsequently agreed in writing by the Local Planning Authority.

Landscaping

- 7 Prior to the submission of any reserved matters application pursuant to condition 1 of this planning permission, a landscape and open space masterplan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space masterplan shall address the following:
 - i) the overall hard and soft landscape framework for the development;
 - ii) the typical landscaping treatment for the road network within the application site as a whole;
 - iii) typical landscaping treatment for the individual development plots within the application site as a whole;
 - iv) typical landscaping treatments for any open space areas;
 - v) typical hard and soft landscaping treatments for the management facility.

The approved landscape and open space masterplan shall be used to inform the subsequent submission of reserved matters in these respects within each phase or sub-phase of the development.

- 8 Prior to the commencement of development in a phase or sub-phase a landscape management plan, including long-term design objectives, management responsibilities, maintenance schedules for all landscaped areas and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall be implemented in accordance with the approved details and any subsequent variations shall be agreed in writing by the Local Planning Authority.
- 9 Any reserved matters application submitted pursuant to condition 1 of this planning permission for any phase or sub-phase shall include details of both hard and soft landscape works relevant to that phase or sub-phase. These details shall include existing and proposed finished ground levels; car parking layouts; other vehicle and pedestrian access and circulation areas;

all paving and hard surfacing; minor artefacts and structures. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of that phase or sub-phase of development or in accordance with the implementation programme agreed in writing by the Local Planning Authority.

- 10 Any tree and/or shrub planted pursuant to condition 9 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Management Facility

- 11 Prior to the submission of any reserved matters application a detailed timetable for the delivery of the management facility shall be submitted to and approved in writing by the Local Planning Authority. The management facility shall be implemented in accordance with the approved timetable unless any other variation to the timetable is first agreed in writing by the Local Planning Authority.

Design

- 12 Prior to the submission of any reserved matters application pursuant to condition 1 of this planning permission, Design Codes shall be submitted to and approved in writing by the Local Planning Authority. The design codes shall include details for individual plot layouts, block heights and lengths, corners, ground floor frontages and parking arrangements. All reserved matters applications submitted pursuant to this permission for any phase or sub-phase shall include statements of conformity with the relevant approved Design Code.
- 13 Any reserved matters application in relation to appearance for any phase or sub-phase submitted pursuant to condition 1 of this planning permission, shall include details and samples of all materials to be used on all external faces of individual buildings including roofing materials, facing bricks and/or other cladding materials, external doors including frames, fenestration, fascias and any other external details. The development shall thereafter be implemented in accordance with the approved details.
- 14 Prior to the commencement of development in any phase or sub-phase details and samples, where appropriate, of all boundary walls, railings, gates, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase or sub-phase of the development shall be implemented in accordance with the approved details and shall be retained thereafter.

- 15 Any reserved matters application for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall incorporate inclusive design measures and the reserved matters submission shall be accompanied by a document detailing how inclusive design measures have been incorporated.
- 16 Prior to the commencement of development in any phase or sub-phase details of the finished slab levels for that phase or sub-phase of the development shall be submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Security and Crime Prevention

- 17 Prior to the submission of any reserved matters application pursuant to condition 1 of this planning permission, a document detailing an assessment with recommendations for the delivery of counter terrorism and other security measures during both the construction and operation phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The document shall take account of the publications, Safer Places: The Planning System and Crime Prevention (2004) and Safer Places: A Counter-terrorism Supplement showing the resilience of the site to security threats and in particular shall include details of hostile vehicle mitigation that has been tested and passed PAS 68/69 or any amendment to that standard, perimeter protection, blast resistant design features, a vehicle search facility, an area for unauthorised vehicles rejected from the site, CCTV and guard force protection. All reserved matters applications submitted pursuant to this permission for any phase or sub-phase shall include statements of conformity with the relevant approved document and include a timetable for delivery of such measures.
- 18 Prior to the first occupation of any part of the development a Site Security and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Security and Management Plan shall thereafter be implemented and maintained in accordance with the approved details.
- 19 A review of the Site Security and Management Plan shall be submitted to and approved in writing by the Local Planning Authority no later than 2 months preceding each annual anniversary of the date of this permission or at such frequencies that may otherwise reasonably be requested by or agreed with the Local Planning Authority. The Site Security and Management Plan shall thereafter be implemented in accordance with the provisions of the approved Site Security and Management Plan.

Health and Safety

- 20 Any building within any part of the development site shall be a maximum of two storeys in height.
- 21 No more than 99 people shall occupy any individual building at any one time.
- 22 Any reserved matters application for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall incorporate measures to reduce the risk and damage to the development in the event of a major incident at the Grain LNG or Power Station sites. The reserved matters submission shall be accompanied by a document detailing what measures have been incorporated.

Lighting

- 23 Prior to the commencement of development in any phase or sub-phase details of all external lighting including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub-phase to which it relates or alternatively in accordance with any variation to the timing for the installation of such items submitted to and approved in writing by the Local Planning Authority and shall be retained in accordance with the approved details.

Refuse

- 24 Any reserved matters application(s) for layout, scale and appearance for a phase or sub-phase submitted pursuant to the condition 1 of this planning permission shall be accompanied by details showing the arrangements for the storage of refuse. The details shall include the siting and design for storage and shall make provision for recyclables as well as general waste. No building shall be occupied within the phase or sub-phase to which the reserved matters relate until details of the refuse storage arrangements for that building have been implemented in accordance with details approved by the approval of reserved matters. The refuse storage arrangements shall be retained thereafter.

Noise

- 25 Prior to the commencement of development in any phase or sub-phase an acoustic assessment shall be undertaken to determine the impact of noise arising from the development site. Noise from commercial premises should be controlled, such that the noise rating level (LA,T) emitted from the development does not exceed the background noise level (LA90,T), by more than 3dB. All measurements shall be defined and derived in accordance with BS4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted and approved in writing by the Local Planning Authority prior to commencement of development within that phase

or sub-phase. The approved measures shall be implemented before the development of each phase or sub-phase is brought into use and thereafter be maintained in accordance with the approved details.

- 26 Prior to the commencement of development in any phase or sub-phase a road traffic noise mitigation scheme in respect of noise arising from the B2001 shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Water

- 27 Prior to the commencement of development in any phase or sub-phase a strategy for the control and disposal of foul and surface water during the construction and operation stages of the phase or sub-phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the drainage measures shall be retained thereafter.

- 28 Prior to the commencement of development in any phase or sub-phase details of a safe dry access or safe refuge area during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The safe dry access or safe refuge area shall be implemented in accordance with the approved details and be provided and retained throughout the duration of the construction period.

- 29 Any reserved matters application for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall include details of a safe dry access or safe refuge area to be provided during the operation phase of the development. The safe dry access or safe refuge area shall be implemented in accordance with the approved details and be provided and retained thereafter.

- 30 Any reserved matters application for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall include details of the surface water drainage strategy, including SUDs, for individual plots within that phase or sub-phase. The development shall be implemented in accordance with the approved surface water drainage strategy and shall be retained thereafter.

Contamination

- 31 Prior to the commencement of development in any phase or sub-phase details of any piling or any other foundation designs using penetrative methods shall be submitted to and agreed in writing by the Local Planning Authority. The development of that phase or sub-phase shall thereafter be implemented in accordance with the approved details.

- 32 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 33 to 36 have been complied with. If unexpected contamination is found after development of any phase or sub-phase has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 36 has been complied with in relation to that contamination.
- 33 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed for that phase or sub-phase in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development within that phase or sub-phase. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development within that phase or sub-phase. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 34 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared for each phase or sub-phase, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development within that phase or sub-phase. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

- 35 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development within the relevant phase or sub-phase (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development within that phase or sub-phase.

- 36 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 33, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 34, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 34 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 35.

Highways

- 37 Prior to the commencement of development in any phase or sub-phase a Travel Plan for construction workers to cover the period of construction of that particular phase or sub-phase, including a timetable for its implementation, shall be submitted to and approved in writing by the Council.

The Travel Plan shall include:

- A. procedures for linking the plan with Travel Plans related to any other existing phase or sub-phase under construction;
- B. travel reduction and sustainable modes of transport that discourage single occupancy car use
- C. survey pro-formas;
- D. monitoring and review procedures; and
- E. an overall timetable for full implementation of Travel Plan measures.

The Travel Plan shall thereafter be implemented in accordance with the approved detail and timetable.

38 Any reserved matters application in relation to access and layout for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall include the following information:

1. Details of access points from the public highway
2. Details of amendments to the existing public highway
3. Details of new footways and cycleways on the public highway
4. Details of all internal access roads, including pedestrian and cycle facilities, bus stops and passenger waiting facilities and the number of and implementation of the real time display units
5. Details of car parking, car parking management strategy and cycle parking
6. Details of HGV parking areas and turning areas
7. Details of a vehicle search facility and an area for unauthorised vehicles rejected from the site
8. Details of speed reduction measures to the entrance of the site

Details of emergency access arrangements

39 No later than 3 months prior to the first occupation of any part of the development details of a fully operational travel website for the Business Park shall be submitted to and approved in writing by the Local Planning Authority. The travel website shall cover:

- A. all transport issues;
- B. advice to those accessing the site; and
- C. details of how and when the web site will be regularly updated

The website shall be implemented in accordance with the approved details prior to the first occupation of any of the units and shall thereafter be maintained.

Construction

40 Prior to the commencement of development in any phase or sub-phase a Site Waste Management Plan (SWMP) shall be submitted to and agreed in writing by the Local Planning Authority. The SWMP shall subsequently be implemented in accordance with the approved details during and throughout the entire construction period of that phase or sub-phase.

41 Prior to the commencement of development in any phase or sub-phase a Construction Environmental Management Plan (CEMP) relevant to the phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points;

screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided and location of construction compounds/laydown areas and offices. The construction works phase or sub-phase shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

- 42 Prior to the first occupation of any part of the development within a phase or sub-phase details of the arrangements, including a timetable, for the removal of all temporary buildings, structures and ancillary works connected with the construction of that phase or sub-phase of the development shall be submitted to and approved in writing. The removal of the temporary buildings, structures and ancillary works shall be removed in accordance with the approved details and timetable.
- 43 Prior to the commencement of development in any phase or sub-phase details of an emergency evacuation plan during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The emergency evacuation plan shall be implemented in accordance with the approved details if required by an emergency situation and shall remain throughout the period of construction of the development for that phase or sub-phase unless any subsequent variation is agreed in writing by the Local Planning Authority.
- 44 Prior to the first occupation of any part of the development within a phase or sub-phase details of an emergency evacuation plan during the operation phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The emergency evacuation plan shall be implemented in accordance with the approved details if required by an emergency situation and shall remain thereafter for that phase or sub-phase unless any subsequent variation is agreed in writing by the Local Planning Authority.

Archaeology

- 45 No development shall take place for each phase or sub-phase until the applicant, or their agents or successors in title, has secured the implementation of:
- A** a programme of evaluation appropriate to each phase or sub-phase, consisting of:
- i) an archaeological impact assessment undertaken in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;

- ii) the archaeological impact assessment will inform the need for archaeological field evaluation works which will be undertaken in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority. The results of the archaeological field evaluation works will be used to update the archaeological impact assessment; and

B following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

- 46 For each phase or sub-phase no intrusive excavation or remediation works including 'grubbing out' of foundations, services, floor slabs etc. shall take place, unless agreed in writing in advance with the Local Planning Authority, until the staged archaeological works required by condition 45 have been completed and necessary subsequent mitigation agreed in writing by the Local Planning Authority.

Sustainability

- 47 The development shall be constructed in accordance with the objectives of the submitted BREEAM Framework to achieve not less than the Building Research Establishment Environmental Assessment Method (BREEAM) standard of "Good", or such equivalent standard as may be first approved in writing by the Local Planning Authority.
- 48 Any reserved matters application for any phase or sub-phase submitted pursuant to condition 1 of this planning permission shall include details of a package of energy efficiency and carbon dioxide emissions reduction measures that are incorporated into the design of the development to which the reserved matters relate.
- 49 Prior to the commencement of development in any phase or sub-phase an assessment and recommendations of alternative methods of transportation of equipment and materials to be imported onto the site shall be submitted to and approved in writing by the Local Planning Authority. The importation of equipment and materials onto the site throughout the construction period for that phase or sub-phase shall be made in accordance with the recommendations set out within the approved document.

Removal of Permitted Development Rights

- 50 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 3, Class B or Part 8, Classes A, B or C of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

Ecology

- 51 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, the first review of the masterplan shall be submitted to and approved in writing by the Local Planning Authority. The revised masterplan shall take account of the full invertebrate survey results and identify a minimum of 20ha of habitat of high invertebrate quality to be maintained and connected to a broader network of habitat or any such alternative amount of land that is otherwise agreed in writing by the Local Planning Authority.
- 52 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a revised habitat survey shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority. The habitat survey shall identify areas of land within the application site and the mitigation land as identified on Figure No. 4 Revision E received on 24 February 2010 that can be classified as Biodiversity Action Plan (BAP) habitats including the category 'Open Mosaic Habitats on Previously Development Land'. The results shall quantify the areas of BAP habitat to be lost to development and the areas of BAP habitat to be created as part of the mitigation plan.
- 53 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a long-term ecological management plan for the ecological mitigation areas both on-site and off-site shall be submitted to and approved in writing by the Local Planning Authority. The long-term ecological plan shall include the provision for the creation of new habitats and shall be used to inform the phasing of the development to ensure new habitat areas are created before existing habitats are destroyed. The ecological management plan shall be implemented in accordance with the approved details.
- 54 Reviews of the ecological management plan shall be submitted to the Local Planning Authority for written approval at a frequency of every two years and to be no later than 2 months preceding the anniversary date of this permission or at such greater frequencies that may be reasonably requested by the Local Planning Authority. The ecological management plan shall thereafter be implemented in accordance with the approved details.
- 55 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, details of the methodology for an invertebrate survey of the entire application site and all of the off-site habitat parcels as identified on Figure No. 4 Revision E received on 24 February 2010 shall be submitted to and approved in writing by the Local Planning Authority. The invertebrate survey shall be carried out in accordance with the approved methodology and the results submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application.

- 56 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a detailed mitigation strategy for the protection of breeding sites and resting places for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy and any works carried out on site shall be implemented in accordance with the approved details or any amendment that has subsequently been agreed in writing by the Local Planning Authority.
- 57 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a detailed mitigation strategy for the protection of water voles and their associated habitat shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy and any works carried out on site shall be implemented in accordance with the approved details or any amendment that has subsequently been agreed in writing by the Local Planning Authority.
- 58 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a detailed mitigation strategy for the protection of badgers and their habitat shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy and any works carried out on site shall be implemented in accordance with the approved details or any amendment that has subsequently been agreed in writing by the Local Planning Authority.
- 59 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a detailed mitigation strategy for the protection reptile species and their habitat shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall be informed by any other additional survey work to determine an estimate of the population of reptiles and the area of land required to accommodate them. The mitigation strategy and any works carried out on site shall be implemented in accordance with the approved details or any amendment that has subsequently been agreed in writing by the Local Planning Authority.
- 60 Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a detailed mitigation strategy for the protection of any plants of national importance shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy and any works carried out on site shall be implemented in accordance with the approved details or any amendment that has subsequently been agreed in writing by the Local Planning Authority.

- 61 Within 24 months of the practical completion of each phase or sub-phase of development, an appraisal to measure the success of the ecological mitigation strategies required under by conditions 56, 57, 58, 59 and 60 shall be submitted to and approved in writing by the Local Planning Authority. If the results of the appraisal show that any of the mitigation strategies have been unsuccessful, a revised mitigation strategy including a timetable for implementation, shall accompany the appraisal for approval in writing by the Local Planning Authority.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The application site is an approximately 164 hectare site which forms part of the wider National Grid Property Holdings landholding at the eastern end of the Isle of Grain in Kent. The site forms part of the former BP Kent Oil Refinery site and was previously developed for heavy industrial use and is currently almost totally unused. It represents one of the largest undeveloped brownfield sites in the south east of England.

The application site has a long industrial past the majority of which is unused with the exception of a small part of the site which is used for the storage of liquefied natural gas. To the north west and south east of the site is the LNG storage and importation facility. There are three tanks and a fourth under construction. In the southeastern corner of the site there are two LNG jetties which are connected to the storage facility by a cryogenic pipeline. Along the river frontage to the south of the application site are London Thamesport and Bardon Aggregates. Medway Power Station is located immediately to the southwest of the site. The BritNed Interconnector facility is located to the south east of the site and Grain Power Station is to the east of the application site. To the west is the BP Oil Distribution Terminus. Beyond the site to the north and west the land is mainly in agricultural use and Grain village is located to the northeast. To the south and south east is the Medway Estuary which is partly designated as the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) and also as a Special Protection Area (SPA) and Ramsar site under the Conservation (Natural Habitats etc) Regulations 1994 known as the Medway Estuary and Marshes Special Protection Area. There are ponds/lakes to the southeast of the site. The Isle of Grain is served by road and rail and further afield to the A2/M2 and M25.

Proposal

This application seeks outline planning permission for the development of up to 464,685 sqm of built employment floorspace (Use Classes B1(c), B2 and B8 – including open storage), and up to 245 sqm of floorspace for a business park management centre (Class B1(a)) and retail unit(s) (Classes A1, A3, A5), with associated infrastructure, landscaping, car parking and access. This is an outline application with all matters (access, appearance, landscaping, layout and scale)

reserved for consideration. Approximately 58% of the application site is proposed as designated development zones, the remaining 42% is dedicated to soft landscaped ecologically managed reserves (31%), road and rail access infrastructure (10.75%) and a small publicly accessible 'park centre' facility (0.25%). The total amount of soft landscape provision in the application area is approximately 36%, allowing for an element of landscaping within the defined development zones.

The development is split into four separate development zones. Zones A and D make up 40% of the potential development area and B and C make up the existing 60%. Two access roundabouts are proposed to serve the business park from the Grain Road.

An Environmental Statement (ES) is required, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 1999 (the 'EIA Regulations'), as the proposed development constitutes EIA development under Schedule 2 (Category 10(a)) which relates to 'Infrastructure projects – Industrial estate development projects'.

