

MC/18/0074

Date Received: 9 January 2018

Location: Land At North Sea Terminal (Triangle Land) Salt Lane Cliffe Kent
ME3 7SX

Proposal: Construction of a concrete segment manufacturing facility with
associated concrete batching plant and rail sidings expansion

Applicant Mr Ford

Agent Miss Watts Mill Barn
28 Hollingworth Court
Turkey Mill
Maidstone
ME14 5PP

Ward: Strood Rural Ward

Case Officer: Kemi Erifevieme

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9th May 2018.

Recommendation - Approval subject to:

- A. The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
- i) £5575.00 payment towards the provision of 5 x Kissing gates and 5 x Fingerposts
- B. And the following conditions: -
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

90002 REV P02 (received 9 January 2018); 001 Rev 2; 002 Rev 2; 003 Rev 2; 004 Rev 2; 005 Rev 1; 006 Rev 0; 007 Rev 0 received 16 January 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Unless otherwise agreed 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 4 to 6 have been complied with. If unexpected contamination is found after development 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 7 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 4 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed 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. 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. 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,
- archaeological 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'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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 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.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 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 4, and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of condition 5, 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 5 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 6.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) 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; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works 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.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to the commencement of the development, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those

off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In accordance with paragraph 109 of the National Planning Policy Framework.

- 10 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: In accordance with Paragraph 109 of the National Planning Policy Framework

- 11 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with paragraph 109 of the National Planning Policy Framework.

- 12 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. The development shall be carried out in accordance with the approved details.

Reason: In accordance with Paragraph 109 of the National Planning Policy Framework.

- 13 No more than 40 movements of heavy goods vehicles per day shall be made to and from the plant hereby approved without any variation first being agreed in writing by the Local Planning Authority. Prior to the plant hereby permitted being brought into use details of the arrangements for monitoring of heavy goods vehicle movements to and front the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection that implements the measures described in Chapter 8 of the approved SLR Consulting Limited Environmental Statement, and SLR Consulting Limited letter titled Cliffe Segment Factory- Responses To Noise Assessment Queries (dated 28 March 2018), 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.

Reason: To safeguard amenity conditions in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 The noise rating level (LA,T) associated with the development site shall not exceed the Predicted Rating Levels given in Table 8-20 and Table 8-21 of Chapter 8 of the approved SLR Consulting Limited Environmental Statement, when defined and derived in accordance with BS414:2014.

Reason: To safeguard amenity conditions in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 An acoustic assessment of compliance with condition 15 (above) shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition 15 shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Reason: To safeguard amenity conditions in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 Heavy goods vehicles transporting materials to and finished products from the new facility hereby approved shall only make such movements between the hours of

0600 to 1900 hours Monday to Friday, and 0600 to 1600 hours on Saturday and not at all on Sunday and Public Holidays.

Reason: To regulate and control the permitted development in the interest of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 The open storage area within the site (triangle land) shall be lit in accordance with details of a lighting scheme to be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The development shall be carried out strictly in accordance with the approved detail.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 No materials, plants or other equipment other than finished products manufactured in the plant building hereby approved shall be stored in the open other than in the designated open storage area and to a height no greater than 5 metres.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

Planning permission is sought for the construction of a concrete segment manufacturing facility with associated concrete batching plant and rail sidings expansion.

The proposal will comprise a new (24/7) concrete segment facility to include a manufacturing building (approx. 100m x approx. 50m x approx. 14.5m). Manufactured and set segments will be transported by forklift truck or gantry crane and placed within an outdoor storage area (approx. 2.96ha), stockpiled, no more than 5m high, until they are required for onward transportation by rail.

