

MC/19/0299

Date Received: 4 February 2019

Location: Land At Thamesport Grain Road Isle Of Grain Rochester

Proposal: Construction and operation of a cement production plant, ancillary facilities and access

Applicant Thamesport Cement Limited

Agent PDE Consulting Limited 6 Forbes Business Centre
Kempson Way
Bury St Edmunds
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IP32 7AR

Ward: Peninsula Ward

Case Officer: Tom Stubbs

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 4th March 2020.

Recommendation - Approval with 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 herein approved shall be carried out in accordance with the design principles and development objective as set out in the Environmental Statement Dated February 2019 received on 24 January 2019; the revised Landscape Visual Impact Assessment (dated June 2019) received on 19 June 2019; drawing numbers M18.214.D.001, M18.214.D.002, M18.214.D.003, M18.214.D.004, M18.214.D.005, M18.214.D.006, M18.214.D.007, M18.214.D.008, M18.214.D.009, M18.214.D.010, M18.214.D.011, M18.214.D.012, M18.214.D.013 and M18.214.D.014 received on 24 January

2019; and Air Quality Technical Guidance Note (dated 10 February 2020) received on 10 February 2020.

Reason: Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 against which the development has been assessed and that any material alteration to the design principles and development objectives may have an impact which has not been fully assessed.

- 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 take place until conditions 4 to 7 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 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 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 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 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 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting, hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and habitat or prejudicing the efficiency of the strategic road network from associated HV movements and with regard to Policy BNE2, BNE37 and BNE39 of the Medway Local Plan 2003, paragraph 10 of DfT Circular 2/2013 and paragraph 109 of the NPPF.

- 9 Notwithstanding the approved plans, no development shall take place until full details of the HGV and tanker loading arrangements have been submitted to and approved in writing by the Local Planning Authority (who shall consult Highways England). The HGV and tanker loading arrangements shall only allow for one tanker and one HGV carrying bagged product to be loaded on site at any one time. The loading arrangements shall be implemented in accordance with the approved details prior to the first use of the site and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure that the development does not prejudice the efficiency of the strategic road network from associated HGV movements in accordance with Policy T1 of the Medway Local Plan 2003, paragraph 10 of DfT Circular 2/2013 and paragraph 109 of the NPPF.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the

design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 11 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 12 No development shall take place above slab level until details of the facade treatment and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 BNE1 of the Medway Local Plan 2003.

- 13 Noise from the development shall be controlled such that the noise rating level (L_{Ar},Tr) emitted from the development shall achieve the noise rating levels predicted in the approved Noise Assessment Report reference 4868, dated 24 January 2019. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: In order to minimise the impact of the noise of the approval on the amenities of local residents, wildlife and habitat and with regard to Policy BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 14 An acoustic assessment of compliance with condition 12 shall be submitted to and approved in writing by the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Within one month of the assessment any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition 12 and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall thereafter be implemented in accordance with the approved timetable and thereafter maintained.

Reason: In order to minimise the impact of the noise of the approval on the amenities of local residents, wildlife and habitat and with regard to Policy BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 15 The deliveries of raw materials of clinker, gypsum and limestone shall be via water vessel from the existing wharf only and not delivered via the road network.

Reason: To safeguard conditions of amenity and impact of traffic on the Four Elms Hill AQMA area in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 16 The construction of the development shall be undertaken by rotary pilling in accordance with the mitigation set out within the Environment Statement: Part 7A Noise paragraph 9.1 of the Noise Assessment Report reference 4868, dated 24 January 2019.

Reason: In order to minimise the impact of the noise of the approval on the amenities of local residents, wildlife and habitat and with regard to Policy BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 The development shall be implemented and operate at all times in accordance with the Process Mitigation set out within the Environmental Statement: Part 7B Air Quality paragraph 10.2 of the Air Quality Assessment, ref: A111625 dated 28 July 2019.

Reason: In order to minimise the impact of the air quality and dust of the approval on the amenities of local residents, wildlife and habitat and with regard to Policy BNE2, BNE24, BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 There shall be no production of wet mortar cement products at the site.

Reason: To ensure that the development permitted does not prejudice the efficiency of the strategic road network from associated HGV movements in accordance with Policy T1 of the Medway Local Plan 2003, paragraph 10 of DfT Circular 2/2013 and paragraph 109 of the NPPF.

- 19 The development shall be implemented and operated in accordance with the Dust Management Plan Appendix B of Air Quality Technical Note undertaken by wyg dated 10 February 2020.

Reason: In order to minimise the impact of the air quality and dust of the approval on the amenities of local residents, wildlife and habitat and with regard to Policy BNE2, BNE24, BNE37 and BNE39 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

This application seeks planning permission for construction and operation of a cement production plant (Class B2), ancillary facilities and access. This application has been supported by an Environmental Statement.