Relevant Planning History

South Eastern Gas

75/96	Construction of a natural liquefaction and, storage installation South Eastern Gas, Isle of Grain Works, Grain Road, Isle of Grain Approval 28/11/1975
75/96/A	Submission of detailed plans in respect of, storage tanks for British Gas Corporation site, Isle of Grain South Eastern Gas, Isle of Grain Works, Grain Road, Isle of Grain Approval 20/01/1976
75/96/B	Proposed natural gas liquefaction and storage, installation (2 additional LNG storage tanks) South Eastern Gas, Isle Of Grain Works, Grain Road, Isle of Grain Approval 25/01/1977
75/96/C	Details pursuant to outline for various buildings South Eastern Gas, Isle of Grain Works, Grain Road, Isle of Grain Approval 12/09/1977
75/96/D	Erection of a nitrogen compressor house for, liquefaction plant South Eastern Gas Isle of Grain Works, Grain Road, Isle of Grain Approval 16/03/1981

Kent Oil Refinery

- 76/9/AT Erection of a refinery identification sign
Kent Oil Refinery, Isle of Grain.
Approval 20/04/1976
- 79/28 Outline to construct new access road with slip, roads off B2001
with security control kiosk
Kent Oil Refinery, Isle of Grain.
Approval 23/02/1979
- 92/0515/A Details pursuant to outline application, for a 33kv/11kv electricity
substation, complex for transformers, switchgear, circuit
breakers and control equipment
Former Kent Oil Refinery, Grain Road, Isle of Grain, Rochester
Approval 02/02/1993

BP Refinery

- 78/219 Extension of existing plant to provide rail, loading and additional
storage facilities for, bitumen products
B.P. Oil Refinery, Isle of Grain.
Approval 31/08/1978
- 79/242 New demineralisation plant which will replace existing water
treatment plant for the production of boiler feed water
B.P. oil refinery, Isle of grain.
Approval 06/07/1979
- 79/1224 Erection of two 69m diameter by 22m high oil, storage tanks
B.P. Oil Refinery, Isle of Grain.
Approval 28/02/1980
- 82/826 Erection of plant and machinery, stationing of, portakabins
together with appropriate car, parking, new access road and
fencing in, connection with coal slurry test facility
B.P. Oil Refinery, Isle of Grain.
Approval 11/01/1983
- 83/988 Convert oil terminal to container terminal with, facilities for
container ships (to 80,000 t.dwt), also continue (existing) unload
bitumen and aviation kerosene. Alteration to jetty.
B.P. Oil Refinery, Isle of Grain.
Approval 02/04/1984
- 84/390/sec53 Application for determination under section 53, for change of
use of former oil storage tanks to water storage and alterations
to connecting pipework
Former B.P. Oil Refinery, Grain Road, Isle of Grain.
Approval 04/07/1984

84/868	Change of use of nine oil storage tanks to water, storage with installation of pump room, associated water tanks and alteration to interconnecting pipework Former B.P. Oil Refinery, Grain Road, Isle of Grain. Approval 21/11/1984
85/394	Proposed oil and sample storage area and, buildings comprising single storey warehouse two, drum stores, office/messroom, garage/workshop and external oil tanks Former B.P. Oil Refinery, Grain Road, Isle of Grain. Approval 25/07/1985
86/153	Temporary siting of two portakabins as store and, test area B.P. Oil Refinery, Isle of Grain. Approval 07/05/1986
88/1215	Cargo port including area for associated, industrial development B.P. Oil Refinery, Isle of Grain. Approval 20/10/1988
88/1289/A	Renewal of outline application for liquefied, natural gas importation terminal Former B.P. Oil Refinery, Grain Road, Isle of Grain. Approval 08/09/1992
97/0698	Erection of office building and drivers', and security cabins Land at former BP Oil Refinery Site, Isle of Grain, Rochester Approval 11/11/1997
MC2001/0716	Change of use from gate house to office (Class B1) Gate House, Former BP Oil Refinery Site, Grain Road, Isle of Grain, Rochester, Kent Approval with Conditions 20/06/2001
MC2001/0879	Outline application for precast concrete production facility and associated storage yard area Part of former B.P. Oil Terminal, Grain Road, Isle-of-Grain, Rochester, Kent. Approval with Conditions 11/10/2001
MC2005/1524	Town & Country (EIA) Regulation 1999 - request for a scoping opinion for the contents of an environmental statement to be submitted with an application for a wind farm BP site, Isle of Grain, Rochester, Kent Scoping Opinion (EIA) Required 02/11/2005

MC2005/2252 Wind turbine development incorporating six 126.5 metre high wind turbines (each turbine to have a hub height of 80 metres) and ancillary development comprising of a 70 metre high meteorological mast and other associated works
BP Oil UK Limited, Isle of Grain Terminal, Rochester, Kent. ME3 OAY
Approval with Conditions 23/09/2009

LNG

MC1999/5769 Outline application for the replacement Liquefaction Plant.
Isle Of Grain LNG Facility, Rochester, Kent, ME3 0AB.
Approval with Conditions 01/02/2000

MC2002/1692 Construction of Liquid Natural Gas Importation (LNG) facility including provision of: new jetty; dredgebox to accommodate LNG ships; pipeline connecting the jetty with existing LNG storage site; ancillary service roads and ancillary plant and structures including two compressor houses
Lattice Liquid Natural Gas site and former Oil Refinery site, Grain Road, Isle of Grain, Rochester
Approval with Conditions 02/04/2003

MC2002/1725 Construction of Liquid Natural Gas Importation (LNG) facility including provision of: new jetty; dredgebox to accommodate LNG ships; pipeline connecting the jetty with existing LNG storage site; ancillary service roads and ancillary plant and structures including two compressor houses
Lattice Liquid Natural Gas site and former Oil Refinery Site, Grain Road, Isle of Grain, Rochester
Withdrawn by applicant 21/07/2003

MC2003/1642 Construction of three additional Liquid Natural Gas (LNG) storage tanks each of 190,000 cubic metres capacity, regasification facilities and ancillary works including pipe racks, pumps, security fencing and lighting, internal site access roads and the erection of a temporary concrete batching facility
Grain LNG Ltd Storage site and Second site Property Holdings Ltd site, Grain Road, Isle of Grain, Rochester, Kent ME3 0AB
Approval with Conditions 31/08/2004

MC2004/1841 Construction of a nitrogen generator and nitrogen storage facility
Isle of Grain LNG Importation Facility, Isle of Grain, Rochester, Kent ME3 0AB
Approval with Conditions 28/09/2004

MC2004/2390 Variation of condition 12 requiring the provision of a roundabout on the B2001/Grain Road of planning permission MC2002/1692 (Construction of liquid natural gas importation facility including new pipe line) to allow for the provision of a traffic calming

- scheme in lieu of roundabout
Lattice Liquid Natural Gas site and former Oil Refinery site,
Grain Road, Isle of Grain, Rochester
Approval with Conditions 29/11/2004
- MC2003/1714 Temporary use of land as construction area for new storage tanks at the adjoining liquid natural gas storage site
Grain LNG Ltd, Grain Road, Isle of Grain, Rochester Kent, ME3 0AB
Approval with Conditions 30/11/2004
- MC2004/2863 Installation of two 11KV power feeder from Grain power station to the Grain LNG site
Grain LNG, Isle Of Grain, Rochester, Kent, ME3 0AB
Approval with Conditions 14/02/2005
- MC2003/1845 Hazardous substances consent for the storage of up to 211,914 additional tonnes of Liquid Natural Gas (LNG) to increase the overall storage capacity of the site to 380,000 tonnes and the transmission of LNG to the aforementioned extended storage facility via a new seaward jetty and connecting pipeline consisting of two LNG pipes
Grain LNG Ltd Storage site and former Oil refinery site, Grain Road and LNG jetty within Black Stakes Bay, the River Medway, Isle of Grain, Rochester, Kent, ME3 0AB.
Approval with Conditions 11/03/2005
- MC2005/2266 Relocation of existing process vent stack from west of LNG pipeline corridor to east of LNG pipeline corridor
Former refinery land to the east of Grain Liquid Natural Gas Plant, Isle of Grain, Rochester, Kent
Approval with Conditions 23/01/2006
- MC2006/0246 Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for a new control facility for Grain LNG Depot
National Grid Grain LNG storage depot, Grain Road, Isle of Grain, Rochester, Kent
Screening Opinion (EIA) not required 23/02/2006
- MC2006/0769 Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for a gas interconnector pipeline
National Grid Grain LNG, Isle of Grain, Rochester, Kent
Screening Opinion (EIA) not required 19/05/2006

- MC2006/0771 Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for heat transfer pipelines
National Grid Grain LNG, Isle of Grain, Rochester, Kent
Screening Opinion (EIA) not required 19/05/2006
- MC2006/0701 Construction of three single storey units for uses as control and amenities building, admin building and gate house/medical room
National Grid Grain LNG, Isle of Grain, Rochester, Kent
Approval with Conditions 11/07/2006
- MC2006/1034 Construction of an approximate 3km long gas pipeline to connect the National Transmission System to the proposed Grain CCGT power station
Land at the Grain LNG facility and former oil refinery, Isle of Grain, Rochester, Kent
Approval with Conditions 29/08/2006
- MC2006/1220 Outline planning application with all matters reserved for future consideration for the construction of a nitrogen plant associated with Phase II construction of the LNG storage facility.
National Grid Property Holdings Site, Grain Road, Isle-of-Grain, Rochester, Kent.
Approval with Conditions 29/09/2006
- MC2006/1369 Construction of an approximate 930m long gas pipeline (part alternative route to MC2006/1034) to connect the National Transmission System to the proposed Grain CCGT power station
Land at Grain LNG facility and former oil refinery, Isle of Grain, Rochester, Kent
Approval with Conditions 29/09/2006
- MC2006/1436 Construction of a 1km long interconnector gas pipeline to connect Phase II of the LNG storage tanks to the National Transmission System
National Grid Grain LNG Ltd, LNG Storage Site, Isle of Grain, Rochester, Kent ME3 0AB
Approval with Conditions 29/09/2006
- MC2006/2086 Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an Environmental Statement to accompany a planning application for Power Reinforcement Works
National Grid Grain LNG Ltd, LNG Site, Isle of Grain, Rochester, Kent ME3 0AB
Screening Opinion (EIA) not required 18/12/2006

- MC2007/0019 Construction of two single storey units to be used as an operations building and security gatehouse (revision to planning permission MC2006/0701)
National Grid Grain LNG, Isle of Grain, Rochester, Kent
Approval with Conditions 28/02/2007
- MC2007/0237 Town and Country [EIA] Regulations 1999 - request for a scoping opinion for the contents of an environmental statement to be submitted for the construction of a nitrogen facility
LNG Nitrogen Facility, Isle of Grain, Rochester
Scoping Opinion (EIA) Required 14/03/2007
- MC2006/1428 Liquid Natural Gas (LNG) importation storage, vaporisation and distribution facility, comprising; demolition of an existing jetty structure (Jetty 8) including stripping and removal of jetty approach walkway, cutting of jetty approach piles approximately 1m below current river bed level and removal of resulting piles; Construction of a new jetty (New Jetty 8) comprising equipment to unload LNG from ships, berthing and mooring dolphins, emergency walkways, a jetty approach to accommodate vehicular access, an instrument control room and appropriate emergency equipment; Construction of jetty approach consisting of a LNG pipe rack and vehicular access elevated above the existing Port Victoria Pier and sea wall. Existing internal access road extended to connect vehicular deck access via a deck access ramp; Reinstatement by dredging of existing berth box to accommodate LNG carriers; Erection of equipment landwards of the existing sea wall comprising a nitrogen generator, jetty control room, security gatehouse, diesel generator and electricity sub-station; Construction of pipeline to connect jetty head passing above the sea wall to the existing LNG transfer pipeline. This will comprise of (I) a LNG transfer pipeline; (II) a recirculation line; (III) a vapour return pipeline; (IV) horizontal expansion loops; (V) support structures in the form of trestles to carry the pipeline above the existing sea wall; (VI) a concrete channel containing the pipeline and running from the sea wall to the existing LNG transfer pipe; and (VII) a pipeline running from the jetty to a vent stack; Construction of two LNG storage tanks, each having a capacity of 190,000m³; Installation of six additional submerged combustion vaporisers; Provision of related infrastructure; Temporary lay down area in the northern and central zones
National Grid Property Holdings Limited Site, Grain Road, Isle of Grain, Rochester, Kent
Approval with Conditions 14/05/2007

- MC2007/0630 Combined heat and power system to provide heat for the vaporisation of LNG in place of natural gas
Land between National Grid Grain LNG site and E.ON Grain Power Station Isle of Grain Rochester Kent ME3 OAB
Approval with Conditions 11/07/2007
- MC2007/0638 Outline application for construction of a Nitrogen Plant for use in conjunction with the existing LNG facility
National Grid Property Holdings Site Grain Road Isle of Grain Rochester Kent
Approval with Conditions 02/08/2007
- MC2007/1683 A full planning application related to the Liquid Natural Gas (LNG) storage, vaporisation and distribution facility, being alterations to development approved within the Northern Zone of planning approval MC2006/1428 comprising the relocation of the approved positions and new related equipment being; two LNG storage tanks, each having a capacity of 190,000 cubic metres; six additional submerged combustion vaporisers; and related infrastructure including (I) pipe racks connecting the new tanks to the existing site racks; (II) unloading line from the closest point to the tanks; (III) external tank pumps; (IV) boil off gas compressors; (V) an impounding basin; (VI) flow meters to monitor volume of natural gas; (VII) power connections for generated power; (VIII) provision of internal site access roads; (IX) 2.5m palisade security fence topped with barbed wire surrounding the new facilities and contiguous with the existing boundary fence; (X) a vent stack; (XI) a compressor shelter; (XII) a holding pond; and (XIII) an SCV circulation water tank
National Grid Property Holdings Limited Site, Grain Road, Isle of Grain, Rochester, Kent
Approval with Conditions 21/12/2007
- MC2007/2261 Application for approval of reserved matters [layout, scale, appearance, access & landscaping] pursuant to outline consent MC2007/0638 for construction of a Nitrogen Plant for use in conjunction with the existing LNG facility
National Grid Property Holdings Site Grain Road Isle of Grain Rochester Kent
Approval 10/03/2008
- MC2008/0280 Outline application for drainage pumphouse facility
National Grid Grain LNG Limited, Grain Road, Isle of Grain, Rochester, Kent ME3 0AJ
Approval with Conditions 13/05/2008
- MC2008/0644 Outline application for the construction of a nitrogen plant
National Grid Grain LNG Limited, Grain Road, Isle of Grain, Rochester, Kent ME3 0AB
Approval with Conditions 18/07/2008

- MC2009/0969 Construction of an additional plant and connecting pipework to link the phase 2 and phase 3 nitrogen facilities
National Grid Grain LNG Limited, Grain Road, Isle of Grain, Rochester, Kent ME3 0AB
Approval 29/09/2009
- MC2009/0970 Application for approval of reserved matters [appearance, landscaping, access, layout & scale] pursuant to outline permission MC2008/0644 for the construction of an additional nitrogen facility
National Grid Grain LNG Limited, Grain Road, Isle of Grain, Rochester, Kent ME3 0AB
Approved 29/09/2009
- MC2006/1962 Hazardous substance consent application for the construction of a new jetty and pipeline leading to the existing cryogenic line, two additional Liquid Natural Gas (LNG) Storage Tanks each of 190,000m³ capacity, regasification facilities and associated works
National Grid Property Holdings Limited Site, Grain Road, Isle of Grain, Rochester, Kent.
Approved 8/02/2010

Other adjacent sites

- 90/0045/AT Proposed erection of two free standing, directional signs
Thames Estuary Terminals Ltd., Isle of Grain, Rochester
Approval 07/06/1990
- 91/0206 Erection of two microwave antennae on existing, steel tower roof top of Grain Power Station, Isle Of Grain, Rochester
Approval 30/04/1991
- 91/0029/AT Erection of a non-illuminated free standing, directional sign
Thamesport (London) Ltd., Grain Road, Isle of Grain, Rochester
Approval 02/05/1991
- 92/0266 Installation of mooring dolphins and, flexible fenders to existing jetty with, two additional loading arms
BP Kent Distribution Terminal, Isle of Grain, Rochester
Approval 02/07/1992
- 92/0001/hsc-d The presence of liquid which has a flash point of less than 21 degrees (entry 71 - schedule 1 of the planning [hazardous substances regulations 1992) up to a maximum quantity of 308,452 tonnes
B.P. Oil UK Limited/Kent Distribution Terminal, Isle of Grain
Refused 17/09/1992

- 92/0675 Variation of condition 3 of planning, permission me/92/0266 to allow dredgings, to be disposed of in area A on barksore, marsh BP Kent Distribution Terminal, Isle of Grain, Rochester
Approval with conditions 20/10/1992
- MC1999/6023 Side extension to workshop building.
Thamesport, Isle of Grain, Rochester, Kent ME3 0EP
Approval with Conditions 04/01/2000
- MC2003/0123 Renewal of temporary consent ME97/0756 to allow the use of the site for truck parking for a further 5 years
Securicor Omega Container Logistics site, Grain Road, Isle of Grain, Rochester
Approval with Conditions 04/03/2003
- MC2004/1678 Town and Country Planning (EIA) Regulations 1999 - request for a scoping opinion for the contents of an environmental statement to be submitted with an application for deemed planning permission under Section 90 of the Town and Country Planning Act 1990 for the conversion of two oil fired units to two gas fired combined cycled gas turbine modules with a combined generating capacity of 2400 mega watts
Grain Power Station, Isle of Grain, Rochester, Kent
No record of decision
- MC2004/0991 Town and Country Planning (EIA) Regulations 1999 for screening opinion to determine whether or not the proposed development at land at Grain Road requires an Environmental Impact Assessment
Land at Grain Road (part of former oil refinery), Isle of Grain, Rochester, Kent
Screening Opinion (EIA) required 26/05/2004
- MC2000/1880 Construction of new drainage system, land raising and creation of replacement wetland/ecological area (Phase I)
Former Oil Refinery, Grain Road, Isle of Grain, Rochester, Kent
Approval with Conditions 29/11/2004
- MC2005/0031 Application for deemed planning permission under Section 90(2) of The Town and Country Planning Act 1990 for conversion of two existing oil-fired units to two gas-fired combined cycle modules with a power generation capacity of 2400 megawatts
Grain Power Station, Isle of Grain, Rochester, Kent
No history of decision

- MC2005/2434 Application for deemed planning permission under Section 90(2) of The Town and Country Planning Act 1990 for the construction of a combined cycle gas turbine (CCGT) power station [adjacent to existing oil fired power station]
Grain Power Station, Isle of Grain, Rochester, Kent
No Objections Raised 27/07/2006
- MC2006/1610 Construction of a 360 metre long steel heavy fuel oil pipeline (alternative route) and associated facilities and temporary use of land for site construction area
Land at the former oil refinery, Isle of Grain and on the site of Grain Power Station
Approval with Conditions 11/10/2006
- MC2006/1934 Town and Country Planning [EIA] Regulations 1999 for a screening opinion to determine the need for an Environmental Impact Assessment for heat transfer pipelines between the National Grid Property Site and the CCGT Power Station, Isle of Grain, Rochester, Kent.
National Grid Land, Isle of Grain, Rochester, Kent.
Screening Opinion (EIA) not required 11/12/2006
- MC2005/0091 Installation of electrical interconnector comprising of underground cables, convertor station and access road
Land at: former oil refinery, east of Grain Power Station, Grain Road; Port Victoria Road; and adjacent to and including foreshore east of Grain Village, Isle of Grain, Rochester, Kent
Approval with Conditions 02/03/2007
- MC2007/1307 Application for Lawful Development Certificate (proposed) for installation of equipment underground and overground in connection with the laying of a national gas pipeline from Isle of Grain to Gravesend
Isle of Grain above ground gas installation, Grain Road, Isle of Grain
Approval 13/09/2007
- MC2008/1113 Amendment to design of previously approved road for access to the Britned converter station under planning reference MC2005/0091
Land at: former oil refinery, east of Grain Power Station, Grain Road; Port Victoria Road; and adjacent to and including foreshore east of Grain Village, Isle of Grain, Rochester, Kent
Approval with Conditions 25/09/2008
- MC2008/1767 Variation of condition 13 of Section 36 consent MC2005/2434 to allow working on Sundays and bank holidays 08.00 to 17:30
Alstom Power Systems Limited, Grain CHP Project, Isle of Grain, Rochester, Kent
Approval with Conditions 22/12/2008

- MC2008/1935 Extension and refurbishment to existing workshop and stores building (use class B2 and B8 with ancillary office space and meeting rooms), construction of new security gatehouse, and alterations to existing garage/store building to include a partial change of use from B8 to B2 (demolition of existing offices)
National Grid Grain Road Isle Of Grain Rochester ME3 0AB
Approval with Conditions 06/04/2009
- MC2009/0347 Replacement pipeline
Land North of Grain Road Isle of Grain Rochester Kent
Approval with Conditions 04/08/2009

Community Involvement

The applicant has undertaken consultation in various forms listed below:

- Letters sent to Ward Councillors, Development Control Committee Members and the clerks of St James, Isle of Grain and Stoke Parish Councils' to invite them to a public exhibition on 23 September 2009.
- Letters sent to residents and local businesses in Grain, Upper, Middle and Lower Stoke to invite them to a public exhibition on 23 September 2009.
- Posters put up to advise of the public exhibition taking place on the 23 September.
- Reminder postcards hand delivered to all relevant parties two days in advance of public exhibition.
- Briefing given to Members of the St James, Isle of Grain Parish Council on 23 September 2009.
- Public Exhibition held on 23 September 2009 – leaflets distributed at the event.
- Presentations to the Medway Council Development Control Committee on 20 October and Stoke Parish Council on 4 November.
- In addition, an ongoing dialogue continued with National Grid and their representatives and local community.