The concrete batching plant will include 2 mixers and aggregate storage bin structure that will have 4 bins positioned over a weigh hopper. Each mixer will be supplied from 6 cement silos (approx. 20.5m high) feeding into the weigh hopper. The mixers will be positioned to supply the flying buckets mounted on rails approx. 7.5m above ground level. A water tank with a facility to provide hot water (when required) will also be required for the concrete process and for washing the mixers. The main elements of the plant would be contained within an area of approx. 20m x approx. 50m, with aggregates to be supplied to the plant storage bins by a radial conveyor with a receiving hopper located outside the triangle land, within Brett's existing operations. The highest points of the plant will be the 6 cement silos at approx. 20.5m high.

The production rate of the concrete batching plant is expected to be at about approx. 50m³ per hour and will only produce concrete for the segment factory area. There will be no export to the general concrete market from this facility.

In terms of aggregates approx. 1,800 tonnes of coarse aggregates and sand will be required per day for the production.

Relevant Planning History

- MC/17/3874 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a scoping opinion for the construction of a 100m x 50m concrete segments factory building (5,000 sqm floor space) for the manufacture of pre-cast concrete segments, including a concrete batching plant and open storage land totalling 5.12 hectares along with an extended rail head on land currently consented for use as an open block storage area associated with the use of a concrete block manufacturing plant permitted under planning permission MC2000/1400
Decision EIA Required
Decided 08/12/2017
- MC/17/3599 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for the construction of a 100m x 50m concrete segments factory building (5,000 sqm floor space) for the manufacture of pre-cast concrete segments, including a concrete batching plant and open storage land totalling 5.12 hectares along with an extended rail head on land currently consented for use as an open block storage area associated with the use of a concrete block manufacturing plant permitted under planning permission MC2000/1400
Decision EIA Required
Decided 07/11/2017
- MC/17/1687 Details pursuant to condition 4 of planning application MC/14/1630 - Proposed ecological and landscape enhancement of Alpha Lake and Chalk Lake, such enhancement to include re-profiling and creation of new island features.
Decision Decided 21/12/2017
- MC/17/1667 Details pursuant to conditions 7 and 8 of planning permission MC/14/1630 Proposed ecological and landscape enhancement of Alpha Lake and Chalk Lake,

such enhancement to include re-profiling and creation of new island features.

Decision Decided 07/06/2017

MC/14/2416

Details pursuant to conditions 7,9 and 10 of planning permission MC/09/1747- Discharge of excavated silt (from Timber Lake) into Chalk Lake, together with the deposition of reject concrete paving (to stabilise the silt)

Decision Discharge of Conditions

Decided 03/09/2014

MC/00/1400

Construction of a concrete block manufacturing plant and use of land for associated open storage.

Decision Approval with Conditions

Decided 12/09/2002

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Cliffe and Cliffe Wood Parish Council, KCC Ecology, Environment Agency, Natural England have also been consulted.

No letters of representation have been received from local residents.

Cliffe and Cliffe Woods Parish Council have not raised objection to the proposed development however have raised the following concerns:

- Note the sensitivity of the surrounding land as part of the internationally recognised Cliffe Pools but note the historic use of this specific site for industrial purposes.
- Care should be taken to ensure that lighting and noise of the operations is managed (downwards, with shielded lighting and generated noise managed).
- Would like to see lorry movements regulated and actively monitored.
- Disappointing that cement needs to be delivered by road. Can movements avoid peak travel times and overnight (21:00 to 07:00 or other anti-social hours?).
- Measures are required to maintain public footpath access across the site (bridge). Pedestrian bridges should be sloped rather than stepped wherever possible.
- Delivery of concrete segments by rail is also appreciated (consideration should be given liaising with Network Rail to provide a 'left turn/coast bound' chord at Hoo Junction so that freight can move towards Strood and the Medway Valley Line without having to 'change ends' at Hoo Junction and disrupt the Strood to Gravesend line).

The Ramblers Association has no objection in principle to this application but would point out that the site is bordered by several PROWs - RS60, RS332 and RS80 - which should not be impacted or obstructed in any way and the resulting development should not detract from the enjoyment of using these footpaths.