The overall process involves the accurate mechanical grinding of carefully blended input materials (cement clinker, gypsum and limestone) once they have been imported to the site by sea and it does not involve any inputs for burning, organic materials or water. The use of wharf cranes would unload the raw materials from tankers onto a mobile hopper (clad with own dust extraction system) which would load HGVs or sheeted articulated dumper trucks to the raw materials hall. It is expected that vessel unloading would take place on 46 occasions per year.

The raw materials are ground into a fine powder in rotating horizontal grinding mills at ambient temperature to produce cement with the finished products being stored in silos prior to despatch by way of bulk tanker or bagged and on an articulated trailer. The cement production would be undertaken uninterrupted.

The main structures onsite would include (working back from the wharf) two hoppers and a pitched roof raw materials hall measuring approx. 52m wide and 195m in depth with a height of approx. 9.5m to the eaves and approx. 17.8m to the ridge attached to the rear of this building would be two grinding plant buildings measuring approx. 12.7m wide, approx. 20.5m deep and approx. 32.5m in height. There would also be a pitched roof silo building measuring approx. 29m in width, approx. 23.1m in depth and approx. 27m in height (maximum). Attached to this building would be the dispatch building measuring approx. 63m in width, approx. 21m in depth and approx. 14.3m in height with a pitched

roof. Smaller buildings onsite would include the Maintenance and Warehouse building adjacent to the dispatch building and laboratories, administration and electrical delivery satiation to the rear of the dispatch building.

Relevant Planning History

Application Site

MC/18/2619 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a scoping opinion for the development of a new cement grinder clinker plant
Decision: EIA required
Decided: 5 October 2018

MC/18/2229 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the development of a new cement plant
Decision: EIA required
Decided: 13 August 2018

Thamesport Container Port and Jetty

MC/09/0459 Removal of condition no.2 of MC2008/1214 (extension to the existing suspended quay deck incorporating a road bridge linking the quay deck extension to the container yard associated with dredging to berth box) to allow piling works to be carried out throughout the year to enable development to the eastern extension
Decision: Approved with conditions
Decided: 29 June 2009

MC/08/1214 Extension to the existing suspended quay deck incorporating a road bridge linking the quay deck extension to the container yard with associated dredging to berth box
Decision: Approved with conditions
Decided: 12 February 2009

MC/05/0319 Formation of HGV park, extension to car park with ancillary container handling yards, extension to rail terminal yard and construction of new access road
Decision: Approved with conditions

Decided: 20 June 2005

88/1215 Cargo port including area for associated industrial development
Decision Approval with Conditions
Decided 20 October 1988

Similar Application within Thamesport Site

MC/19/1263 Outline planning application with some matters reserved (appearance, layout and landscaping) for development of an aggregates processing plant and multimodal supply terminal
Decision: Under determination

MC/18/2559 Construction of a conveyor with receiver hopper, to be used to facilitate off-loading of aggregate from the existing wharf
Decision: Under determination

MC/17/1278 Installation of external concrete batching plant
Decision: Approved with conditions
Decided: 24 July 2017

MC/16/2731 Construction of a temporary mobile asphalt plant
Decision: Approved with conditions
Decided: 2 December 2016

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

St James Isle of Grain Parish Council, The Secretary of State, RSPB, KCC Biodiversity, Natural England, EDF Energy, Southern Gas Networks, Southern Water, Highways England, Environment Agency, Kent Wildlife Trust, National Grid, Peel Ports and Marine Management Organisation, Health and Safety Executive have also been consulted.

There have been **five** letters of objection including one from the Dickens Country Protection Society, David Lock Associates, DLA PIPER on behalf of National Grid and BP Oil UK Limited raising the following concerns:

- Impact on highways.
- Noise and air quality concerns from 24 hour use.

- Concerns of ship movements containing raw materials and associated ship movements and impact on ecological sensitive areas not assessed in reports, visual impact, and ecological impact.
- Impact of dust and air pollution on the operation and equipment of neighbouring business National Grid and BP Terminal and Air Quality Assessment not completed.
- Lack of consideration of site regulated by Health and Safety Executive.

St James Isle of Grain Parish Council have objected raising a number of concerns regarding the following noise, air quality and amenity, impact on the road network, impact of HGV movements and parking onsite, contamination and employment.

Highways England initially raised concerns regarding the intensification of the use and the impact of HGV and staff movements within the peak hours and the possible impact on strategic road network. The applicant subsequently submitted additional information in the form of a Transport Assessment and this objection was removed subject to conditions regarding the site not producing wet mortar cement products, a layout plan allowing only one HGV and tanker loading arrangement and a Construction Environmental Management Plan (CEMP).