Feedback through these consultations was collected and showed that the main concerns were employment, local amenity, contractors, community benefit, traffic and environment.

Representations

The application has been advertised in the local press and on site as Major Development accompanied by an Environmental Statement.

Consultations have been undertaken with the owners and occupiers of numerous properties adjoining the application site and a wide range of statutory and non-statutory consultees.

The responses received in relation to this consultation exercise are summarised below, with the responses being grouped together by type of respondent.

Representations made in response to additional or amending information are shown in italic text to differentiate them from the initial response made by the relevant party. Many of the objections raised, particularly in the case of statutory authorities, have been addressed as part of the determination process.

Neighbours

Hutchinson Ports (UK) have written in support of the application agreeing that the development proposed will create an appropriate opportunity for new employment, will help London Thamesport meet its long-term growth plans, deliver sustainable regeneration of brownfield land, is in line with regional aspirations to regenerate the area and the road safety measures will be of wide benefit to Grain.

Scottish and Southern Energy Medway Power Station have written objecting on the basis that the road is unsuitable for the resultant increase in traffic from the proposed development and the proposed improvements will not address the issue of the suitability of the single track road for the higher volumes of traffic.

Aggregate Industries have written in support as the application is in accordance with the Medway Local Plan allocation for employment uses on this site.

Two letters were received from the public. One supports the application due to the improvement in transport, shopping facilities and congestion in the Medway Tunnel and asked how quickly it can be constructed. The other raised concerns regarding road safety and increase in traffic on the A228. The road should be dual carriageway all the way to Grain. There are not enough refuelling stations for the HGVs, will there be sufficient supplies of water and energy as the village suffers from low water pressure and is there sufficient support from emergency services.

Statutory and others

The Medway Access Group have responded that the provision for access in the Design and Access Statement is sufficient.

The Health and Safety Executive confirmed no objection to the proposal via their PADHi+ system.

Kent Fire and Rescue Service responded stating that all road widths and turning points must comply with approved document B, B5. They recommend that the applicant should commence early consultation with Kent Fire Services, water services team for hydrants and water supplies (potential supply for sprinkler systems) etc. They must ensure any applications via local authority building control or approved building inspectors are aware of design limitation due to proximity to the LNG plant upon submission of plans for these and any future premises. Any site road access gates or barriers must allow passage of a fire appliance and site information boards and maps recommended to aid access.

Kent Wildlife Trust have written objecting on the grounds that surveying is incomplete and an Appropriate Assessment cannot be undertaken and therefore the application cannot be determined without breaching the Habitats Regulations.

Mitigation for invertebrates falls short of what is required and the status of reptiles is uncertain. The mitigation seems contradictory and there is also contradiction in breeding birds section. No mitigation is proposed for badgers - just an underpass under the road which is not relevant to the application and is a problem which already exists.

Kent Police have written with concerns that the proposed development would have significant implications for Police, Emergency service responders, Community Safety, UK Border Agency and other associated bodies. The application will result in the need for more police resources. The Design and Access Statement does not sufficiently address designing out the opportunity for crime and a developer contribution for additional policing should be discussed. The Kent Police Counter Terrorism Security Advisor would also like to meet the planning officers and agents for the applicant. DHA Planning have also written on behalf of Kent Police raising similar concerns and requesting a developer contribution, however, no amount is mentioned. They attached a draft Supplementary Planning Document which is unadopted and carries no weight.

Following this request a meeting was held on 18 November and a subsequent letter from the Counterterrorism Officer was received raising no objection to the principle of the proposals. They have concerns regarding security of adjacent sites however they understand methods of ensuring security would be considered at the reserved matters stage. The applicants should compile a site security plan. On 15th January a letter was received from Kent Police (Community Safety Partnership Office) raising no objection to the principle of the development. A park and ride scheme is suggested to reduce traffic, there should be sufficient parking on site, there should be limited access, security and CCTV, there should be sufficient lighting and buildings should be designed with security in mind. They have offered to assist the applicants at the full planning stages with suggested security measures.

The RSPB have written objecting on the basis that the site is situated in a highly sensitive location within close proximity to nationally and internationally important sites. Increased workers and population would have an adverse impact. The Environmental Statement (ES) has ignored potential additional recreational disturbance from the increased population. Further work needs to be undertaken to inform the Appropriate Assessment. The ES states that no lighting is needed during the construction phase however it contradicts itself as the hours of operation for construction state 07:00-18:00 which will be dark in the winter months. No consideration has been given to sight-lines for birds and buildings up to 23m high could significantly obscure sight-lines. Further information is needed regarding the proposed interceptor plant and its adequacy during periods of flooding. The survey work on waterbirds is not sufficient to inform an appropriate assessment. The surveying of winterbirds is due to take place September 09 and assessment cannot be undertaken without this information and is essential for an appropriate assessment. The Environmental Impact Assessment (EIA) regulations set out a legal requirement to consider alternatives to a proposed development. Chapter 2 only offers token suggestions for alternatives. The applicants have not assessed the 'do-nothing' scenario. A further objection letter was sent adding that a potential contribution to mitigation for the loss of terrestrial habitats may be made by incorporating green roofs into the design for the building.

Following the receipt of further information from the applicant the RSPB withdrew their objection.

The South East England Development Agency have written in support of the application. They welcome the proposals and highlight the opportunity for the developer to fund a skills and training initiative.

High Halstow Parish Council have written raising concerns with regard to the increase volume in traffic. A comparison is needed to compare the traffic generated by Medway City Estate to envisage potential problems with the highway network. Major road improvements must be linked to this application.

Kent Wildfowling and Conservation Association asked to be consulted (Kent Wildfowling and Conservation Association were consulted on 1 October 2009). Subsequently an objection was received on the grounds of the associations recreational interest on their land and the impact on the behaviour of the wildfowl due to the disturbance from people working and visiting the site and increase in traffic. A significant amount of wildfowling is carried out at dawn and dusk and the association may be subject to complaints that do not currently exist.

The South East England Partnership Board has written raising no objection but highlights that the Council needs to pay particular attention to the SPA and Ramsar site. They request the provision of a travel plan and the phasing and delivery of new or improved infrastructure to meet the needs of the new development, sustainable construction methods, renewable energy, high quality design, efficient use of water and appropriate measures to prevent or mitigate against air/noise pollution.

Dickens' Country Protection Society have written objecting due to the demand for a large volume of traffic.

Southern Gas Networks provided a plan of mains in the area which was forwarded on to the applicant.

St James Isle of Grain Parish Council raised a number of concerns: soil contamination due to previous uses on the land, concerns to the removal of the contamination. Roads and surfaces should be in place prior to the commencement of construction. Concerns that there is no detailed Flood Risk Assessment. The Parish Council has not been involved in s106 meetings and there are relatively low cost schemes that would make a considerable difference to the village. Traffic volumes have been based on an animal feeds factory in Sherburn and unable to see the relevance. Concerns regarding the volume of traffic even though it will be operational 24 hours a day. No reference to a sustainable emergency plan which would cover the village. The additional traffic from this development should be considered in the context of the proposals for Chattenden and completion and occupation of the 450 houses at Hoo.

Atkins Ltd. have written objecting due to lack of capacity of Southern Water's Grain wastewater treatment works. Capacity cannot be increased until 2016. There is also inadequate capacity to provide foul sewerage disposal to service the proposed

development which may result in flooding. There is also inadequate capacity to provide a water supply to the proposed development. Additional off-site mains or improvements will be required.

They subsequently wrote again removing their objection and recommending a condition to ensure details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

The Archaeological Officer at Kent County Council has written in support and suggested a condition to ensure archaeological field evaluation works in accordance with a specification and written timetable are submitted to and approved by the Local Planning Authority and, following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable are undertaken. A further condition is recommended that there is no intrusive excavation or remediation works including 'grubbing out' of foundations, services, floor slabs etc. until the archaeological works have been completed and subsequent mitigation agreed.

The Environment Agency has written raising no objection subject to conditions. These are that reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term construction and environment management plan shall be submitted to the local planning authority as set out in that plan. On completion of any preparation works for construction a report demonstrating that all detailed site remediation criteria have been met and documented shall be submitted to and approved in writing by the local planning authority. Any longer term monitoring to protect controlled waters shall be agreed with the LPA and implemented fully during and post construction. Any proposal to cease such monitoring shall be agreed in writing by the LPA to protect controlled waters in the vicinity of the site. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater to protect controlled waters. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of water voles, a protected species under The Wildlife and Countryside Act 1981, and their associated habitat during construction works and once the development is complete. Any change to operational, including management responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements: i) the measures included in this approved scheme will be fully implemented prior to the commencement of the construction works; ii) post-project appraisal to ensure the scheme has been successful. This condition is necessary to protect the water vole and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the

Countryside and Rights of Way Act 2000). They also ask that no development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme. Government policy in Planning Policy Statement 9 states that where proposed development would cause significant adverse impacts on biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensatory measures should be sought. The scheme should include the following elements: i) connectivity with the existing water bodies and habitats; ii) water bodies are located in areas that will not be subject to further development and/or impacts from nearby development operations (including the proposed development); iii) water bodies are established at least 1 year in advance of other water bodies being removed. They also request that prior to the commencement of development an ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all created and retained areas, shall be submitted to and approved in writing by the local planning authority. The ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements: i) detail extent and type of new planting (NB planting to be of native species); ii) details of management and maintenance regimes; iii) details of any new habitat created on site; iv) details of treatment of site boundaries and/or buffers around water bodies. Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. They also recommend informatives advising the permits required and advising that the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Highways Agency raised no objection. They have reservations but do not consider that on its own would require mitigation measures on the Strategic Road Network.

The Biodiversity Projects Officer at Kent County Council was consulted and, following additional information supplied by the applicant, offered the following comments: the preferred approach to reptiles is that all surveying work should be undertaken prior to the determination of planning permission however, in this instance a lot is known about the reptile population and therefore surveying work prior to full planning permission is acceptable. Translocations, mitigation and enhancements of the site must be submitted with full planning permission. Details of proposed bat roosts enhancements must be provided with the full planning application. Invertebrate surveys and details of mitigation must be included in the full planning application. The additional habitat for the little ringed plover is encouraged.

The UK Border Agency was consulted but no comment was received.

Buglife wrote strongly opposing the proposal due to the inadequacy of the environmental survey, inadequacy of the impact assessment and mitigation is superficial and will not result in claimed reductions in impact levels. The site is possibly the second most important brownfield site in the UK. The Environmental

Statement does not take into account the Open Mosaic Habitats. Three days of pre-survey and one day of actual surveying is not sufficient for a BAP habitat. The site needs surveying between spring and September. The site is most likely the most important in the UK for the hoverfly. If UKBAP species are potentially present a full survey should be carried out to confirm this. Surveys should encompass all habitats, not just high potential ones. An area has been cleared which, if undertaken some time ago, may be home to bare ground specialist invertebrates. The mitigation is insufficient. Green and brown roofs will not compensate for the loss of Open Mosaic habitat. If a decision is made without the necessary information then it would be likely to be unlawful. If the site cannot be located elsewhere it may be possible to develop the site but at a much smaller scale. It is impossible without survey work to know what mitigation would constitute an adequate package.

Following meetings with the applicant and Natural England, Buglife wrote on 15 February 2010 to object due to lack of surveying and the potential importance of the site. They state that the current footprint and layout is unacceptable. The additional mitigation land to the northwest of the development is currently assessed as low quality for invertebrates and there is no clear plan how this will become high quality.

Natural England wrote in to object to the proposal in the interim on the basis that there is insufficient detail has been provided on the impacts of the development on the UK Biodiversity Action Plan (BAP) habitat and Open Mosaic Habitats on Previously Developed Land and its invertebrate interest to ascertain whether the proposed mitigation is adequate.

Natural England wrote again following a meeting with the applicants and representatives from the Local Planning Authority. The letter received from Natural England states that the increased mitigation package should be sufficient to preserve the biodiversity interest of the site. Natural England has agreed the approach using planning conditions to require further survey work and the securing of an amount of mitigation land by way of a legal agreement.

National Planning Policy and Guidance

PPS1 Delivering Sustainable Development (2005);
PPS1 Supplement – Planning and Climate Change (2007);
PPS4 Planning for Sustainable Economic Growth (2009);
PPS9 Biodiversity and Geological Conservation (2005);
PPS10 Planning for Sustainable Waste Management
PPG13 Transport (2001);
PPG16 Archaeology and Planning (1990);
PPS22 Renewable Energy (2004);
PPS23 Planning Pollution and Control (2004);
PPG24 Planning and Noise (1994); and
PPS25 Development and Flood Risk (2006).

Circular

02/09 The Town and Country Planning (Consultation) (England) Direction 2009
05/05 Planning Obligations

Development Plan Policies

The South East Plan 2009

Policy SP1	(Sub-Regions in the South East)
Policy SP2	(Regional Hubs)
Policy CC1	(Sustainable Development)
Policy CC2	(Climate Change)
Policy CC3	(Resource Use)
Policy CC4	(Sustainable Design and Construction)
Policy CC6	(Sustainable Communities and Character of the Environment)
Policy CC7	(Infrastructure and Implementation)
Policy RE1	(Contributing to the UK's Long Term Competitiveness)
Policy RE2	(Supporting Nationally and Regionally Important Sectors and Clusters)
Policy RE3	(Employment and Land Provision)
Policy RE6	(Competitiveness and Addressing Structural Economic Weakness)
Policy T1	(Manage and Invest)
Policy T2	(Mobility Management)
Policy T4	(Parking)
Policy T5	(Travel Plans and Advice)
Policy T7	(Rural Transport)
Policy T8	(Regional Spokes)
Policy T12	(Freight and Site Safeguarding)
Policy NRM1	(Sustainable Water Resources and Ground Water)
Policy NRM2	(Water Quality)
Policy NRM4	(Sustainable Flood Risk Management)
Policy NRM5	(Conservation and Improvements of Biodiversity)
Policy NRM9	(Air Quality)
Policy NRM10	(Noise)
Policy NRM11	(Development Designed for Energy Efficiency and Renewable Energy)
Policy NRM12	(Combined Heat and Power)
Policy NRM16	(Renewable Energy Development Criteria)
Policy W1	(Waste Reduction)
Policy W2	(Sustainable Design, Construction and Demolition)
Policy M1	(Sustainable Construction)
Policy C7	(The River Thames Corridor)
Policy BE1	(Management for and Urban Renaissance)
Policy BE6	(Management of the Historic Environment)
Policy S1	(Supporting Healthy Communities)
Policy KTG1	(Core Strategy)
Policy KTG2	(Economic Growth and Employment)
Policy KTG3	(Employment Locations)
Policy KTG6	(Flood Risk)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy S13	(Isle of Grain)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE4	(Energy Efficiency)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE7	(Access for All)
Policy BNE8	(Security and Safety)
Policy BNE21	(Archaeological Sites)
Policy BNE23	(Contaminated Land)
Policy BNE24	(Air Quality)
Policy BNE33	(Special Landscape Areas)
Policy BNE34	(Area of Local Landscape Importance)
Policy BNE35	(Nature Conservation)
Policy BNE36	(Strategic and Local Nature Conservation Sites)
Policy BNE37	(Wildlife Habitats)
Policy BNE38	(Wildlife Corridors)
Policy BNE39	(Protected Species)
Policy BNE46	(Developed Coast)
Policy ED1	(Existing Employment Areas)
Policy ED5	(Proposed Employment Areas)
Policy L5	(Open Space in Employment Areas)
Policy T1	(Highway Impact of New Development)
Policy T2	(Access to the Highway)
Policy T3	(Provisions for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T6	(Provisions for Public Transport)
Policy T7	(The Rail Network)
Policy T10	(Wharves)
Policy T11	(Development Funded Transport Improvements)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans)
Policy T18	(New Transport Infrastructure)
Policy T22	(Provisions for People with Disabilities)
Policy CF11	(Renewable Energy)
Policy CF12	(Water Supply)
Policy CF13	(Tidal Flood Areas)

Other Material Considerations

Planning and access for disabled people: a good practice 2003
The Landscape Assessment of Kent 2004
Safer Places – the Planning System and Crime Prevention 2004
Medway Local Transport Plan 2006-2011
Medway Regeneration Framework 2006-2016
A Guide to Developer Contributions 2008
Safer Places: A Counter Terrorism Supplement - A Consultation Document 2009

Planning Appraisal

In considering the application, account has to be taken of the available environmental information including the Environmental Impact Assessment, the National, Regional and the Development Plan framework, the documentation accompanying the application and all material representations made including the views of statutory and non-statutory consultees.

Summary of applicant's environmental impact statement

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, (as amended) require certain projects to be assessed to establish whether they would have any significant effect on the environment. If so, the planning authority must ensure the applicant carries out an assessment and submits a report that identifies, describes and assesses the effects that the project is likely to have on the environment. An Environmental Impact Assessment (EIA) has been undertaken for this proposal and an Environmental Statement (ES) has been submitted with this application. The following paragraphs of this sub-section of the Planning Appraisal for this application summarises the content of the ES. The ES examines each environmental topic as a separate section. Each of these sections refers to:

- Assessment methodology;
- The baseline environment;
- Impact prediction – positive and negative;
- Mitigation measures; and
- A conclusion.

The ES identifies, describes and assesses the likely significant impacts of the development on the environment including consideration of: beneficial and adverse impacts; short, medium and long-term impacts; direct and indirect impacts; and cumulative impact and impact interactions. The ES sets out to predict the likely impacts of the development from the site preparation to final use and occupation and takes account of mitigation measures.

The environmental issues addressed in the ES are:

- Construction and Operational Impacts;
- Transportation;
- Noise and Vibration;
- Air Quality;

- Landscape and Visual;
- Soil Conditions, Groundwater and Contamination;
- Water Resources;
- Ecology;
- Archaeology;
- Socio-Economic; and
- Cumulative Impacts.

The ES comprises several studies that include a number of technical reports. Assessments designed to determine the existing situation and the potential impacts resulting from the proposal have been carried out for each topic area. Where negative impacts occur, mitigation measures are set out.

Construction and Operational Impacts

Environmental impacts from the construction phase may occur but are generally temporary in nature. However, it is important to mitigate properly to avoid any nuisance or environmental damage.