Dickens' Country Protection Society has concerns that the development could result in at least 40 lorry movements per day and would like the applicant to make every effort to deliver cement to the site by rail.

Highways England (HE) is satisfied that the proposals will not materially affect the safety, reliability and / or operation of the SRN. Therefore, HE raises no objection subject to a daily HGV limit not to exceed 110 HGV movements per day.

KCC Ecology has raised no objection subject to conditions and has also requested clarification on lighting, water quality and noise.

The Environment Agency has no objection to the proposal subject to conditions and no concerns on flood risk.

Marine Management Organisation (MMO) has raised no objection to the proposed development however have stated that any works within the Marine area may require a licence from the Marine Management Organisation.

Natural England has raised no objection subject to conditions and also requested further information in order to determine the impact of the proposed development on designated sites.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

The established Cliffe Works currently provides for the importation and processing of marine dredged mineral under existing planning permissions. The existing mineral processing works comprises a block manufacturing plant, concrete batching plant, aggregate processing plant and a rail terminal.

The proposal would result in the expansion of the current works by construction of a concrete segment manufacturing facility with associated batching plant and rail sidings.

This expansion is required as a result of new tunnelling projects due to be undertaken in the south east over the coming years, which will require significant volumes of tunnel segments to be produced.

An Environmental Statement (ES) has been submitted with this application.

Principle

The application site is situated within the larger Cliffe Works site and the proposal seeks to expand the existing operation and as such raises no new land use concerns.

The area of the land that the new process would be operated from is a broadly triangular shaped plot within the larger site. This new production area would be approx. 5.12ha. The process would require the production of tunnel rings in two sizes each comprising of 6 segments (approx. 52 tonnes). The segments would be manufactured as follow:

- Concrete batched by plant mixer;
- Concrete transported to factory by suspended bucket hopper on rails (flying bucket) to factory hoppers (2 lines for 2 carousels);
- Concrete held in factory hopper and dropped into segment mould;
- Segment mould moves out (on rails) from under hopper for compaction and finishing;
- Segment mould moves into curing area (boxed in area);
- Segment is steam cured for 4-6 hours;
- Segment leaves curing area for demoulding;
- Segment demoulded and lifted for tidying and storage;
- Segment mould cleaned and prepared for casting and cycle starts again.

The manufacture of segments will be a 24-hour operation however importation and loading activities will be as follows:

- **Importation** – typically 1 aggregate train/day, but 24/7 required to schedule around passenger trains and other requirements, approx. 4 hours to unload each train. Cements and admixtures will be delivered across the day
- **Importation of cement** between 6am and 10pm – this would typically involve a maximum of 20 loads per day (i.e. 40 movements)

- **Loading onto trains** – 24/7 to load 2 trains/day with approx. 10 hours to load each train

Policy ED33 of the Local Plan generally supports the extension of existing employment sites within the rural area. As a direct result of this new facility about 52 new jobs would be created. Given the existing land use the proposal would not raise additional land use issues, would be of an acceptable scale in terms of the production and would create up to 52 new jobs for the local economy.

The proposal is therefore acceptable in principle subject to design, amenity and highways considerations in this report.

Design

The application site comprises a triangular parcel of land located between Cliffe Pools (to the north) and Alpha Lake and Chalk Lakes, situated within Cliffe Works under the Brett landholding and operation.

Policy BNE1 of the Local Plan, states that design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment. Paragraph 56 of the NPPF attaches great importance to the design of built environment, and Paragraph 57 of the NPPF states the importance to plan positively for the achievement of high quality and inclusive design for all development.

In terms of the proposed storage building, the manufacturing building would be approx. 100m in length, approx. 50m in width and approx. 14.5m in height and would be of a functional design similar to other storage buildings found within the site. The building would be constructed of corrugated metal and in a colour that will match other buildings and structures nearby. The building would be of a mass, scale and height that would be appropriate to the location and immediate surroundings.