KCC Biodiversity have written to advise that the ecological information provided is sufficient and demonstrated that the development would not result in an increase in vehicle movements over or above the wider site approval and the development has been designed to minimise increased noise to the neighbouring designated sites. They agree with the recommendation of the HRA assessment.

The Environment Agency has no objection to the application. The flood risk assessment is acceptable and drainage is acceptable. The supporting information shows the foul drainage is to be connected to the mains drainage system and treated surface water will be discharged into a sewer.

Natural England have written to raise no objection subject to appropriate mitigation being secured via surface water drainage strategy and air quality mitigation and should be assessed on the impacts on the Marine Conservation Zone (MCZ). They indicate a Habitats Regulation Assessment (HRA) would be required as part of this application.

An HRA Appropriate Assessment (AA) was subsequently submitted and Natural England confirmed that the proposal would not have an adverse impact on designated sites in terms of air quality, subject to the submission of a CEMP mitigating issues during construction and for the operational phase, that any impact will be mitigated and avoided by the design and best practice operating procedure of the facility. The designated sites would not be adversely affected by surface water quality/quantity subject to appropriately treated SUDs drainage. Finally, the designated sites will not be adversely affected by noise. They also confirm that the development would not adversely affect the conservation objectives of the Medway Estuary MCZ.

Following the submission of additional information, the AA was amended to take account of this information and an additional condition recommended regarding the proposed Dust Mitigation Plan has been included. Natural England subsequently written to provide no further comment from their original response.

Southern Water have written regarding the proposed SUDS scheme which should be considered by the Council Technical Staff and the Environment Agency.

The Secretary of State (Planning Case Unit) raise no comment but acknowledge the application is supported by an Environmental Statement.

Southern Gas Networks have written sending a map of pipes under ownership by SGN and guidance on development within proximity to pressure gas mains and safe digging practices. An informative is recommended to advise the applicant.

Cadent and National Grid have written indicating there are no records of apparatus in the immediate vicinity and no objections are raised.

UK Power Networks have written providing a map of their power lines and advice on using the provided plan and working around their equipment.

The Marine Management Organisation have provided guidance on Marine Licensing.

Health and Safety Executive were consulted using the PADI+ system. The advice was as follows: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

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 2019 (the NPPF) and are considered to conform.

Planning Appraisal

Background and need for an Environmental Impact Assessment.

The site relates to the container yard approved as part of the planning permission for the Thamesport cargo port and associated industrial development in 1988 (88/1215) which has unrestricted vehicle movements.

The application has been screened and it was concluded that an environmental impact assessment was required. An Environmental Statement has been submitted as part of the application. There have been other documents of additional information including

responses to Highways England and additional air quality technical notes to read in conjunction with the Environmental Statement.

Principle

The site is located within an existing employment area which is also part of the Isle of Grain strategy area as designated in the Local Plan. Policies S13, ED1 and ED7 of the Local Plan apply which encourage B1, B2 and B8 uses at the Isle of Grain and within the Thamesport Site. Paragraphs 80 and 82 of the NPPF encourage business growth and local requirements of certain industrial uses.

Consequently, the redevelopment of brownfield site into a specialised B2 use which utilises the existing wharf raises no objection in principle, subject to the consideration of further material planning considerations and the impact on the environment as set out below.

Design and Impact on Heritage Assets

Paragraph 124 and 127 of the NPPF emphasises the importance of good design. Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The surroundings in this established industrial area include the large Thamesport cranes on the river frontage, silos and open mineral storage at Aggregate Industries to the east and west on the Thamesport site and Medway Power Station to the north. Building heights within the vicinity reach between 25m to 50m. The proposed plant is functional and has been designed to meet operational requirements.

The application is supported by a Landscape Visual Impact Assessment as part of the Environmental Statement. The document plots the proposed building into the surroundings from selected views and the scope, methodology and coverage is acceptable. From certain viewpoints from the southeast around Queensborough and northwest around the edge of Allhallows, the building will stand alone and not merge with existing industrial buildings and features. Therefore, a new permanent building mass within the water frontage would be established from these views which would be separated from any existing industrial features. Although the proposed buildings are large they are not discordant for the scale in the surrounding area. The visual impact of the development from these viewpoints is moderated by the long viewing distances from receptors southeast around Queenborough and northwest around the southern edge of Allhallows.

From viewpoints to the south, the proposed development will merge with industrial structures within the background and other viewpoints that take in Allhallows to the northwest clockwise to Sheerness to the east, the application site is screened by existing large industrial buildings.

Given the industrial context, effects on the landscape character would be at a low level. Impact would not decline but remain consistent as moderating the impact of proposed buildings cannot be achieved with earthworks or planting. A condition would be required regarding the final façade colour treatment. The statement that there are no significantly adverse effects within the submitted LIVA is considered reasonable and subject to the suggested condition, no objection is raised in this regard.