A Construction Environmental Management Plan (CEMP) containing systems for the effective management of health, safety and environmental matters will be established. It will outline all of the controls that need to be in place to minimise disturbance to sensitive receptors, including local residents, schools and flora (plant species) and fauna (animal species) where appropriate. Good construction site practices will be employed to reduce noise and dust disturbance.

In addition, the contractor will be required to sign up to the Considerate Constructors Scheme (CCS). This provides a code of practice that promotes the practice of good neighbourliness and consideration.

Transportation

The construction phase of the proposed development is likely to generate short-term increases in heavy goods vehicle (HGV) movements. The type and number of vehicles generated during the construction period will be dependent on the type and intensity of work being undertaken in the different phases of construction. The movement of construction traffic will be controlled through the CEMP which will detail mitigation measures such as encouraging travel by public or alternative modes of transport (cycle public transport or car share).

The operational phase of the proposed development will result in additional traffic on the highway network (A228/B2001). A Travel Plan for the proposed development will be prepared with the aim of making both employers and employees aware of alternative and more sustainable transport options, providing incentives to use modes considered more sustainable than the private car. A bespoke shuttle bus service will be provided to enable staff and visitors to access the site by this mode and cycle facilities will be provided on-site.

Noise and Vibration

A CEMP will be implemented to restrict activities that may cause adverse effect of noise and vibration during construction.

The design of the development will, where practicable, optimise the site layout to separate the potentially noisier B2 development from the B1c and B8 units.

Air Quality

Although it is likely that any dust arising from the proposed development would be limited to the immediate vicinity of the activities without specific dust control measures, dust prevention and control measures are still recommended. Measures employed to prevent and minimise dust emissions would have a minor negative effect.

As a result of the increased traffic movements it is likely that there will be a moderate adverse impact on annual average air quality standards. Mitigation measures, such as regular servicing and maintenance of all vehicles will be undertaken to ensure that they run as efficiently as possible. Overall the development would have a negligible impact.

Landscape and Visual

The Medway Marshes are typically low lying and flat with huge open skies and extensive views. This part of Medway supports a high concentration of varying and often contrasting uses. The northern coast of the Medway is characterised by the massive industrial complexes of Grain and Kingsnorth which sit amidst open marshland. The Isle of Grain was formerly separated from the rest of the peninsula by extensive salt marshes and today an extensive series of grass-covered bunds protect the Isle from inundation by the sea. The southern sector of the Isle of Grain is dominated by large-scale industrial development while the northern sector of the Isle is almost devoid of development and is an expansive, open rural landscape given over to scattered farms, rough grazing, quarrying and open land used by the Ministry of Defence for explosives training.

From most views, the proposed development will be seen as being situated amongst the existing industrial buildings and structures and at a lower height. As a result of the site's location within the existing, recognised industrial zone where there are already large energy works and overhead electricity transmission routes, the proposal will have little impact on the local environment. Mitigation will comprise of tree and shrub planting to boundaries to reinforce the screening effect, the use of standard lighting columns with horizontal cut-off luminaires and matt colour tones on the building materials.

Soil Conditions, Groundwater and Contamination

The historical industrial nature of the application site can have contamination of both soil and groundwater. At construction phase, there is potential for additional contamination sources and changes to take place. However, impacts and effects of

the construction phase activities can be contained and/or controlled by appropriate mitigation measures. Specific mitigation details will be framed within the Construction Environmental Management Plan (CEMP) for addressing the contamination issues associated with the site. The CEMP will respond to both known and potential contaminants and the below ground structures and obstruction and will be developed in conjunction with other aspects of the detailed design.

At the operational phase most contamination sources will have been removed at this point and there will be a positive effect to on and off-site users and controlled waters.

Water Resources

The key potential effect is considered to be groundwater which may still be contaminated as a result of previous land uses. There may also be impacts on groundwater during construction. Material encountered during excavation works that has the potential to be contaminated will be disposed of in accordance with the relevant regulation and good practice. Construction activities also have the potential to create sediment surface run-off that, if not controlled, can enter watercourses and surface waters, impacting upon the plants, animals and water quality.

Both during construction and operational phase, there is the potential for accidental spillages to impact the underlying groundwater and surface water hydrology. This will be prevented through good site practices and environmental management procedures to be formalised in the CEMP. In addition, site contaminant and control measures will be implemented to ensure emergency situations are managed appropriately with the implementation of an Environmental Emergency Response Plan.

Ecology

No part of the application site has been designated for its nature conservation value (either statutorily or non-statutorily). No part of the application site is directly bordered by a designated site of nature conservation interest, but it is situated within close proximity to the Medway Estuary and Marshes and the Thames Estuary and Marshes Ramsar, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) sites.

The valued ecological receptors on-site are classified as being between local and international importance for their biodiversity value. There are potential impacts from the construction and operational phases of the proposed development for nearby designated sites and habitats and for protected species on site and the surrounding area. Mitigation measures include an overall ecological management regime, removal of vegetation at the correct time of year, translocation of current reptile species populations and creation of habitat.

Archaeology

The proposed development is not in the vicinity of any nationally designated (protected) sites nor is it within any Archaeological Priority Areas, as defined by the Local Planning Authority (LPA).

The site has the potential for multi-period remains, including geoarchaeological deposits, prehistoric and Roman remains.

As the location, extent and depth of proposed ground remediation and the type, size and density of piles for foundations is not known at this stage a geoarchaeological borehole evaluation will be carried out in order to refine the current understanding of the areas of higher archaeological potential at the detailed design stages. This may require a second stage of field investigation comprising targeted archaeological evaluation trenches. This would enable an informed decision in respect of an appropriate mitigation strategy for any significant archaeological remains on the site.

Socio-Economic

The proposed development is considered to offer significant employment and training opportunities both at the construction and operational stages bringing about a positive impact on the area. In addition, it is anticipated that the proposed development will improve the physical environment and overall quality of life for the area, reducing crime levels and fear of crime, as well as supporting social and economic objectives for the local and wider area.

Owing to the nature of the proposed development, the impact of the development on local education, primary care, public open space, play space and recreational facilities are considered negligible.

Cumulative Impacts

When construction phases of one or more projects coincide with one another the significance of the cumulative residual impacts depends on the characteristics of the overlapping projects. A number of major developments have been identified within the immediate vicinity of the application site that are likely to result in cumulative impacts on the environments during the construction phases of the proposed development. These projects include:

- Isle of Grain Phase 3 Development;
- Grain Combined Cycle Gas Turbine (CCGT) Power Station;
- BritNed UK - Netherlands Interconnector;
- Isle of Grain BP Wind Farm;
- The Isle of Grain Drainage and Wetland Area Phase 1;
- Construction of one single storey unit for use as a control building;
- Construction of two single storey units to be used as an operations building and security gatehouse (revision to planning permission of one single storey unit above);
- Drainage Pumphouse;
- Land North-East of Kingsnorth Industrial Estate Kingsnorth Hoo St. Werburgh Rochester Kent;
- Second Cryogenic Pipeline;
- Phase 3 Nitrogen Facility;
- Grain Workshop Buildings;
- Replacement Coal-fired Units for Kingsnorth Power Station; and

- Kingsnorth Power Station (Damhead Creek 2 Power Station).

The cumulative impact assessment provides an opportunity to mitigate any effects of the proposed development that are anticipated to generate negative cumulative residual impacts in conjunction with other developments in the area and the prospect of enhancing any positive residual impacts.

Assuming a conservative scenario, a number of major developments have been identified within the immediate vicinity of the application site that are likely to result in cumulative impacts on the environment during the construction phase of the proposed development.

In particular, cumulative impacts may arise in relation to transport; air quality, noise and vibration; ecology; water resources; soil conditions, groundwater and contamination; archaeology; landscape and visual impacts; and socio-economics.

Any potential impacts during the construction phase will be temporary in nature and their severity is often dependent on the proximity of receptors to the construction site or sites. In general, any nuisance and disturbance impacts caused by construction noise and vibration or air quality will be controlled and minimised through the implementation of construction best practices; effectively delivered by means of a formalised Construction Environmental Management Plan (CEMP) by the principal contractor.

The cumulative assessment presents a conservative scenario and that, in reality, the construction phases will not all coincide but occur over different timescales, occasionally overlapping for relatively short periods thereby reducing the significance of the cumulative residual impacts.

At the operational phase, cumulative impacts are both positive and negative. Moderate positive impacts are predicted with regard to the increased inward investment in the energy related projects that contribute to a more secure and flexible energy supply for the UK and generate/secure employment opportunities in the local area. In addition, these projects potentially contribute positively to climate change, reducing CO₂ emissions compared to more traditional forms of energy generation.

Furthermore, the proposed development will cumulatively provide a long-term major positive socio-economic impact, increasing job opportunities in the Isle of Grain area with investment in the commercial sector.

There will be a number of long-term impacts on ecological resources in the area, such as temporary minor negative impacts arising from disturbance of habitats and species but also positive residual impacts arising from long-term ecological management strategies. This results in an overall cumulative impact that is anticipated to be minor positive. In conclusion, however, potential cumulative long-term operational impacts are considered to be negligible.

Summary

The proposed development has been the subject of an EIA in accordance with the prescribed Regulations. A specialist assessment has been undertaken for each of the key environmental topic areas and for any adverse impacts identified, mitigation measures have been identified to either reduce or remove any potential adverse impacts. The opportunity for improvement has been highlighted and can be incorporated into the design of the proposed development.

Policy Framework – Background

National and Regional Guidance

National planning policy and guidance is set out in the Government's Planning Policy Statements (PPS) and the older Planning Policy Guidance (PPG). Regional policy is provided in The South East Plan that was recently adopted in 2009. It indicated how much development is justified and its distribution across the region. The plan provides the strategic basis for development plan teams and development control departments within the southeast region.

PPS1 – Delivering Sustainable Development

This guidance sets out the overarching planning policies on the delivery of sustainable development through the planning system. The policies complement but do not replace or override other national planning policies. PPS 1 provides advice on the importance of design in the consideration of planning applications and also advises on land use and transport matters. PPS1 urges planning authorities to integrate transport and land use policies in ways which help to reduce growth in the length and number of motorised journeys and to reduce reliance on the private car in order to achieve sustainable patterns of development.

Supplement to PPS1 - Planning and Climate Change

This PPS on climate change supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.

PPS4 - Planning for Sustainable Economic Growth

PPS4 sets out the Government's policies towards economic development, which includes development within the B Use Classes. PPS4 should be taken into account for economic development in both rural and urban areas.

PPS9 – Biodiversity and Geological Conservation

PPS9 sets out the Government's commitment to sustainable development and to conserving the diversity of wildlife. This guidance also provides on the policies and principles that apply to the integration of nature priorities and land use planning.

PPS10 – Planning for Sustainable Management

The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The Government aims to break the link between economic growth and the environmental impact of waste through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort.

PPG13 – Transport

PPG13 promotes the need for a safe, efficient and integrated transport system to support a strong and prosperous economy.

PPG13 sets out the circumstances where it is appropriate to change the emphasis and priorities in provision between different transport modes in pursuit of wider Government objectives. However, it also recognises that the car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel.

PPG16 – Archaeology and Planning

PPG16 provides guidance on the handling of archaeological remains including the weight to be given to them in planning decisions and the use of planning conditions. The desirability of preserving archaeological remains is a material planning consideration and there is a presumption in favour of the physical preservation in situ of nationally important archaeological remains.

PPS22 – Renewable Energy

PPS22 sets out the Government's planning policies for renewable energy which Local Planning Authorities should have regard to when making planning decisions.

PPS23 – Planning Pollution Control

PPS23 states that the planning and pollution control systems are separate but complementary. The planning system should focus on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than the control of processes or emissions themselves. Local Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.

PPS23 recognises that central to the achievement of the Government's objective of ensuring sustainable development is urban and rural regeneration and the redevelopment of previously developed sites. A balanced approach is required which addresses the risk of pollution, whilst recognising the benefits of recycling previously development land and the damage to community and business confidence caused by failing to remediate contaminated land. Where land is affected by contamination, development can provide an opportunity to address the

problem for the benefit of the wider community and bringing the land back into beneficial use.

PPG24 – Planning and Noise

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. PPG24 aims to provide advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

PPS25 – Development and Flood Risk

PPS25 sets out the Government's aims on development and flood risk which are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is exceptionally necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible reducing flood risk overall.

Development Plan and Related Documents

Section 38 of The Planning and Compulsory Purchase Act 2004 (the 2004 Act) (formerly Section 54A of the Town and Country Planning Act 1990) requires that where the Development Plan is material to a proposed development then the application must be determined in accordance with that plan unless material considerations indicate otherwise.

South East Plan 2009

The South East Plan was adopted in May 2009. The plan sets out the long term spatial planning framework for the region over the years 2006-2026. It provides a spatial context within which Local Development Frameworks and Local Transport Plans need to be prepared, as well as other regional and sub-regional strategies and programmes that have a bearing on land use activities.

Medway Local Plan 2003

The current Medway Local Plan was adopted in May 2003. The Plan takes into consideration national and regional policy and sets out the strategy, objectives and detailed policy for guiding development in Medway.

Medway Local Transport Plan 2006-2011

The current Local Transport Plan identifies eight key objectives with supporting regeneration, improving travel safety, movement in Medway and improving accessibility being of the highest importance. One of the major transport schemes identified in the plan is improvements to the A228 between Ropers Lane and Grain. Although not part of this proposal, road improvements along the A228 would be directly related to the development of the current proposals for the business park at

Grain in terms of highway safety and capacity. Objective 7 – Freight relates specifically to contributing towards improving freight movements through Medway and identifies improvements to the A228 from Ropers Lane to Grain as a direct action. The scheme seeks to improve road access to Grain, to facilitate the development of the largest strategic economic development site (application site included), in the Thames Gateway, which is of regional importance.

Medway Regeneration Framework 2006-2016

The Medway Regeneration Framework expands on the Medway Waterfront Renaissance Strategy adopted in 2004 for regeneration sites along the River Medway. This document provides a strategic framework of priority actions for the wider Medway area. The section on economy sets out steps to achieve increased economic growth with step 4 specifically identifying the potential employment sites at Kingsnorth and Grain as being important assets for Medway. Priority actions are set out as drivers for change and achievement. One of the actions identified, which is also set out under the transport section of the document as a priority action, is the improvements to road and rail access to Grain.

Policy Context – Site Specific Considerations

The adopted Medway Local Plan proposals map shows the site is within a '*Proposed Employment Area*' and is linked directly to Local Plan Policies S13, ED1, ED5, ED7 and ED8.

Policy S13 of the Medway Local Plan 2003 relates specifically to the Isle of Grain and suggests proposals of port activities and related development as well as uses falling within Class B1, Class B2 and Class B8, will be permitted subject to the protection of nature conservation interests. Class B1 will be restricted to Class B1(c).

Policy S13 also states that:

Contributions will be sought for the improvement of off-site highways or the rail link to the Isle of Grain where such improvements are needed from a practical point of view to enable the development to go ahead or are necessary from a planning point of view and are so directly related to the proposed development and to the use of land after its completion, that the development ought not to be permitted without it.

Policy S13 will not permit development that does not require access to the river, but that would be prejudicial to the use, or access to, the deep water wharves. The Policy states that a development brief, approved by the Council will guide development.

Policies ED1 and ED5 further identifies the application site for employment uses in line with Policy S13 and Policies ED7 and ED8 extends the suitability of uses for the site to special industrial uses and industrial uses not in a use class.

In relation to Policy S13 of the Medway Local Plan 2003, a development brief has not been prepared and so there is not an adopted SPD that relates specifically to this site. In the absence of an adopted development brief for the site, the Local Planning Authority has to consider whether the application should be referred to the Government Office for the South East (GOSE), on behalf of the Secretary of State, for a decision as to whether the application should be 'called-in' on the basis that the proposal is a departure from the current adopted development plan.

The Medway Local Plan is an ageing document and Medway Council is in the process of preparing the Local Development Framework in the near future to replace the Local Plan.

The preamble to Policy S13 of the Medway Local Plan 2003 states the purpose of the brief being to set out the preparatory work necessary to bring the site on stream and the parameters within which the development will then take place. Issues to be considered in the development brief were to include the following:

- A programme of remediation needed to deal with contamination to prevent lateral movement of contaminants and protect the ecology within the site and in the adjoining Ramsar site.
- Further improvements required to the A228 between Fenn Corner and the site.
- The capacity of the rail link between the Isle of Grain and Hoo Junction to be increased and capacity constraints beyond Higham will need to be investigated.
- Funding mechanisms to be explored, including the establishment of a public/private partnership, the possibility of grant aid and the use of Section 106 obligations.
- Investigate the potential to expand both the deep-water container trade and other coastal shipping trade.
- A green transport plan to be prepared to expand public transport and transfer journeys from the car to walking and cycling.
- Address issues of design and landscaping, phasing, local amenity and the relationship of the site with the village of Grain.

The current proposals have been submitted following pre-application discussions with the Local Planning Authority and following a number of previous applications that have been referred to the Secretary of State as a result of the 'development brief' element of the Policy S13. None of the previously referred schemes have been 'called-in' as a result of a lack of a development brief.

Furthermore, since the adoption of the Local Plan, a significant amount of public sector funding has been secured for the improvements to the A228 through the Community Infrastructure Fund, a planning application for safety improvements at Fenn Corner (MC/09/1251) approved and extensive development has already been undertaken at the Isle of Grain on sites covered by the Policy S13 designation, including the construction of Grain LNG (Liquified Natural Gas) and the Britned interconnector which lie at separate locations adjacent to the application site. Pre-application discussions are currently ongoing regarding road safety improvements at Stoke crossing and a planning application for this work is imminent.

The LPA considers that as a result of the above, the need for a development brief has now been superseded and the original reasons justifying the need for the brief have more or less become obsolete. Issues of site remediation, green transport plans and design, landscaping and phasing are all addressed in the submission documents for this application. As such, the LPA is of the view that unless the Environment Agency object and maintain that objection to the proposal, the application does not need to be referred to the Secretary of State for determination as set out in Circular 02/09.

Assessment of the submitted application within the context of Development Plan, National and Regional Policy

The application is in outline form with all matters reserved for future consideration. In land use terms the application is considered to comply with the Development Plan Policy for this site. The application is also considered consistent with current national planning policy and guidance and regional planning policy contained in the South East Plan 2009.

Employment

PPS4 states that *'Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably'*. Strategic Policies SP1 and SP2 of the South East Plan 2009 identify Medway as a focus for growth and regeneration. Policies RE1, RE2, RE3 and RE6 of the South East Plan seek to ensure that the regional economy contributes to the UK's long-term competitiveness and provides a basis for Local Planning Authorities to ensure land is available in appropriate locations, to encourage the development of employment uses, particularly those in the key sectors. Furthermore, Policies KTG1, KTG2 and KTG3 of the South East Plan 2009 relate specifically to the Kent Thames Gateway area and in relation to employment states that priority will be given to the completion of major sites identified in Medway to be developed to their full potential and provision will be made for the continued presence and expansion of viable riverside employment uses, especially those using the river for transport.

Aligned with the above regional policy framework, Policy S1 of the Medway Local Plan 2003 and the Medway Regeneration Framework 2006-2016 identifies the potential employment sites at Kingsnorth and Grain as being important assets for economic growth in Medway. Policies S13, ED1 and ED5 of the Medway Local Plan 2003 specifically relate to the employment uses at the Isle of Grain.