The welfare buildings, porta cabins, would also be of a functional appearance and scale would be appropriate to the proposed facility. The cement silos (approx. 20.5m high), feeding into the weigh hopper, mixers, flying buckets mounted on rails approx. 7.5m above ground level and a water tank would all be structures of functional appearance that are necessary for the operations of the proposed facility.

As such, given the location and position of the proposed facility and structures, there would be no adverse impact on the appearance of the Salt Lane when viewed in the background of existing facility. The proposed development would conform to Policy BNE1 of the Local Plan, and the design objectives of Paragraphs 56 and 57 of the NPPF.

Landscape and Visual Impact

The NPPF requires at paragraph 118 that "...development proposals where the primary objective is to conserve or enhance biodiversity should be permitted". The site is located

within the North Kent Marshes, and adjacent the SSSI/Nature Reserve. As such, any development within or adjacent to the designated sites need to ensure that the special character of these areas is protected.

The applicant has undertaken a landscape and visual impact assessment (LVIA). This has been undertaken to assess the potential landscape and visual implications of the proposed factory building, along with associated plant, storage and ancillary features. The assessment includes a baseline study of the existing site and its surroundings, a study of the landscape and visual characteristics of the proposed development and an assessment of the residual landscape and visual effects likely to be generated after mitigation has been considered and their significance.

The assessment concludes that there are no significant landscape or visual effects predicted as a result of the proposed development.

The proposal would therefore be acceptable on design grounds including with regards to Policies S4, BNE1, BNE6, BNE33, BNE34 and BNE35 of the Medway Local Plan and Paragraphs 9, 17 and 118 of the NPPF.

Amenity

There are few residential dwellings in close proximity to the proposed development on Salt Lane. It is not considered that the proposed development would cause harm to these residents in terms of loss of daylight, sunlight, overlooking or privacy.

Noise

However, consideration must be given to whether there are likely to be any potential noise effects arising from the proposed development, on the baseline environment. Further consideration has also been given to the mitigation measures required to prevent, reduce or offset any significant adverse effects and any likely residual effects after these measures have been employed.

A noise assessment has been undertaken and is included in section 08 of the ES. The report assesses the potential for the proposed development to impact upon the noise environment in the vicinity of the application site. It considers the potential for any environmental effects the proposed development may have on this baseline environment; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual effects after mitigation measures have been employed.

The assessment has considered the potential noise impacts of both the construction and operation of the proposed concrete segment facility.

The construction noise assessment has shown that:

- The predicted noise levels from worst-case construction operations are below the threshold values at all the nearest noise-sensitive receptors; and
- The noise levels generated by construction operations will have no impact on the nearest-noise sensitive receptors.

The operational noise assessment has shown that:

- At two of the noise-sensitive receptors considered, namely the residential properties on Symonds Road and Church Street, there would be a minor impact, at worst from the noise generated by operations at the site; and
- At the third noise sensitive receptors considered, namely the residential properties located on Salt Lane the predicted rating levels were +12dB above the prevailing background sound levels during the weekend night-time period and would therefore benefit from mitigation measures in the form of enhancing the acoustic properties of the Segment Production Building and erecting an acoustic fence to the west of the properties on Salt Lane.

With mitigation in place the predicted rating levels at Salt Lane Cottages are reduced to +6dB above the prevailing background sound levels during the weekend night-time period which equates to a moderate impact. However, having regard to the existing industrial type activities, provided mitigation measures are implemented, the operational noise being generated by the site would have a low impact during all time periods, including the weekend night-time period.

Dust

With respect to the construction phase, the proposed development is predicted to result in a low risk of dust impacts in the absence of mitigation. However, with the effective implementation of the proposed mitigation measures the potential dust effects are considered to be 'not significant'. The operational phase is not considered to result in an increase in dust emissions above that of the current use of the site. As such the overall scale of effect would be negligible and considered not to be significant.