Coupled with the employment allocation are the economic benefits that the proposal would bring to the area. Chapter 13 (Socio-Economic Chapter) of the ES submitted with this application states that there is an opportunity (depending on how the end scheme is developed on this site), for up to 5,961 jobs to be provided during the operational stage of this scheme. This would have a significant impact with regard to direct operational employment opportunities. Given the nature of uses proposed, it is recommended that hours of operation are not restricted at this time.

In accordance with the abovementioned policies and Policy S13 of the Medway Local Plan 2003, the submitted application is for employment uses falling within use classes B1(c), B2 and B8. A limited provision of floorspace falling within the use classes A1, A3 and A5 is also included to meet the needs of the employees and visitors to the employment uses within the site as well as the residents of Grain village. The proposed development would be implemented within an area already identified for major development of employment uses adjacent to and therefore making best use of the river and coastal access.

Taking full account of the provisions of the aforementioned policies, it is considered that in land use terms the proposal would be in accordance with Policies SP1, SP2, RE1, RE2, RE3, RE6, KTG1, KTG2 and KTG3 of the South East Plan and Policies S1, S13, ED1 and ED5 of the Medway Local Plan 2003.

Design

Government guidance within PPS1 offers advice on the importance of design in the consideration of planning applications and in particular, it states:

‘Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.’

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. High quality and inclusive design should be the aim of all those involved in the development process.

Although visual appearance and the architecture of individual buildings are clearly factors, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities; create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
- consider the direct and indirect impacts on the natural environment.

Key objectives should include ensuring that developments: “...

- are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

- respond to their local context and create or reinforce local distinctiveness; and
- are visually attractive as a result of good architecture and appropriate landscaping.”

Regional Planning Policies CC6, BE1 and KTG1 of the South East Plan 2009 support the provisions of PPS1 and seek to ensure development within the region creates a high quality built environment that is sustainable and promotes a sense of place. These requirements involve design processes related to accessibility, social inclusion, environmentally sensitive development and crime reduction.

At the local level, Policies S4, BNE1, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasise the importance of achieving high quality in landscape and urban design that results in safe and attractive environments.

The final appearance, layout, scale, landscaping and access of the development will be considered when reserved matters are submitted pursuant to any outline planning permission granted for the proposed development. The application however, includes enough supporting information to give a good indication of the overall design approach to be adopted in terms of the buildings, roadways and landscaping.

A design and access statement accompanies the application and the submitted parameter plans show the broad principles of development giving an indication of elements relating to scale and layout. An illustrative masterplan is also included to demonstrate how the proposed level of development could fit within the site.

Turning to the character of the area, the application site lies within the Medway Marshes landscape character area as defined by ‘The Landscape Assessment of Kent 2004’ prepared for Kent Council by Jacobs Baktie. Whilst this document is not formerly adopted by Medway Council it provides a good description of the character of the Medway Marshes. The Medway Marshes lie to the north and south of the Medway Estuary and occupy all of the Isle of Grain. The Medway Marshes are typically low lying and flat, with huge open skies and extensive views.

This part of Medway supports a high concentration of varying and often contrasting land uses. The landscape of the Medway Marshes has long been associated with industrial use and like much of the North Kent coast the Medway marshes were of strategic military importance. Today, the northern coast of the Medway is characterised by the massive industrial complexes of Grain and Kingsnorth which sit in grand isolation amidst open marshland. This character is interspersed by large areas of arable farmland and small scattered villages and farmsteads.

Given the context of the site, the vision for the design of the development is not to create a collection of unrelated, opportunist, business orientated buildings and infrastructure but to create an identifiable place that:

- Relates to the existing natural context of the application site, whilst providing a new relatively ‘smaller building scaled’ local environment, in an area of generally larger scaled ‘engineered’ structures.
- Has a clear ‘self image’, with common design themes and standards, creating an identifiable united business community.

- Safely manages the interface between people and business serving requirements.
- Accepts, and strives to accommodate within every level of the design regime, potential future changes in occupier and community demands and expectations.

To achieve this, only 58% (approx) of the total site area would be dedicated as development zones to the specific operational requirements of individual occupying organisations. The remaining 42% (approx) of the site area would comprise areas such as soft landscaping and ecologically habitat.

Inclusive Development

The Government is fully committed to an inclusive society in which nobody is disadvantaged as set out in PPS1. Policies CC1, CC4 and S1 of the South East Plan 2009 and Policy BNE7 of the Medway Local Plan 2003 also relate to the issue of inclusive societies and access for all. An important part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. The Government's publication – Planning and access for disabled people: a good practice (ODPM, 2003) describes how all those involved in the development process can play their part in delivering physical environments which can be used by everyone. The primary objective of the guide is to ensure the planning system successfully and consistently delivers inclusive environments as an integral part of the development process. This is especially so in relation to major schemes such as this application which require a broad approach to inclusive design, addressing movement through public areas as well as the design of buildings.

The design and access statement includes a section on inclusive access in which it states that all detailed proposals will be designed to provide access for the widest possible range of users. However, it is a requirement in any case that all buildings be fully compliant with Approved Document Part M of the Building Regulations and the Disability Discrimination Act.

The design and access statement goes on to give examples on how the development will incorporate measures to ensure accessibility for a range of users. It is recommended that a condition be attached to any forthcoming planning permission to ensure that a document is submitted as part of any reserved matters application to demonstrate how inclusive design has been incorporated into the development proposals.

Crime Prevention in Design

Designing out crime and designing in community safety are central considerations in the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local planning authority needs to consider when exercising its functions under the Town and Country Planning legislation.

The term “crime” includes terrorism considerations throughout the statute book and therefore counter terrorism considerations are a key consideration in the planning process.

Policy BNE8 of the Medway Local Plan 2003 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime in line with the advice contained in PPS1 and the good practice guidance produced by the ODPM, Safer Places – the Planning System and Crime Prevention (2004). It is the intention of the applicants for the development to be designed with crime reduction/prevention measures. Although this is a matter for detailed design stage, it is necessary to fully consider the potential implications and to ensure that crime prevention measures can be accommodated within the design of the site.

The main concern relates to the proximity of the application to the adjacent power stations and the Grain LNG plant. It is considered that a number of measures can, and should be introduced within the design of the proposal to maximise security and counter the threat of terrorism. Measures such as manned guarding provided 24 hours a day, CCTV monitoring with automatic number plate recognition (ANPR), lighting, site layout and building materials help reduce risk and fear of crime. In addition, areas should be included within the design to allow for rejecting unauthorised vehicles without them entering the secure site in order to turn around and leave.

It is recommended that should planning permission be forthcoming, conditions be attached to ensure crime prevention measures are designed into the proposal. With the use of such conditions, it is considered that the proposal would be in accordance with PPS1, Policies CC1 and CC6 South East Plan 2009 and Policies BNE5 and BNE8 of the Medway Local Plan 2003.

Landscaping

Landscaping is an integral part of the overall design of the development. Policy L5 of the Medway Local Plan recognises this and requires that major employment development incorporate amenity open space either within, or adjacent, to the development for the benefit of employees. The landscape character is described above and a ‘landscape regime’ that responds to the character of the application site is included within the Design and Access Statement. Three main criteria have been identified as important areas that any landscape masterplan will have to satisfy. These are:

- Provide a visual mitigation, improve and soften the more industrial character of the development.
- Provide for ecological enhancement.
- Provide for ‘green’ working environment.

Detailed landscape design within the development would have the potential to incorporate further tree planting along roads, within car parks and adjacent drainage ditches. This would be designed to a more formal layout such as road avenues to reflect constraints such as parking configurations and services.

Ecological mitigation will also be designed to alleviate pressures on the local species. This includes sympathetically designed SUDS schemes that can be utilised by water voles in addition to providing reed beds. The SUDS wetland creation will also contribute to feeding and nesting areas for bird species known to be present within the area.

The existing ditches and SUDS drainage system will include retention of open areas of species rich grassland with existing boundary hedges and ditches reinforced with low field layer planting suitable as cover or nesting habitat.

The new grasslands will also be created as part of the mitigation for badger and bird interest. In addition, grassland planting around the mitigation/SUDS area will provide for grasslands of greater floristic diversity to that currently found on site.

It is recommended that appropriate conditions be attached to any forthcoming planning permission to ensure that a masterplan is submitted to inform future reserved matters applications and that a management regime is secured to ensure coherent landscaping is maintained throughout the wider site. With the appropriate conditions attached, the proposal is considered to be in accordance with PPS1, Policies CC1, CC2, CC6, NRM1, NRM5, BE1, KTG1 of the South East Plan 2009 and Policies S4, BNE6, BNE34, BNE35, BNE36, BNE37, BNE38, BNE39 and L5 of the Medway Local Plan 2003.

Sustainability

Sustainable development focuses on improving health and wellbeing through good design and behavioural change. The Government's objectives for the planning system are set out in PPS1 and the supplement to PPS1, Planning and Climate Change. PPS1 states that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

Adopted in 2003, Local Plan Policies BNE4 and CF11 in relation to sustainability are considered a bit out-of-date in terms of their requirements. However, more recent, robust national and regional planning policy applies. Specifically related to achieving sustainable economic development, PPS1 advises that Local Planning Authorities should actively promote and facilitate good quality development, which is sustainable and consistent with their plans. This advice is supported by PPS22 and the relevant South East Plan Policies CC1, CC2, CC4, CC7, NRM1, NRM11, NRM12, NRM16 and M1.

As this is an outline planning application many of the issues relating to the sustainability of building design and energy efficiency will be considered at a later detailed stage. However, a Sustainability Statement, BREEAM Framework and an Energy Strategy Report have been submitted as part of the application documentation.

BREEAM (BRE Environmental Assessment Method) is the most widely used environmental assessment method for buildings. It sets the standard for best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance.

BREEAM 2008 came into force on 1st August 2008. BREEAM 2008 goes beyond the remit of the standard biennial update and includes major step changes, which have come about as a response to a changing construction industry and public agenda, where in the last few years sustainability has risen to the top.

BREEAM considers key global and local environmental issues and the internal environment for building occupants under various categories ranging from:

- Management
- Health and Wellbeing
- Energy
- Transport
- Water
- Materials
- Waste
- Land Use and Ecology
- Pollution

The submitted Sustainability Statement identifies a number of different areas whereby the development can meet the aims of achieving sustainable development. These areas include:

- Siting, form, orientation and layout of buildings to maximise passive solar heating, natural lighting and natural ventilation.
- Incorporation of energy efficient technology including solar panels, combined heat and power/district heating schemes and district wind power.
- High standards of insulation and other heat retaining features and the use of building materials of the lowest possible embodied energy.
- Sustainable Drainage Systems to reduce the risk of flooding and to conserve water by promoting water efficiency and water recycling.
- Waste management at demolition, construction and operations stages.
- The submission of a Travel Plan promoting sustainable travel options

As stated above, there are various stages of the development, demolition, construction and operation. The different stages will require a different response in terms of delivering sustainable development.

During construction, good management through accepted Codes of Construction contributes significantly to sustainable targets. In terms of construction management, a condition should be attached to any forthcoming planning permission to require the submission of a Construction Environmental Management Plan.

Turning to the issue of the quality of the environment. PPS 1 recognises that the condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. PPS1 recommends that Local Planning Authorities should seek to enhance the environment as part of development proposals advising that significant adverse impacts on the environment should be avoided and alternative options, which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the “polluter pays” principle. The quality of the environment will be discussed in more details in other sections of the report such as those related to contamination, air quality and particularly, ecology.

Finally, the Energy Strategy Report sets out measures for achieving reduced carbon dioxide emissions. Essentially, the outcome of the energy assessment leads to two possible options that combined with energy efficiency measures, would result in an overall carbon reduction of approx. 10% or 1,435,654 kg of CO₂ per year beneath the Target Emission Rating from Part L 2006 (Building Regulations).

The first option seeks to meet heating requirements utilising waste heat from either of the existing Medway and Grain Power Stations. Based on initial calculations, it is anticipated that the use of waste heat is likely to reduce the emissions from the proposed development by up to 44% after energy efficiency measures have been incorporated.

The second option seeks to make use of low-carbon heating through the co-generation of heat and electricity within from two energy centres on-site. Combined heat and power (CHP) units may be accommodated due to sufficient base heating load from the development. It is anticipated that an appropriate sized CHP system is likely to reduce the emissions from the proposed development by around 5-10% after energy efficiency measures have been incorporated.

A number of low and zero carbon technologies have been considered in addition to the decentralised heating options set out above. Heating and hot water options involve supplying thermal output. Technologies supplying thermal output do not complement CHP and so have not been considered alongside CHP.

In terms of electrical provision, the high expense of photovoltaic (PV) cells versus the modest benefit in carbon emission reductions has meant that PVs have not been considered for the proposed development. Wind turbines have also not been considered at this stage due to the application site's proximity to sensitive locations. However, this does not mean that wind turbines should be ruled out entirely as a source for generating electricity, but that it should be considered in more detail at the reserved matters stage. It is therefore considered that a condition be attached to any forthcoming permission to require details of a package of energy efficiency and carbon dioxide emission reduction measures to be submitted.

Waste

One of the significant issues facing the region is the growing amount of waste and how to manage it. A new approach and a change towards how waste is dealt with will be required. Priority should be given to reduction, re-use, recycling and recovery of value before disposal is considered. Policy W1 of the South East Plan 2009 encourages the reduction of waste as the first step towards change. Policy W2 of the South East Plan 2009 promotes the integration of adequate space to facilitate storage, re-use, recycling and composting.

As this application is for outline planning permission, no details showing the exact arrangements of refuse storage are given. However, the issue of waste management is set out in the Sustainability Statement and the Environmental Statement. Effectively, the documents set out the approach to the waste strategy for the site. The approach follows the waste hierarchy set out in the paragraph above.

During construction, a Site Waste Management Plan (SWMP) is required under *Site Waste Management Regulations 2008*. SWMPs are developed in accordance with the *Waste Strategy for England 2007* methodology for developing waste management plans. It is recommended that a condition be attached to any forthcoming planning permission to ensure that the SWMP is submitted.

To maximise the implementation of the waste hierarchy, during the operational stage, it is essential that refuse storage arrangements are designed into the scheme including details for waste separation. It is recommended that a condition be attached to any forthcoming planning permission to ensure this is taken into account.

With the inclusion of the suggested conditions the proposal would be in accordance with PPS1, PPS10, Policies CC1, CC3, CC4, W1 and W2 of the South East Plan 2009 and Policy S2 of the Medway Local Plan 2003.

Amenities

Policy BNE2 of the Medway Local Plan 2003 relates to the protection of amenities for existing residents. The assessment of this issue is based on all the supporting documentation including the parameter plans.

In relation to possible impacts on the amount of sunlight to existing residential properties within the vicinity of the application site it is important to safeguard access to sunlight both for existing dwellings and for nearby non-domestic buildings where

there is a particular requirement for sunlight. The Building Research Establishment's (BRE) Report 1991 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' gives advice on site layout planning to achieve and maintain good sunlighting and daylighting to proposed and existing buildings.

The proposed development would not adversely affect the levels of privacy, daylight and sunlight currently enjoyed by the nearest residential properties due to the significant distance of these properties away from the application site.

With regard to the impact on non-domestic buildings, there are no non-domestic buildings within the vicinity for which there is a particular requirement for sunlight.

In terms of general amenity, the proposal is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

Noise and Vibration

The ES accompanying the planning application includes an assessment of the noise constraints likely to affect the proposed development. It takes full account of PPG24 (Planning and Noise).

A combination of long term and short term noise and vibration surveys were undertaken to determine the background noise and vibration levels for the nearest sensitive receptors to the site; those being the Special Protection Area (SPA) and the residents at Grain village. The nearest residential property to the application is 'Westbere', however, as this property is already subjected to existing road traffic noise from the B2001 and the junction with Power Station Road, an alternative location was selected to be more representative of the greater population of Grain village. Baseline monitoring locations included sites at number 7 Edinburgh Road, adjacent to number 26 Lapwing Road and land adjacent to 13 Port Victoria Road. These sites are situated approx. 670m, 640m and 890m away from the application site respectively.

To assess the impact of noise and vibration from increased traffic, monitoring of the baseline conditions was undertaken at two sites along the A228 in the vicinity of Lower Stoke.

The noise and vibration impacts of construction activities and traffic on residential properties and wildlife for the construction phase of the development are not considered to be significant. However, it is recommended that a condition be attached to any forthcoming planning permission to ensure noise is during construction activity is controlled.

In terms of operational noise, the assessment has predicted noise levels at the nearest sensitive properties. Background noise surveys were undertaken at these properties to assess the impact of the noise from the development. The assessment methodology has assumed worst-case scenarios as many details about the development are unknown due to the outline nature of the application. The assessment has not taken into account any mitigation either in the design or how the units will be operated. The predictions indicate that there will be a negative impact

during the day and night. The impact at night is predicted to be greater due to the lower background noise levels at this time. The submitted information shows that the increase over the background level could be as much as 9dB during the night. The assessments have not included a character correction (+5) to the rating level and so this figure could be as high as 14dB if the noise was to have a significant tonal characteristic for instance.

Where new noisy industrial or similar development is proposed, it is necessary to ensure that it does not cause an unacceptable degree of disturbance to the amenity of existing uses in the locality. In accordance with Policy BNE3 of the Medway Local Plan 2003, proposals for such development near existing residential, or other sensitive receptors, will need to be assessed in accordance with the guidance given in BS 4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The standard provides a method for assessing the likelihood of complaints arising from noisy industrial activities.

It is normal practice for Medway Council to seek to ensure that the noise rating level from new installations is not more than 3 dB greater than the background noise level at the nearest sensitive property in order to secure a good standard and safeguard amenity. The rating level is derived in accordance with British Standard 4142. It is therefore recommended that a condition be attached to any forthcoming planning permission to ensure that the new installations would not be above this level.

Turning to the issue of traffic noise. The assessment has predicted noise levels associated with the increase in traffic along Grain Road based on a worst-case scenario of all four phases in full operation. The predictions show that there will be an increase of 6dB for the day and 7dB night periods.

The assessment recommends that traffic noise mitigation measures should be implemented which may include increases to barrier heights at Lower Stoke Village, installation of other noise barriers along the A228. It may also include sound insulation to properties and/or the use of lower noise surfaces. It is therefore recommended that a condition be attached to any forthcoming planning permission to require details of any road traffic noise mitigation measures.

With the use of appropriately worded conditions, the proposal would be in accordance with PPG24, Policy NRM10 of the South East Plan 2009 and Policy BNE3 of the Medway Local Plan 2003.

Air Quality

Advice on air quality issues in relation to development control is given in PPS23 (Planning and Pollution Control). The impact of the development in terms of air quality arising from the operational aspects of new development and traffic generation need to be considered. Policy NRM9 of the South East Plan 2009 and Policy BNE24 of the Medway Local Plan 2003 seek to reduce the environmental impacts of transport and congestion and encourage the use of best practice during construction activities to reduce the levels of dust and other pollutants.

The ES provides a chapter on the subject of air quality and gives the main potential impacts as:

- Fugitive dust and particulate matter potentially resulting in soiling of the surfaces of other surrounding industrial units and increased concentrations of airborne particulate matter during the construction phase, and
- an increase in concentrations of nitrogen dioxide and airborne particulate matter as a result of increased traffic from the proposed development

The results of the assessment show that concentrations of pollutants will be below the national air quality objectives and so mitigation is not required. In terms of the potential dust from construction activities, it is recommended that dust prevention and control measures be implemented. It is recommended that a condition be attached to any forthcoming planning permission to ensure these measures are implemented.

With the appropriate use of conditions for mitigation during construction, the proposal would be in accordance with PPS23, Policy NRM9 of the South East Plan 2009 and Policy BNE24 of the Medway Local Plan 2003.

Contamination

The historic industrial nature of the application site could have given rise to contamination of both soil and groundwater, including the former use as an oil refinery and former landfill sites. Where contamination exists, it can give rise to significant environmental risks. The site has therefore been extensively investigated and the status of potential environmental risks associated with soil and groundwater contamination has been assessed. A chapter on soil conditions, groundwater and contamination has been included within the ES.

Soil and Groundwater Contamination

The baseline conceptual site model (CSM) has identified contamination (both organic and inorganic contaminants) in the shallow soil and ground water beneath the application site.

Intrusive investigations have been undertaken at the site which involved soil samples being taken and tests for an appropriate suite of contaminants. A range of contaminants including free phase hydrocarbons, Asbestos Containing Material (ACM), carbon dioxide, methane, volatile and semi-volatile organic compounds and total petroleum hydrocarbons (TPH) have been detected.

A construction CSM has been developed to identify any changes to contamination sources, receptors and pathways (PPLs) from the baseline CSM by the activities associated with the construction of the proposed development. With no mitigation measures in place, the additional contamination sources and the changes to pathways and receptors are likely to result in potentially significant negative impact to on-site construction workers, visitors and controlled waters. The ES recommends that further detailed site investigations are undertaken. These investigations are to include gas monitoring and soil vapour investigations. The results of the site

investigations should be used to inform a remediation strategy for the site. A condition is recommended to ensure further investigations are carried out and a remediation strategy is submitted prior to commencement of development within the site. In addition, mitigation measures are proposed to ensure that any impact from the construction phase activities are contained and/or controlled. Mitigation measures will be set out in detail in a CEMP that should be required as a condition of any forthcoming planning permission.

The operational phase CSM has been developed to identify any changes to PPLs by the proposed development itself. Most contamination sources will have been removed, receptors changed and pathways modified resulting in a significant positive impact on the site for workers, visitors and controlled waters.

It is considered that subject to the use of appropriate conditions to ensure mitigation measures are undertaken, the proposed development can be implemented on site without unacceptable risk to human health and in accordance with PPS23 and Policy BNE23 of the Medway Local Plan 2003.

Flood Risk and Water Resources

The Government's Policy PPS25 (Development and Flood Risk), Policies NRM4 and KTG6 of the South East Plan 2009 and Policy CF13 of the Medway Local Plan 2003 aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. PPS25 and Policy NRM4 of the South East Plan 2009 attempts to match the flood risk vulnerability of developments to the appropriate Flood Zones and also provides further definition of a functional floodplain and the accommodation of the potential effects of climate change on development. PPS25 further reinforces the Government's commitment to Sustainable Drainages Systems.

A flood risk assessment (FRA) has been undertaken in accordance with PPS25 and a chapter on water resources has been included in the ES.

The Isle of Grain is predominantly low lying and the majority of the former island is with Flood Zone 3 as defined by the Environment Agency's Flood Map. Flood Zone 3 indicates a high probability of flooding.

Because of the nature of the site and the potential risk of flooding, only those uses falling within the 'Less Vulnerable' and 'Water Compatible' categories as set in PPS25 are considered appropriate for this location. The uses proposed for this planning application all fall within the 'Less Vulnerable' category of PPS25. In addition, the site is currently defended from flooding during flood events with return periods up to 1 in 200 years.

It is recommended that the buildings on site benefit from safe dry access or safe refuge. This is an issue that can be conditioned to ensure that it is dealt with at the detailed design stage of reserved matters.

Surface Water Drainage, Water Disposal and Water Quality

Policies NRM1 and NRM2 of the South East Plan 2009 and Policy CF12 of the Medway Local Plan 2003 seek to ensure adequate water supply, the sustainable use of water and that the quality of water is maintained and enhanced. In relation to the application site, there is the potential that groundwater may still be contaminated as a result of previous land uses. Material encountered during excavation works that has the potential to be contaminated will be disposed of in accordance with the relevant regulation and good practice. Construction activities also have the potential to create sediment surface run-off that, if not controlled, can enter watercourses and surface waters, impacting upon the plants, animals and water quality.

Both during construction and operational phases, there is the potential for accidental spillages to impact the underlying groundwater and surface water hydrology. Contamination of watercourses will be prevented through good site practices and environmental management procedures to be formalised in the CEMP. In addition, site contaminant and control measures will be implemented to ensure emergency situations are managed appropriately with the implementation of an Environmental Emergency Response Plan.

A Site Wide Surface Water Drainage Strategy has been submitted with respect to attenuation of surface water and associated requirements for the necessary drainage strategy on site. Sustainable Drainage Systems are advocated and the drainage strategy recommends that individual developers will be responsible for controlling the rate of water run-off and that this will be determined at the detailed design stage. Again it is considered that an appropriately worded condition can be used to ensure that drainage strategies for individual plots are submitted at the appropriate stage of the development.

With the use of appropriately worded conditions, the proposal is considered to be in accordance with PPS25, Policies NRM1, NRM2, NRM4 and KTG6 of the South East Plan 2009 and Policies CF12 and CF13 of the Medway Local Plan 2003.

Archaeology

PPG16 "Archaeology and Planning" sets out the Government's policy on archaeological remains on land and how they should be preserved or recorded. It advises that:

"Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed."

In situations where planning authorities decide that:

“physical preservation in situ of archaeological remains are not justified in the circumstances of the case and that the development resulting in the destruction of the archaeological remains should proceed then records can be secured by agreements reached between the developer, an archaeologist and the planning authority or by conditions on planning permission.”

The Planning Statement gives a brief history of the land use of the site. In 1928, the Medway Oil and Storage Company established a depot on the Isle of Grain which was subsequently acquired by Shell-Mex & BP Ltd in 1934. During the Second World War, the depot served as the UK base for Operation Pluto, a scheme to construct undersea oil pipelines in the English Channel between England and France.

In 1948, BP commenced construction of a major oil refinery. The Kent Oil Refinery became one of the largest in the UK by 1961 it was capable of refining in excess of 11 million tonnes of crude oil a year.

The Grain railway station was opened in September 1951, to serve the oil refinery. The then existent line east of this halt was closed and dismantled in order to accommodate the expanding refinery's port facilities. Grain station was subsequently closed in 1961.

The oil refinery site was eventually closed in 1982. Following its closure it was sold to National Grid (formerly British Gas plc), who began using a relatively small part of the site for the storage of liquefied natural gas (LNG). The majority of the former refinery remained unused. A variety of short-term uses ensued.

The Environmental Statement includes a chapter on Archaeology. This report provides a good assessment of the archaeological and palaeoenvironmental potential of the site. The desk-based assessment identifies a high potential for palaeoenvironmental remains including the possibility of well preserved waterlogged remains. In addition, there is high potential for archaeological remains from the prehistoric and Roman periods and later-medieval and post-medieval date. Furthermore, there is good potential for evidence of past settlement, burials and industry on the high ground, particularly to the northeastern part of the site and remains relating to the exploitation of the marshland and its subsequent reclamation on the lower parts.

However, the report also stated that a number of factors relating to the past uses of the site may have affected the survival of archaeological remains. Despite this, disturbance is expected to be localised and related to past groundworks.

The report includes suggestions for the archaeological mitigation of the site and recommends that in the light of the archaeological potential of the site and in order to mitigate the impact of the development, further archaeological investigation is required. The report suggests that this should involve a staged programmed of field evaluation, the results of which should be used to enable informed decisions to be made in respect of any further archaeological mitigation required at the site. It is

therefore suggested that a condition be attached to any forthcoming planning permission to ensure that the further archaeological investigative work that is required is undertaken. In addition, a condition is recommended to ensure that no 'grubbing out' of footings and/or remediation works is undertaken prior to the further archaeological investigations being undertaken.

With the inclusion of appropriately worded conditions suggested above, it is considered that the proposal would be in accordance with PPS16, Policy BE6 of the South East Plan 2009 and Policy BNE21 of the Medway Local Plan 2003.

Landscape and Local Views

The character of the Hoo Peninsula area is as described in the design section above. The Medway Marshes are typically low lying and flat with huge open skies and extensive views.

This part of Medway supports a high concentration of varying and often contrasting land uses. The landscape of the Medway Marshes has long been associated with industrial use and like much of the North Kent coast the Medway marshes were of strategic military importance. Today, the northern coast of the Medway is characterised by the massive industrial complexes of Grain and Kingsnorth which sit in grand isolation amidst open marshland. This character is interspersed by large areas of arable farmland and small scattered villages and farmsteads.

More locally, the Isle of Grain lies to the east of Yantlet and Colemouth Creeks at the extreme east of the Hoo peninsula. The Isle itself was formerly separated from the rest of the peninsula by extensive salt marshes and today an extensive series of grass-covered bunds protect the Isle from inundation by the sea. The southern sector of the Isle of Grain is dominated by large-scale industrial developments. In sharp contrast, the northern sector of the Isle is almost devoid of development and is an expansive, open rural landscape given over to scattered farms, rough grazing, quarrying and open land used by the Ministry of Defence for explosives training.

The landscape is characterised essentially by the flat topography and expansive skylines. The exposed open character of the landscape is dominated in the southeast by the massing and scale of the existing industrial facilities and infrastructure. The most dominant existing feature is Grain Power Station and the associated chimney, electricity transmission lines and pylons. These transmission lines and pylons cross the flat topography and serve to visually define the edge of the industrialised area.

Other major industrial developments on the Isle of Grain include the tanks of the LNG Importation Facility, the large cranes of Thamesport, and further to the west, the E.ON Kingsnorth Power Station. Many features within these developments protrude well above the skyline and, consequently, are dominant relative to many other features in the landscape, such as trees and residential developments.

The proposed development is remote from major settlements and residential development. However within 2km of the application site, farmsteads at Perry's Farm and Rose Court Farm are located to the northeast.

Landscape and visual impacts may result during both the temporary construction period and the permanent operation of the proposed development.

Construction Phase

Due to the former use of the application site for industrial use, the open section of the site is essentially given over to demolished offices, production and warehouse buildings and hard standing areas. The application site contains few landscape features in the way of woodland or hedges that act as visual focal points. The trees on the boundaries acting as screening have some visual amenity interest. Retention of boundary trees and removal of the remaining industrial elements is seen as a very minor loss or alteration to a key feature. The remediation that will take place and construction on-site will introduce elements that are not uncharacteristic (i.e. manmade structures and equipment) and will maintain or be beneficial to landscape quality without being at odds to scale, landform or landscape patterns.

The visual impacts will fluctuate according to the specific operations carried out during the construction period. The temporary introduction of prominent tall features such as cranes used during this phase would have some effect on the visual amenity of nearby sensitive receptors. However, given the temporary nature of these operations, the magnitude of these changes is deemed small. As a phased construction programme is proposed, the receptors would be subject to intermittent visual effects during this time.

Within the local landscape, there have been other recent large-scale developments such as new LNG storage tanks. Consequently, the introduction of prominent construction features and facilities, construction lighting, together with general construction activities for large-scale projects are not unfamiliar or uncommon features in the local landscape. The introduction of these features as a result of the proposed development would not affect visual quality, as they would be of a similar nature to other permanent features within the locality such as the cranes associated with Thamesport.

Operational Phase

The introduction of a commercial warehousing development within a substantial industrial framework will not be uncharacteristic when set within the existing attributes of the local receiving landscape. It can be determined that the introduction of features, while not within the local vernacular, would be similar to more recent buildings found in the area. The close proximity of the power stations, LNG facility and container port would see the proposals maintaining the existing scale and pattern of these key man-made elements in closer proximity to the application site. This would not be uncharacteristic when set within the attributes of this localised receiving landscape. The proposed development would also maintain the existing landscape quality to the immediate character area resulting in a negligible impact.

The ES includes a chapter relating to visual assessments and identifies 11 key viewpoints. The viewpoints have been selected to be representative of the types of views experienced by a range of sensitive receptors such as residents, ramblers and road users.

Viewpoint 1 is the viewpoint from Grain village. Most views of existing industry are indirect due to the orientation of the dwellings and views may be filtered by existing garden vegetation or screened by high close-boarded fencing. It is anticipated that much of the nearest parts of the proposed development will include ridge heights and roof pitches, which, overall, would be 18m tall and slightly lower than the existing storage tanks of Grain LNG. This would locate them below and behind the tanks and tree belt and consequently, would be well screened. The 'core' buildings are expected to be up to 23m high and from certain locations may be seen just above these screening elements. In addition, the overall massing of the proposed commercial development proposed would appear more fragmented and would not be visible as large scale, continuous facades compared to the power stations built form.

Viewpoint 2 is taken from Rose Court and Perry's Farm. The application site is partially filtered by intervening vegetation associated with nearby water body from the front elevation of Rose Court Farm. Perry's Farm has no benefit of such screening elements. In the foreground for both properties are electricity pylons, Grain Power Station, the LNG storage tanks and further distant, Medway Power Station and Thamesport. These existing prominent industrial features are separated by a perceptible gap seen on the skyline that relates to the former oil refinery on-site. The view towards these facilities and the application site is interrupted by pylons and associated overhead electricity transmission lines, which cut across the view in an east to west direction.

On the basis that during winter months, filtered views of the upper parts of the proposed development once operational would be partially visible from Rose Court Farm, a barely perceptible change in the existing view can be anticipated. From Perry's Farm, without the benefit of this screening vegetation, the change would increase to one that is noticeable although only the closest parts of the warehousing would be visible and well defined.

Viewpoint 3 is taken as the view from the Footpath at Yantlet Creek. The footpath is along the top of an elevated dyke on the edge of Allhallows Marshes. The foreground industry is dominated by a series of LNG tanks that are up to 45m high. Equally prominent are the chimney and turbine hall of Grain Power Station and to a lesser extent the more distant Medway Power Station. This series of vertical industrial elements is visually contained by the presence of electricity pylons and framed by the overhead transmission cables. In a wide expansive and generally flat landscape, this industry acts as a focus along much of the footpath and in good visibility can be seen from all parts of the marsh footpath system. The trees in the middle ground indicate the position of the B2001 road.

The warehouses proposed to be closest to the viewpoint are indicated as 23m high, approximately half the height of the LNG tanks. Given the orientation of the proposed development, the closest warehouse buildings together with the LNG

Importation Facility will screen the majority of the proposed development, the application site will always be seen in the context of existing industry and perceived as beyond the LNG tanks.

Viewpoint 4 is the view from Allhallows-on-Sea from the footpath and from chalets/static caravans located to the northern edge of the village across the Allhallows Marshes which form part of the Kent Marshes Special Landscape Areas. The view is dominated by the massing and largescale of Grain Power Station, associated pylons and overhead electricity power lines which cross the flat landscape in an generally east to west direction. These transmission lines serve to visually define the edge of the industrialised areas. The LNG tanks are prominent in the view protruding above the counter sea wall. Beyond the existing LNG facility, distant views of the tall cranes of Thamesport and Medway Power Station may be gained.

The proposed development will be located within this industrial focus and it is anticipated that the upper parts of the taller warehouse buildings would be seen just above the horizon. Since these buildings will sit between the two power stations and beyond the LNG tanks, the proposed development would be viewed as a contiguous part of the existing industrial area.

Viewpoint 5 is the view from residential property on the eastern edge of Allhallows village and a public right of way. For the houses on the edge of the village, the views would be panoramic from this more elevated position. The views cross large, open agricultural fields toward the flat, open landscape of Allhallows Marshes, which form part of the Kent Marshes Special Landscape Areas. The proposed development will benefit from the screening provided by the LNG Importation Facility and will be seen against a backdrop of the existing industrial structures rather than breaking above the horizon and skyline. On this basis, the proposed warehouse buildings would be seen as small elements and given the generally available expansive view would be seen as obscured or indistinct.

From viewpoints 6 (residential properties of St. Mary Hoo), 7 (residential property and public footpaths at Upper Stoke), 8 (from the A228, B2001 and Sea Wall Footpath), 9 (From the Saxon Shore Way at Ham Green), 10 (View from the Saxon Shore Way at Chetney Marshes) and 11 (View from Queenborough), the proposed development would be seen as a contiguous part of the industrial zone or general low level 'clutter' and would not be an obvious addition.

The development would be visible from a number of local and more distant views. However, from most of the specified viewpoints, the proposed layout is such that the buildings compliment the scale and massing of existing buildings and structures, and would visually combine with the existing industrial buildings and structures, minimising visual impact.

From those viewpoints where the proposed development is more visible, mitigation is proposed to minimise the impact. Mitigation measures set out in the ES include mature tree planting, locating the taller buildings away from the B2001 and adjacent to the existing taller industrial components so that they are seen in a more associated industrial character area, using coated metal cladding throughout giving

the opportunity to vary colours, even on a single elevation and so provide some simple camouflaging effects, full horizontal cut-off, and low-level lighting, minimising impacts due to glare, sky glow and light trespass.

Provided the mitigation measures as set out in the ES are attached to any forthcoming planning permission through the use of conditions, it is considered that the proposal would be in accordance with the provisions of Policy BE1 of the South East Plan 2009 and Policy BNE1 of the Medway Local Plan 2003.

Ecology

Appropriate Assessment

Regulation 48 of the Conservation (Natural Habitats Etc.) Regulations 1994 restricts the granting of planning permission for development which is likely to significantly affect a European site, and which is not directly connected with or necessary to the management of the site, by requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives.

Appropriate Assessment tests whether a plan or project is likely to have a significant negative impact on any:

Special Protection Area – a European designation which protects birds

Special Area of Conservation – a European designation which protects habitats

Ramsar site – a European designation which protects wetlands

Collectively, these are called 'European sites'. Screening for Appropriate Assessment determines whether a proposal 'in combination' with other proposals is likely to have a significant adverse impact on a European site.

The Appropriate Assessment process is set out in a three stage process:

1. Likely significant effect
2. Appropriate assessment and ascertaining the effect on site integrity
3. Mitigation and alternative solutions

It is also noted that the application site lies close to habitats which form part of the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) and the South Thames Estuary and Marshes SSSI. These SSSIs are part of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar Site and the Thames Estuary and Marshes SPA and Ramsar Site.

It is considered that, either alone or in combination with other plans or projects such as Isle of Grain Phase 3 Development, Grain Combined Cycle Gas Turbine (CCGT) Power Station, BritNed UK-Netherlands Interconnector, Isle of Grain BP Wind Farm, The Isle of Grain Drainage and Wetland Area Phase 1, Land North-East of

Kingsnorth Industrial Estate Kingsnorth Hoo St. Werburgh, Second Cryogenic Pipeline, Phase 3 Nitrogen Facility, Replacement Coal-fired Units for Kingsnorth Power Station; and Kingsnorth Power Station (Damhead Creek 2 Power Station), this proposal would not be likely to have a significant effect on the above sites and the permission may be granted (subject to other planning considerations and the conditions mentioned) under the terms of the Habitats Regulations.

The outcome of the screening process is that there is no need to proceed to the next stage to require a formal appropriate assessment to be made under the 1994 Regulations.