Based on this assessment, it is considered that the proposed development would not result in significant adverse noise effects beyond those experienced in relation to the current permitted operations. Therefore, the proposal would accord with Policy BNE2 of the Local Plan and Paragraphs 17 and 123 of the NPPF.

Highways

Vehicle access to the application area will be via existing access through the site from Salt Lane and Buckland Road which follows a route southbound towards the A289 slip road. The Brett landholding has the benefit of an existing rail loading and unloading

terminal which is located to the north-west of the application site, along with a connecting track which links the wharf to the lakes and the site.

A Transport Assessment, has been submitted as part of the ES and a detailed audit of the local highway network has been undertaken and Accident Data for the local highway network was obtained from the Council.

The proposal will increase production on the site with the new facility. In terms of HGV traffic, the proposed facility would generate up to 20 cement tanker loads per day, equating to 40 HGV movements. These would operate between 0600-1900hrs Monday to Friday and 0600-1600hrs Saturday. Based on even HGV movement across a 13-hour day (0600-1900hrs) this equates to an average of between 1 and 2 cement tankers per hour, or approximately 3 HGV movements per hour.

This number of proposed cement tanker movements would still operate within the levels permitted within the existing planning permissions for the existing on-site processes and would be well within the historic HGV levels generated by the wider site.

In terms of the construction phase, the use of on-site derived materials and the site's own manufacturing facilities will be used where possible. It is forecasted that the construction phase would generate less daily traffic than the operational phase of the proposed scheme, therefore the operational impact assessment would be worst case in terms of HGV traffic generation. The applicant has also indicated that they will seek to utilise river transport for delivering and removal of materials where possible to minimise HGV road use.

Importantly, the site offers an excellent access to the river and rail facilities. Brett already use the wharf for importing material to the Cliffe Works and propose that completed concrete segments be exported from the site via an extended rail link. It is anticipated that, with the exception of newly employed staff travelling to the site, traffic levels associated with the proposal would remain within those levels currently permitted. Accident data has been reviewed and it has been concluded that there are no safety issues associated with site activities. It is therefore concluded that traffic numbers and transport methods are consistent with national and local plan policy.

Based the above, it is considered that the proposed development would accord with national and local planning policies and is considered to be acceptable in traffic and transport terms in terms of Policies T1 and T13 of the Local Plan.

In addition, it is also considered that the proposed development would have limited effects on residential amenity from traffic or highways issues.

Ecology

An ecological impact assessment has been undertaken by Bioscan (included at Appendix 06 of the accompanying Environmental Statement) and assesses the scope for likely

significant effects on ecological receptors to arise during both the construction and operational stages of the project.

An extended Phase 1 survey of the application site was conducted on the 14 November 2017. The purpose of the survey was to check for and document any changes to the habitats within the application site since the previous surveys.

As a result of this update survey, the application site was found to contain the following main habitat types:

- Bare ground
- Scrub
- Grassland
- Ruderal
- Structures

The report notes that with suitable mitigation measures (as set out in sections 7 and 8 of the Report, the residual effects of the proposed development would be as follows:

- Thames Estuary and Marshes SPA and Ramsar Site and South Thames Estuary and Marshes SSSI – no likely significant effects
- Hound's-tongue and annual beard grass - No likely significant effects
- Reptiles - no likely significant effects
- breeding birds no likely - significant effects

The assessment concludes that 'when the application site proposals are assessed in isolation, the net residual effect of the proposals on biodiversity is anticipated to be neutral to slight net negative, depending on the individual species or group of species in question'.

The applicant is to also carry out remedial works at Chalk Lake within the site by agreement of Natural England, it is considered that these agreed works would together with any recommended mitigating measures suggested in the Environmental Statement, and including recommended conditions, would be adequate to address any issues that may arise from the proposed development and the development would be in accordance with Policies BNE33, BNE34, BNE35 and BNE39 of the Local Plan and paragraph 118 of the NPPF.