Background

The application site was formerly an oil refinery and as such is a brownfield site. It covers approx. 164ha, with 3 waterbodies and approx. 7.1km of ditch. The application site comprises grassland, scrub, swamp, open water and hardstanding. At the time of survey, no part of the application site was designated for its nature conservation value (either as statutorily or non-statutorily). No part of the application site is directly bordered by a designated site of nature conservation interest. However, the application site is situated in close proximity to the Medway Estuary and Marshes and the Thames Estuary and Marshes Ramsar, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) sites.

The submitted ES includes a chapter on Ecology. The value of sites, populations of species, species assemblages and habitats was evaluated with reference to their importance in terms of 'biodiversity conservation' value (which relates to the need to conserve representative areas of different habitats and the genetic diversity of species populations) and their legal status.

The EIA baseline is based upon the condition of the application site between 2006 and 2009 including all known changes to the existing situation within that time period. However, it is important to recognise that the habitats comprising the application site are dynamic and that without management they will change. Such change is relevant between the submission of the planning application and the commencement of the development.

Application Site

During the assessment of the planning application and particularly the ES, it has come to light that the application site matches the description of 'Open Mosaic Habitat on Previously Developed Land'. This is a UK Biodiversity Action Plan (BAP) priority habitat of note for its importance to reptiles and invertebrates. Concern has been raised by a number of the consultees, namely Natural England, Kent Wildlife Trust, RSPB and Buglife. Primarily, the concerns suggested inadequate survey work being undertaken, lack of mitigation and compensatory habitat. It was considered that the greatest impact of the development is likely to be on the invertebrate assemblage within the application site. Other areas of concern related to surveys and information for wintering birds, reptiles, breeding birds and badgers.

To address the concerns initially raised by the RSPB and Kent Wildlife Trust the applicant submitted further information. The information consisted of two individual notes to address the comments and issues raised by the two separate bodies. Both notes also contained additional plans.

The note submitted to address the concerns of the RSPB responds to the following issues:

- Recreational pressure resulting from the construction and operational workforce;
- Construction lighting during winter months;
- Flight paths and sight-lines;
- Drainage and flooding;
- Survey work; and
- Consideration of alternatives.

In each of the first four issues, the applicant was able to demonstrate that no negative impact on the SPA is likely to arise as a result of the development. In terms of the survey work and consideration of the alternative, the applicant has shown that the information is up-to-date and that the only part of the Isle of Grain used by any such birds is the House Fleet complex which is being deliberately conserved as part of the proposed development. As such the note concluded that the EIA has considered alternatives.

Following the submission of this work, a letter was received from the RSPB formally withdrawing their objection. It is therefore considered that the extra note submitted sufficiently addressed all of the concerns raised in their initial letter.

The note submitted to address the concerns of KWT responds to the following issues:

- Wintering bird surveys;
- Invertebrates;
- Common Lizard;
- Breeding birds; and
- Badgers

The note states that the wintering bird surveys have shown there to be no evidence of significant numbers of species along the National Grid Grain foreshore. Scoping studies and detailed ecological investigation of the application site and its surroundings have also not identified wintering birds as a significant issue either in terms of feeding or roosting. The exception to this is the House Fleet complex, which can support good numbers of some species of waterfowl. The proposed development includes the retention of House Fleet and its surroundings for the benefit of wildlife interest, including its birds and water vole population.

The wintering bird survey that was being undertaken at the time of submitting the application had been commissioned to provide a quantitative baseline for the management plan for the House Fleet complex as part of the proposed development.

In relation to the invertebrates, a visit by an invertebrate expert in 2009 identified hotspots within the application site from a range of habitats including brownfield locations. Significant areas of low potential were also identified. The most recent invertebrate studies focused on:

- Wetland features consistent with the designations of nearby SSSI and SPA/Ramsar sites; and
- Open mosaic habitat on previously developed land.

The note sets out the overall approach as combining retention of significant areas of existing invertebrate habitats including many of the 'hotspots' and to create a substantial and sustainable ecological infrastructure, including new brownfield habitats within the application site.

More detailed invertebrate surveys will need to be undertaken and it is suggested within the note that they are carried out as development is brought forward. It is suggested that a long-term strategy for invertebrates be included with a review mechanism built in to allow for modification to the mitigation plans when detailed planning permission is sought for each phase. Appropriate off-site habitat is offered as part of the mitigation plan should subsequent surveys identify such habitat being necessary.

For the Common Lizard, the application site contains a mosaic of habitats ranging from high quality reptile habitat to low quality habitats and unsuitable areas. The reptile population therefore fluctuates in size and density across the site and over time. A significant proportion of the off-plot habitat (31.25% or 57ha) would be available as Common Lizard habitat. Common Lizard would also benefit from some of the additional (approx. 12.3ha) useable on-plot habitat.

The applicant's overall approach of the application site would be to combine retention of significant areas of existing quality reptile habitat together with creation on site of substantial and sustainable quality habitat for Common Lizard and Grass Snake. The applicant is of the view that this approach will adequately cater for the important populations of reptiles that will be encountered and is consistent with promoting the careful design and landscaping of new development so that biodiversity is both recognised and opportunities for wildlife maximised.

The applicant states that more detailed reptile surveys will be undertaken as development is brought forward which will enable the approach to be reviewed. It is suggested that a long-term strategy for reptiles be included with a review mechanism built in to allow for modifications to the mitigation plans when detailed planning permission is sought. Appropriate off-site habitat is offered as part of the mitigation plan should subsequent surveys identify additional relocation areas as necessary.

Turning now to the issue related to breeding birds. The applicant states that the current breeding bird value of the application site is considered to be of District importance and that the proposal will provide quality habitat for a range of breeding birds through tree planting and the creation of reedbeds, scrub, grassland and open water habitats. The net result will be an increase in structural diversity, which should increase the number of breeding bird species and increase the numbers of some of the species presently found on the site. A minimum of 1.23ha of brown roof is also to be provided giving nesting opportunities for species such as Meadow Pipit, Skylark and Black Redstart.

Nesting habitat for Little Ringed Plover will also be created. As before, it is suggested that each phase of the development be subject to the submission of detailed planning applications which will need to show how breeding birds are being addressed.

For Badgers the ES identifies Badger setts requiring closure. These setts are not main setts but outliers. The mitigation proposals for the application site therefore do not provide direct mitigation for sett loss (as this is not required) but seeks to maintain the Badgers in their existing range and at the same population status. Enhanced foraging opportunities will be provided, linkage with water sources will be maintained and disturbance to retained setts and surrounding habitat will be decreased. The development may well encourage Badgers to make greater use of foraging on the other side of the Grain Road, increasing the probability of road fatalities. An underpass has been proposed to reduce the increase in risk during both the construction phase and operation of the development.

The note concluded that the ecological mitigation package that has been developed for the site is sufficient and that additional comfort over the deliverability of the ecological mitigation commitments will be part of conditions attached to any forthcoming planning permission.

Despite receiving this additional information, Kent Wildlife Trust continues to maintain their objection.

Further to the initial responses from the RSPB and Kent Wildlife Trust, a letter of objection was received from Buglife, an invertebrate conservation trust. The objection was made for three reasons:

- Inadequacy of environmental survey;
- Inadequacy of impact assessment; and
- Only superficial mitigation included that will not result in claimed reductions in impact levels.

Inadequacy of environmental survey

Buglife identify the application site as 'open mosaic habitat on previously developed land' and states that brownfield sites in this region can provide valuable mosaics of habitat including flower rich and gravel grassland, dynamic upper saltmarsh habitats, bare ground, rarely inundated bare sand and mud and interspersed with ruderal and shrubby vegetation as well as ephemeral habitats.

Buglife consider that as a result of the 2006 report, 'All of a buzz in the Thames Gateway' whereby the site was identified as 'high potential' for invertebrates, the level of surveys undertaken is inadequate and that of the survey work that has been carried out, a large number of species were recorded. Based on the information that has been provided, Buglife consider the need for a full and comprehensive invertebrate survey is paramount.

There is also concern raised with regard to the phase 1 habitat mapping, with the site being bulked into the category of neutral grassland rather than what may potentially be more varied.

Inadequacy of impact assessment

In terms of the impact assessment Buglife's view is that only a fraction of the site's invertebrate fauna has been identified therefore the impact assessment is not complete. The ES recognises that the site supports Nationally important invertebrate assemblage but the impact assessment only addresses four species: *Bombus humilis*, *Paragus albifrons*, *Dicranomyia danica* and *Cucullia asteris*. Buglife also question the ES impact assessments levels assigned to the four species addressed, especially for *Paragus albifrons*.

Buglife feel that the ES does not acknowledge that much of the site is a UKBAP priority habitat and that the development will destroy a large area of this UKBAP priority habitat and will detrimentally impact the species that are associated with it.

Only superficial mitigation included that will not result in claimed reductions in impact levels.

Buglife feel the proposed mitigation lacks substance and therefore disagree with the ES conclusion that once the proposed mitigation measures are taken into account, the redevelopment of the application site will have no significant impact on the majority of valued ecological receptors (VERs) present in the long term.

Buglife suggest that it is highly improbable that the onsite mitigation will compensate for the areas lost to the development. In Buglife's opinion, the overall mitigation seems too focused on wet habitats and far too little on dryer grassland and bare ground areas. There appears to be no significant retention of the areas which superficially look the best for invertebrates.

Given the number of concerns raised from a number of sources, a formal response was sought from Natural England as a statutory consultee with regard to ecological issues. A meeting was arranged for 21 January 2010 at which Natural England, Medway Council (as the Local Planning Authority) and the applicants were in attendance. The purpose of the meeting was to discuss the concerns raised by the above bodies and those raised informally by Natural England in order to seek a possible way forward.

In addition, given the strong objection received from Buglife, the applicants attended a meeting with them to try and address their concerns. Medway Council officers did not attend this meeting.

Following the meeting between the applicant and Buglife, a second letter was received from Buglife maintaining their objection.

It is Buglife's view that the only way to resolve the issues outlined in their previous letter is to delay the determination of the application until adequate invertebrate surveys have been carried out on the whole site, including on any proposed mitigation areas. Buglife acknowledge the external drivers that impose the time constraints on this application (the deadline for the Community Infrastructure Funding), but consider the site's importance for endangered species is likely to be very high and that it is essential that these concerns are put foremost.

Buglife are concerned with the survival of bumblebees. They are surprised by the suggestion in the additional information that the populations of bumblebees may be able to survive on a 45m by 45m patch of habitats and consider it to be very unlikely. It is Buglife's opinion that this highlights the need for adequate survey information.

Buglife have concerns with regard to interpreting the key on the Invertebrates Habitat Map of the site. Buglife feel that there needs to be an explanation of the scoping grades and consider it to be appropriate to highlight again that much of the site qualifies as the UKBAP priority habitable open mosaic habitats on previously developed land and different parts of the site, including areas of moderate interest are likely to contribute to the national importance of the site.

Buglife calculate that a total of 108.63ha (66.1%) of the site is important invertebrate habitat. They consider that the 18.6ha (approx.) 'dog leg' area of habitat does not compensate for the loss of over 100ha of important habitat across the application site. It is Buglife's opinion that the current footprint and layout is unacceptable. They feel that the development has not been designed to avoid or retain high quality habitat or important features.

Finally, Buglife state that the additional documents submitted after the official consultation period have not been made available to the public or other objectors who may be concerned by their content. In response to this, the Local Planning Authority can confirm that all additional information has been made, and is publicly available.

At the meeting with Natural England, the LPA and the applicants held on 21 January 2010, a history was given of the ecological consultant's involvement with site and its surroundings since 2006. Surveys and liaison meetings had been carried out since 2006 and discussion with the nature conservation bodies had started before the recognition of the value and interest for a range of ecological factors at the former BP oil refinery site. As many surveys and assessments had been carried out it was considered that the level of understanding of the ecology was good and the approach to the masterplan was integrating the existing value into the proposals and the wider ecological context of habitats for the area. It was the aim to provide

linkages to the wider landscape, tie into the origins of the former oil refinery and site constraints.

The liaison meetings with the nature conservation bodies (including Natural England and the Environment Agency) had steered the internal position that, as a minimum, 25% of the available area would need to be assigned to the ecological strategy. It was agreed in principle at the meetings that the existing ecological data provided the context of the ecological strategy and the use of an invertebrate expert was needed. Findings from these surveys were fed back into the liaison meetings and no change to the agreed survey strategy was required. What had become necessary was to revisit the 25% land allocation for ecology and that this was to be increased to inform the masterplan.

An invertebrate expert, Dr Kirby, was used to assess the invertebrate value of the site and initially visited the site in 2008. It became apparent from the visit that the invertebrate value was high and potentially of national significance. There were no plans for any immediate planning application until the opportunity for the CIF funding was brought forward. As this was not planned for, and the application responded to tight timescales, a full season invertebrate survey plan was not possible. The subsequent visit by Dr Kirby in 2009 was focused on key areas and provided data on the potential species diversity as well as indicating what species were present at that time.

Since the last visit the level of importance given to the brownfield habitat through discussions with Natural England has increased, although has come at the latter stages of the application.

The applicant is of the view that further survey work can be undertaken prior to the submission of detailed planning applications for reserved matters. If there is not enough ecological land within the red line boundary of the application site, further areas of land within the National Grid land holding that has both the potential habitat characteristics as well as little inherent ecological interest can be offered for mitigation. At this point, 10.9ha of land to the eastern side of the application site had been identified as an option to provide further mitigation land if the 42% land allocation was considered insufficient. In addition approx. 3% of the total roof area of the development could incorporate brown roofs.

Discussions moved on to the fact that the ecological strategy had been more wetland based and that the length of the recreated ditches on site had been a response to that aim. It was stated that some of these are not necessary for water voles and as such could be reallocated for brownfield habitat. Furthermore, land not indicated within the plans would provide ecological linkages to the wider site and beyond. For example the 2nd Cryogenic pipeline.

The meeting ended with Natural England stating their position in that in order to consider the approach suitable, two aspects need to be looked at:

- The adequacy of the ecology strategy in its land provision; and
- How can the approach be secured through conditions or other planning route?

Natural England required the submission of the report from Dr Kirby regarding the ecological value of the proposed compensation land.

Following the meeting with Natural England, the applicants have submitted a number of additional plans and further information. This includes:

- A revised edition of the invertebrate assessment
- Information from Dr. Kirby regarding mitigation, compensation and enhancement proposals for invertebrates
- A plan showing the additional ecological offsetting land with invertebrate habitat gradings
- A plan showing Grain Business Park masterplan showing phases of development
- A plan showing the distribution and extent of invertebrate habitat
- A plan showing the Grain Business Park masterplan and off-plot and on-plot habitat including brown roof and gravel parking to suit invertebrate habitat and areas adjacent to the application site available for compensation of invertebrate habitat
- A plan showing high quality invertebrate habitat to be retained within the application site

The information submitted by the applicant suggests that conditions can be used in relation to the ecological resources of the Application Site. These conditions would include a requirement for a detailed survey to be undertaken of the invertebrate fauna of each phase of the development leading to the production of an Ecology Plan, and implementation of mitigation, and if necessary compensation, before that phase of the development would be allowed to proceed.

The Ecology Plan would be based on the results of the invertebrate surveys and would also have regard to the other flora and fauna known to occur on the Application Site. The aim of the Ecology Plan would be to ensure that there was no or minimal net loss of species as a result of the implementation of a given phase and that opportunities should be taken and created to achieve an overall enhancement. However, it is felt that there can be no guarantee of maintaining all species and that the reduction and fragmentation of brownfield habitat necessitated by the proposed development will make the retention of wide-ranging species such as the scarcer bumblebees particularly difficult, such species having the need of areas from 0.2 – 2.0 ha.

It is proposed that the Ecology Plan would be based on:

- avoidance, where possible, of the loss of high quality habitat and the use of alternative parts of the area of a given phase where there was a conflict between the proposed construction and the ecological resource;
- mitigation, on the Application Site, for habitat loss where necessary and appropriate using land of low invertebrate value;
- compensation, outside of the Application Site but within National Grid Property Holdings land, for habitat loss where necessary and appropriate using land of low invertebrate value;

- enhancement of habitat on the Application Site; and
- post-construction surveillance.

The priority would be to avoid, where possible, the loss or damage to high quality brownfield habitat as described for the UK BAP Habitat open mosaic on previously developed land. This would be achieved through alteration to the building layout and, where feasible, drainage layout by using alternative parts of the area for a given phase. In the event that the habitat cannot be mitigated within the Application Site, it would be necessary to use land outside the phase area in order to compensate for such habitat.

With regard to the drainage channels, the principles governing the conservation and management of them would be to:

- include as great a length of existing channels as possible within the masterplan;
- achieve a range of drainage channels in terms of dimensions; ensure a high degree of connectivity and in particular across the cryogenic pipeline; and
- establish a cycle of channels maintenance such that channels are kept at different stages of succession across a phase.

This approach will ensure the conservation and enhancement of a significant length of drainage ditches, greater than is present at the baseline, achieving a net enhancement in wetland invertebrates.

In addition to the drainage ditches, it is proposed to retain and enhance the discrete existing water bodies and in particular the House Fleet and associated water bodies. Other water bodies, e.g. newt ponds and satellite ponds, will be created.

In terms of the invertebrates, based on the initial assessment of the extent of invertebrate habitat on the Application Site by Dr Kirby (Kirby 2008) and the use of recent aerial photography and Phase 1 Habitat survey data to interpret areas that could not or were not visited, the areas of different grades of invertebrate habitat quality were described for the Application Site. An estimate was made, as far as feasible, of the likely amount of invertebrate interest, based on a simple five-point scale (1 = very high, 2 = high, 3 = moderate, 4 = low, 5 = negligible). The placing of parcels of land on the five-point scale of potential value is relative and in part subjective, and no precise definitions govern the thresholds between them.

The feasibility of conserving those areas of high to very high quality, i.e. grades 1, 1.5 and 2 was examined. This included primarily brownfield habitats but also some wetland habitats. The majority could be accommodated as these areas had either already been avoided or rearrangements of the layout of the masterplan could be made. In summary, of the 12.1 ha of high quality invertebrate habitat (grades 1 – 2), 7.8 ha would be conserved *in situ*, 95% of grade 1, 100% grade 1.5 and 52% of grade 2. The applicants suggest that at least an equivalent area of lost habitat in grade 1 (0.1ha) and grade 2 (4.2ha) will be relatively easily re-established elsewhere within the habitat areas of the Application Site to be retained.

The total area that has been built into the masterplan for conserving the flora and fauna and their habitat is 69 ha plus 1.4 ha of green/brown roofs and a further 5.7 ha of parking areas on appropriate substrate, e.g. gravels suitable for certain invertebrates. All of this habitat would have value for the invertebrate fauna. It can be usefully divided into the wetland habitats and the brownfield habitats although it is recognised that some brownfield habitats will include patches of wetland habitat.

In total, 42% (69ha + 1.4ha of green/brown roofs) of the Application Site would comprise areas for flora and fauna and their habitat. The 1.4ha proposed as brown/green roof area is limited to those buildings capable of supporting such surfaces, typically the smaller administration buildings. Careful consideration has been given to the creation of green/brown roofs on the larger buildings but their construction does not lend itself to supporting this type of roofing and in broader environmental terms, is unsustainable.

Additional to the 42% of the Application Site is the potential to construct parking areas on appropriate substrate, e.g. gravels suitable for certain invertebrates. The area available for this is 5.7 ha.

If the requirements of the invertebrate fauna of a given phase, or of the Grain Business Park as whole, were to exceed the land available for mitigation and enhancement, or if it was not possible to provide sufficient area of the right type of land, it might be necessary to compensate for habitat loss by using land from outside the boundary of the Application Site. To this end, land has been identified that could be used as such an insurance policy.

Such land should ideally be:

- of no or low nature conservation value for enhancement;
- contiguous with or adjacent to the Application Site and/or other habitat that ensures a coherent ecology;
- made up of one or a few blocks of land, i.e. not be lots of small pieces of land; and
- within the ownership of National Grid Property Holdings.

Four areas of land have been identified that fit this purpose. They are shown on Figure 4 revision E – Additional ecological offsetting land with invertebrate habitat gradings, received on 18 February 2010. All four areas (Area A 12.1ha, Area B, 3.9ha, Area C 8.7ha and Area D 10.1ha) are contiguous with the Application Site and Area A is contiguous with habitat outside the Application Site and National Grid's land ownership, facilitating the movement of invertebrates (and other species) within and to and from the proposed Grain Business Park. Area C would link the BritNed Wildlife Area into the House Fleet conservation area and also links directly into the E.On Power Station BAP habitats. It would be necessary to assess the current value of Areas A and C for invertebrates. Area B was assessed by Dr Kirby as low (grade 4).

A total area of 34.8ha of compensation habitat would be available.

In response to the submission of further information, Natural England continued discussions with the applicant. This has culminated in an offer of further off-site compensation land taking the total from approx. 34.8ha to approx. 65ha of compensation habitat land outside of the application site as shown on Figure No. 4 Revision F received on 24 February 2010 if required.

With regard to specific species, Natural England have advised the following:

Great Crested Newts

In relation to Great Crested Newts, the survey information provided by the applicants indicates that great crested newts (GCN) are present within the application site. The proposals set out in the application appear sufficient to mitigate any potential impacts on GCN populations. Therefore, subject to the imposition of a suitably worded condition it is considered that the proposal would not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

Water Voles

The survey information provided by the applicants indicates that water voles are present within the application site. The proposals set out in the application appear sufficient to mitigate any potential impacts on local water vole populations. Therefore, subject to the imposition of a suitably worded condition it is considered that the proposal would not be detrimental to the population of water voles.

Badgers

The survey information provided by the applicants indicates that badgers are present within the application site. The proposals set out in the application appear sufficient to mitigate any potential impacts on local badger populations. Therefore, subject to the imposition of a suitably worded condition it is considered that the proposal would not be detrimental to the population of badgers.

Widespread Reptiles

The survey information provided by the applicants indicates that common lizards are present within the application site. Based on the information provided, it is considered that it cannot be demonstrated that the proposals would not result in significant effects on the local population of common lizard as the area of retained habitat required has not been quantified. It is considered that further surveys should be carried out to ascertain the population and from that, the area of habitat that will be required. As the habitat requirements are similar to those that will be required for the invertebrate assemblage the mitigation for common lizard should be considered in conjunction with that for invertebrates. Subject to the imposition of a suitably worded condition it is considered that the proposal would not be detrimental to the reptile population.

Plant Assemblage

The Environmental Statement (11.332) refers to the fact that the wider Grain site would qualify for consideration as a SSSI due to the presence of 6 nationally scarce species, and thus should be considered of National Importance. However, the mitigation for plants only refers to two of the 6 plants – divided sedge and annual beard grass. The area of mitigation land would allow for an assemblage of plants but there would normally be more detail on how this will be established. Therefore, it is suggested that a condition be attached to any forthcoming planning permission to ensure that this detail is submitted prior to the submission of reserved matters.

The letter received from Natural England states that the increased mitigation package should be sufficient to preserve the biodiversity interest of the site. Natural England has agreed the approach using planning conditions to require further survey work and the securing of an amount of mitigation land by way of a legal agreement. However, it is not agreed that it is appropriate to undertake these surveys on a phase-by-phase basis. It will be necessary to get an overall view of the ecological situation for the whole site before the masterplan can be worked up and detailed reserved matters applications made. As such, most conditions requiring further surveys or mitigation strategies will require the work to be undertaken prior to the submission of reserved matters applications.

Proceeding with a positive recommendation for planning permission on this basis is reasonable when considering the relevant planning policies. PPS9 (Biodiversity and Geological Conservation), sets out the Government's objectives for planning:

- to promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development,
- to conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat; the natural physical processes on which they depend; and the populations of naturally occurring species which they support,
- to contribute to rural renewal and urban renaissance by:
 - enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and
 - ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

PPS9 goes on to state that, *'In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.'*

In addition PPS9 advises that advance survey information on the presence of protected species, linked to any required mitigation or compensatory measures, will help avoid infringements of national and international law, help satisfy the legal

requirements of both the EIA and Habitats Regulations and form the basis of a subsequent licence application, if required.

Where a development poses a likely risk of harm to a protected or priority BAP species, Local Planning Authorities should ensure that an adequate survey is carried out in advance of a planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.

PPS9 suggests it would be good practice to address biodiversity and geological conservation as completely as possible in the design of the development approved. However, it will often be necessary to secure further matters through the imposition of conditions and/or obligations and in some cases 'Grampian-type' conditions may be imposed which limit progress on a development until certain measures to protect or secure biodiversity or geological interests are in place. Grampian or negative conditions should not be used when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

In this case, the applicants have undertaken an EIA of the site and submitted an ES with the planning application. During the assessment of the planning application, those consultees with expertise in ecology have identified areas of concern in relation to the information submitted. In response, to the concerns, the applicants have worked closely with Natural England to address and overcome the issues raised. During this process, it has been acknowledged by all parties that best practice would ensure that any additional survey work would be undertaken prior to the granting of any planning permission. However, this is unique situation in that a 'once-in-a-lifetime' opportunity presents itself to see the allocated site developed for employment purposes and directly linked to that, for Medway Council to address road safety along the Grain Road through Community Infrastructure Funding and with a s106 contribution from National Grid arising as a result of the development. The problem faced is the timescale in which the CIF money needs to be spent.

What should be made clear at this point is that Medway Council, as a competent Local Planning Authority, is not prepared to set aside issues at the cost of significant ecological value in order to achieve the 'once-in-a-lifetime' opportunity. As such, through discussions with Natural England, an agreed approach has been taken. National Grid are owners of a vast area of land at the Isle of Grain and a significant area of that land has been committed to provide ecological compensation land should the need arise as a result of the further survey work that is required. Due to the fact that the application is for outline permission with all matters reserved, therefore no layout is fixed and the significant proportion of land being offered off-site in addition to the mitigation land being offered within the site, it is felt that there is clearly a prospect of being able to achieve appropriate off-site mitigation (should it be necessary) and therefore the use of conditions and a legal agreement is an acceptable approach in this case.

With the imposition of the suggested conditions and the securing of compensation land through the legal agreement it is considered that the site can be developed in accordance with Policies CC1, CC4, NRM5 and C7 of the South East Plan 2009 and

Policies S1, S2, S13, BNE6, BNE33, BNE34, BNE35, BNE36, BNE37 and BNE38 of the Medway Local Plan 2003.

Highways

PPG13 details Government policy on transport and promotes sustainable development by reducing the need to travel through appropriate land use and transport planning. PPG13 identifies three key objectives of the integration of planning and transport at the national, regional and local levels namely:

- to promote more sustainable transport choices for people and for moving freight;
- to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- to reduce the need to travel, especially by car.

However, PPG13 also sets out the circumstances where it is appropriate to change the emphasis and priorities in provision between different transport modes, in pursuit of wider Government objectives. It recognises that the car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel.

The application is supported by a Transport Assessment and a chapter in the ES entitled 'Transportation'. In terms of traffic generation, the number of vehicular trips have been predicted and analysed.

Traffic Generation – Road

The Transport Assessment outlines the expected traffic generation from the development over a 24-hour period. The predicted trip generation associated with the B1 and B2 elements of the scheme has been calculated following a detailed analysis of traffic survey data from similar sites contained within the TRICS database. With regard to the B8 use, the traffic generated by the proposal has been estimated by calculating the multi-modal transport requirements of the site based on the number of freight pallets moved through the site, with additional assumptions for staff travel and servicing movements. Traffic survey data at eleven storage and distribution warehouses across the UK was then scrutinised to ensure this provided a robust estimate of traffic generation. In terms of staff travel, the assessment assumes a high percentage of employees would travel to the site by car, given the relatively inaccessible nature of the site. However, whilst the completed development could provide employment for up to 4,800 people, the B8 use would typically operate a three-shift pattern over a 24-hour period. Furthermore, Health and Safety regulations applicable to the site restrict the occupancy of any one building to 99 persons at any given moment in time.

The Transport Assessment details the total traffic likely to be generated by the development per hour over a 24-hour period. A maximum of 728 two-way vehicle movements associated with the development (234 of which would be HGVs) are predicted to occur during the morning peak period, with 613 two-way vehicle movements (including 144 HGVs) generated between 1700 and 1800. However, the greatest number of two-way vehicle movements (972) is expected between 1300

and 1400, when the background traffic on the local network is much lower. Generally speaking, there is a relatively even spread of traffic generated by the development between the hours of 0500 and 1800 (an average of 590 two-way vehicle movements per hour), rather than a concentration of traffic around the peak periods. The reason for this is that, whilst some staff will work a standard day, the B8 element of the development would operate a typical set of three eight-hour shifts across a 24-hour period, with times likely to be 0600 -1400, 1400 – 2200, 2200 – 0600. Therefore, in addition typical peak periods, staff movements would be concentrated around shift changes.

Traffic Generation – Rail

Network Rail has indicated that there is a small amount of spare capacity on the Grain branch-line, which would permit the operation of an additional 3 trains per day. On this basis, the transport assessment indicates that at least 5% of total inbound and outbound freight will be transported by rail. In order to facilitate this, the application proposes a 750m long railhead within the Intermodal Interchange at the site. This will allow Thamesport to use longer trains than the existing 350m railhead will permit, and therefore offers the potential to increase capacity and the volume of goods transported by rail. It will also provide the site operators with an opportunity to combine freight with the operators of neighbouring sites.

Traffic Impact

The Transport Assessment contains a detailed analysis of the impact of development traffic on the surrounding network. This takes into consideration permitted levels of traffic associated with Thamesport, Bardon Aggregates and Grain Power Station. It also assumes that consented development at Kingsnorth Business Park, Bells Lane and Liberty Park is fully constructed and operational. In terms of the way development traffic is distributed on to the highway network, it is assumed that 12% of staff will be from the Peninsular, with the remaining 88% travelling from further afield. This is considered to represent a robust assessment, as 65% of employees at Thamesport and Bardon Aggregates travel to Grain from outside the Peninsular.

An assessment of the junctions between the site and the bottom of Four Elms Hill indicates that they will operate within capacity during the peak periods once the proposed development becomes operational, with the exception of the A228/Main Road junction. This is predicted to exceed its capacity during the morning peak period, resulting in queues along Main Road as vehicles attempt to exit on to the A228. It should be noted, however, that Bells Lane offers an alternative access on to the A228 via a roundabout junction, which has sufficient spare capacity to accommodate additional traffic. It is likely that some traffic will divert away from the Main Road junction on this basis.

Modelling of the Four Elms Roundabout junction during the peak periods indicates that it will be operating at or above capacity in 2013, before the proposed development becomes operational. The development itself would increase traffic at the junction by up to around 9% during the peak periods. Whilst the traffic generated by this development would clearly result in further congestion at peak times, with

extended queues on all arms, it does not cause or significantly alter the already inconvenient characteristics of the junction. Rather than instigate a series of short-term mitigation measures, the Council is likely to require a solution that would allow for continued growth in the surrounding area over a significant period of time. For this reason, recent contributions from consented developments, amounting to around £0.23 million, have been 'pooled' with a view to implementing a long-term improvement strategy for Four Elms Roundabout. This is most likely to be in conjunction with redevelopment proposals for Lodge Hill (Chattenden Barracks), which it is acknowledged would have a significant impact upon the junction.

Highway Safety

The impact of the additional traffic on highway safety has been carefully considered, particularly given the historically poor safety record of the A228 between Christmas Lane roundabout and Grain village: a total of 49 road traffic accidents occurred on this section between 2002 and 2005, resulting in 11 serious injuries and 7 fatalities.

The accident database indicates that there has been a substantial improvement to highway safety on this road in the past three years, with an overall reduction of 18 accidents (37%) from the period between 2002 and 2005. One accident resulted in fatal injuries, and the number of accidents resulting in serious injury fell by 64%. This improvement is considered to result from the implementation of average speed cameras between Christmas Lane roundabout and Grain village in 2007, together with a lowered speed limit and overtaking restrictions. A further improvement to highway safety will accompany the introduction of a roundabout junction at Fenn Corner, for which government funding has been secured.

Notwithstanding this, a number of other highway schemes along the A228 have been identified by the Council, which would offer further improvements to safety on this road and provide minor capacity improvements at various junctions to the benefit of local residents. Of these, highest priority has been given to an improvement scheme at Stoke level crossing, which along with Fenn Corner was identified as having safety issues that resulted in road traffic accidents. This would involve the construction of a bridge over the railway track, which will be subject to planning consent, at a cost of up to around £12 million. Following a comprehensive assessment scrutinised by the DCLG, part funding for this scheme has been secured from central government (Community Infrastructure Fund - CIF). The removal of the level crossing would have a positive impact on highway safety, capacity and journey times, particularly in light of the additional traffic generated by the proposed development. It would also significantly improve freight movements through Medway, a key objective of the Council's Local Transport Plan. The need for improvements to the level crossing can be directly related to the proposed development, as all traffic to and from the site would use it. It is unlikely that contributions towards the scheme could be obtained from other developments in Medway, as their traffic impact at this location would be minimal.

On the basis of the proposed development's impact on the local highway network, the applicant has agreed to pay a financial contribution of £5,375,000 towards safety and capacity improvements on the A228. As outlined above, it is recommended that this funding be allocated to the replacement of the Stoke level crossing with a bridge

structure, together with other highway improvements between the site and Four Elms Roundabout.

Travel Plan

A Travel Plan has been submitted as part of the planning application, which will require the developer to introduce a package of physical and management measures that facilitate travel by sustainable modes and discourage single occupancy car use. Travel Plan initiatives and obligations will be incorporated within in the lease agreements or covenants for each individual unit and include appropriate mechanisms for annual monitoring, which will then enable appropriate site-specific targets to be set.

The Interim Plan suggests that without a Travel Plan in place the development is likely to achieve a mode share of 15% by non-car modes. However, with suitable initiatives in place the number of trips made by non-car modes (including car-share trips) could increase to 35%.

As part of the Travel Plan the developer of the site will provide a bespoke shuttle bus service for employees. Whilst details relating its route, fares and timetable will be secured through the Section 106 Agreement, it is envisaged that the service will operate in perpetuity and link the site with the major transport hubs and residential areas within Medway. It may also be possible to create linkages with other bespoke services that become operational as part of the extension to the business park at Kingsnorth.

Site wide shift patterns offer a significant opportunity for employees to car share, which the Travel Plan will encourage and facilitate through the establishment of a site-specific link to the Medway Car Share web site. Further car-share initiatives are likely to include dedicated parking for car-sharers within the site, a guaranteed lift home scheme and the provision of pool cars for staff who travel by alternative modes to use when necessary during the day.

The success of the Travel Plan will be carefully monitored and reported to the Council on a regular basis, with an obligation on the developer to further develop measures and initiatives if agreed targets are not being met.

Access

This application is submitted as an outline application with all matters reserved. As such the access arrangements outlined in the masterplan are indicative. Two access points from the Grain Road are proposed to serve the development, which will require the construction of two new roundabouts on the public highway. The roundabout at the southern end of the site will replace the existing priority junction access to Thamesport and will require a section of Grain Road to be realigned. The eastern arm of this roundabout provides a realigned access to Thamesport and the extended rail intermodal interchange via a third roundabout within the site. The roundabout to the north will provide direct access to the development zones to each side of Grain Road. The two roundabouts will also be connected via a new internal access road running parallel to Grain Road that will remove the need for traffic

moving between the eastern zones (and Thamesport) to use the public highway. The application also proposes improvements to pedestrian and cycle facilities on Grain Road along the site frontage.

The detailed design of the access roundabouts and the realignment of Grain Road will be considered with a future 'reserved matters' application, which will need to be accompanied by a comprehensive road safety assessment. As Grain Road and the surrounding land is within the control of the applicant and the highways authority, there is scope to make any adjustments to the access arrangements that may be required as a result of the safety audit process. On this basis, it is considered that a suitable access to the proposed development can be achieved.

Subject to a Section 106 contribution towards safety and capacity improvements on the A228, and the provision of a bespoke bus service and a Travel Plan, the principle of the development in highway terms is considered acceptable and in accordance with PPG13, Policies T1, T2, T4, T5, T7, T8, T12 and KTG1 of the South East Plan 2009 and Policies T1, T2, T3, T4, T6, T7, T10, T11, T12, T13, T14, T18 and T22 of the Medway Local Plan 2003.

Hazard and Risk/Health and Safety

The application site is within the consultation distance of a hazardous installation, which is the LNG Importation Facility, and therefore the Council is required to consult the Health and Safety Executive with regards to the proposed development. The proposed development will be situated within the inner zone of the Hazardous Installation and sensitivity level 1 (based on a normal working population). Within the Level 1 parameters each building will be a maximum of two storeys in height and have a maximum occupancy of 99 people at any given time. This is to ensure that workers may be mobilised for emergency response quickly and safely if required. It is recommended that conditions be attached to any forthcoming permission to ensure that the requirements set out by the HSE are adhered to. Measures have been outlined to ensure that as detailed design progresses risks to occupants, in the unlikely event of an incident associated with the LNG Importation Facility, are reduced as far as practicable. Measures that have been identified include:

- avoidance of combustible construction materials on the outer surfaces of the buildings;
- flammable gas detection on ventilation inlets, linked to dampers that close off the inlets if flammable gas is detected;
- avoidance of windows facing the LNG Importation Facility and plant;
- use of tall buildings as 'shields' for muster areas and escape routes, or the provision of shielded routes away from the area;
- additional exits from the buildings away from the process plant; and
- provision of diverse evacuation routes from each building.

The HSE were consulted via their PADHI (Planning Advice for Developments near Hazardous Installations) process and did not advise against the proposed development.

Legal Agreements

In accordance with Policy S6 of the Medway Local Plan 2003 and SPD 'A Guide to Developer Contributions', a number of requests for financial contributions have been put forward and agreed by the applicant.

The agreed heads of terms for the Section 106 agreement are set out above and discussed in the relevant sections of the report above.

Conclusion and Reasons for Approval

This is a complex application which raises many issues that have been set out and addressed in this report. However, having regard to current National Planning Policy and Guidance, Regional Planning Policy and Local Development Plan Policies, the principle of the proposed development is considered to be acceptable. The proposal is considered to be acceptable in land use terms with the provision of a significant amount of employment use, amenity concerns including noise and vibration, traffic generation, environmental concerns, archaeological issues and ecology. It is considered that the site can be developed in a manner that is acceptable in terms of design and appearance, residential amenities, archaeological protection and parking. It is considered acceptable in terms of the infrastructure contributions subject to the successful conclusion of a relevant legal agreement. Accordingly the application is recommended for approval.

It is recommended that due to the size and phased nature of the proposed development and the need for further ecological survey work to be under taken, the time limit for implementing the permission be extended to 10 years.

This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration because of the number of representations that have been received which are contrary to the officer recommendation and due to the strategic significance of the application.