Contamination

The baseline conditions are based upon the findings of a Preliminary Land Quality Risk Assessment (PLQRA). When considering that the study site has a history of commercial use it is considered that the proposed development is unlikely to have a significant detrimental impact upon land quality.

With regards to land quality there would be negligible significant residual or cumulative effects of the proposed development after inclusion of the identified mitigation measures.

Subject to conditions, the proposed development would be acceptable with regard to land contamination and in accordance with Policy BNE23 of the Local Plan and paragraph 121 of the NPPF.

Air Quality

A copy of the air quality report is included in Appendix 09 of the ES. The assessment considers the potential for the proposed development to impact upon air quality. It describes the baseline conditions currently existing at the site and its surroundings. It then considers any potential environmental effects that the proposed development may have on this baseline environment and the mitigation measures required to prevent, reduce or offset any significant adverse effects.

The assessment concludes that:

- with respect to the construction phase, the proposed development is predicted to result in a low risk of impacts in the absence of mitigation. However, with the effective implementation of the proposed mitigation measures the potential dust effects are considered to be 'not significant'; and
- the operational phase is not considered to result in an increase in dust emissions above that of the current use of the site. As such the overall magnitude of effect is considered negligible and is considered to be 'not significant'.

The proposal would be acceptable on air quality grounds and comply with Policy BNE24 of the Local Plan and paragraph 124 of the NPPF.

Water

The applicant has undertaken a groundwater and surface water assessment which has identified key receptors. The potential impact of the proposed development on the water environment have been identified and assessed. It is considered that appropriate mitigation measures are proposed to be implemented during the construction that will be accommodated into the design of the proposed development and ongoing operations.

Overall, it is considered that there would be no significant residual or cumulative effects with respect to groundwater and surface water from the proposed development subject to conditions to ensure that the mitigation measures are put in place.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The proposal would affect the public right of way and accordingly to ensure that the intensity of the use does not result in a harmful impact, it is necessary to mitigate this effect.

This impact is a material consideration and forms part of Medway Council's remit under section 7 (7.25) Statement of Actions of the Medway Council's Rights of Way Improvement Plan. This contribution request also links directly to section 7F, Medway Council's Developers Contribution Guide 2014 under removing barriers for active travel and highway safety.

The RS60, public access, also runs along the road from Salt Lane to Bretts and will be subject to extra traffic carrying the concrete. To mitigate the effects of this and make these areas safer a S106 contribution to pay for 5 kissing gates and increased signage x 5 to enhance the walkers experience through the Brett site as well as to help ensure there is not unintentional trespass into busy and dangerous work areas. The provision of five Kissing gates at £914 each and five Fingerposts at £201 each results in a contribution of £5575.

The applicants have agreed to make the payment and are in the process of completing a unilateral undertaking in accordance with Policies S6 and L10 of the Local Plan.

Conclusions and Reasons for Approval

The potential for the development to cause significant environmental effects has been considered through the Environmental Impact Assessment process, with regard to landscape and visual impact; ecology; water environment; noise; air quality; transportation and contaminated land.

It is concluded within the ES that, given the proposed design, operational and mitigation measures, the development can be undertaken without any significant adverse environmental impacts. With the mitigation proposed, and the use of planning conditions, where appropriate, it is considered that the proposed development would not conflict with the relevant policies contained within the Medway Local Plan or the objectives of sustainability contained in the NPPF.

The proposed development is considered to be acceptable and would conform to Policies S4, S6, ED33, BNE1, BNE2, BNE6, BNE23, BNE24, BNE33, BNE34, BNE35, BNE37,

BNE39, T1, T13 and L10 of the Medway Local Plan and Paragraphs 9, 17, 56, 57, 118, 121, 123 and 124 of the NPPF.

The application would normally fall under delegated powers for determination, but is being reported to Committee due to the strategic nature of the development.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>