A heritage statement undertaken by Ground Condition Consultants Ltd has been submitted to form part of the Environmental Statement. It indicates that the nearest heritage asset is a Grade II Listed Signal Box sited 1km to the north of the site. However within the existing industrial setting the proposal would have no detrimental impact on its setting.

In this context it is considered that the visual impact of the development would be acceptable with no adverse impact on the landscape or the Grade II Listed heritage asset including with regard to Policies BNE1 and BNE18 of the Local Plan and paragraphs 124, 127 and 198 of the NPPF.

Amenity

The site is within an established commercial area which includes the Thamesport container port surrounding the site and to one side and the Aggregate Industries site to the other side. There are no residential properties nearby and therefore there would be no detrimental impact on neighbours from loss of sunlight, daylight, overlooking or outlook and the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF in this regard.

Concerns have been raised regarding noise and air quality within the consultation responses and these are considered below.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF requires new development to take account of the impact on air quality.

The application has been supported by an Air Quality Assessment as part of the Environmental Statement which concludes the traffic emissions are “negligible” while during construction dust could have a medium impact to the worst affected receptors sites without mitigation. Later information provided in the Air Quality Technical Guidance Note dated 10 February 2020 provides clarification points regarding the original air quality assessment.

The submitted Air Quality Assessment read in conjunction with these clarification points within the abovementioned Air Quality Technical Guidance Note is considered to be acceptable subject to mitigation in the form of a Construction Environmental Management Plan for the construction phase which should include the dust mitigation measures as set

out within the Technical Guidance Note and during the operational phase, for processes to be designed in enclosed areas with negative pressure and filtering and extraction systems. Subject to a condition requiring a CEMP to be submitted, approved and adhered to, and a further condition to control the raw materials of clinker, gypsum and limestone to be transported via water vessel to the existing wharf and not via the road network to limit any future impacts on the Four Elms Hill Air Quality Management Area (AQMA), there is no objection to the proposal in terms of the impact on air quality.

Objections have been raised regarding the impact of dust on the neighbouring National Grid site and BP Site. It has been stated that the application has failed to provide suitable information for the protection of equipment and operations at these two sites. In response to these concerns the applicant provided the document: Air Quality Technical Note - In Response to the Comments on Air Quality Assessment Made by National Grid Grain LNG Limited dated 11th November 2019 which modelled the impact on receptor points on the LNG site. It concluded that the maximum daily deposition flux of 3.02 mg/m²/day is less than 2% of the background value of 160 mg/m²/day and less than 4% of the background value of 80 mg/m²/day. Therefore, the impact of the cement dust on the sensitive equipment locations at the National Grid site is not significant. Within the Air Quality Technical Guidance Note dated 10 February 2020 the applicant has provided a Dust Management Plan in a further attempt to address the concerns of impacts of dust on neighbouring sites. The Dust Management Plan details dust control measures and dust monitoring both during construction and operational phases of the development. Consequently, as a result of the submitted information and with a suitably worded condition for the Dust Management Plan it is considered that there would be no significantly detrimental impact in terms of dust on neighbouring sites and their businesses.

Furthermore, it should be noted that the operator requires an Environmental Permit to operate an installation of this kind. Paragraph 183 of the NPPF advises that decisions should be on whether proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning should assume these regimes will operate effectively. Dust from the proposed plant and moving raw materials is controlled through the Environmental Permit regime in addition to the measures proposed to be controlled by the planning conditions.

There are no objections on air quality grounds with regard to the impact on neighbouring residents or adjacent businesses subject to the suggested conditions. The proposal is considered to be in accordance with Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF in this regard.

Further consideration of the impact of air quality regarding ecology is set out below.

Noise

The application has been supported by a Noise Assessment as part of the Environmental Statement. The assessment concludes that an adverse impact (in accordance with rating

level method in BS4142:2014) is unlikely at the nearest noise sensitive receptors which include residential neighbours and the Thames and Estuary Ramsar site. Mitigation is proposed including: Rotary Bore Piling during construction, cladding of buildings and circular silencers. The assessment is considered acceptable, however there are some uncertainties as to whether the predicted noise levels may actually be realised once the installation is complete and therefore a condition requesting an additional assessment would be required to see if any additional mitigation is required after operation.

With the suggested conditions attached, the proposal is considered acceptable and in accordance with Policy BNE2 of the Local Plan and paragraph 180 of the NPPF.

The impact on noise is also considered further within the ecology section below.

Lighting

The application has been supported by a lighting assessment as part of the Environmental Statement. The report has provided a baseline lighting survey and indicates a final lighting scheme has not been provided, however a potential scheme has been created to assess the potential impact from lighting which would allow suitable levels of light for staff and CCTV. The lighting for the site is minimal due to the existing lights within the existing Thamesport. The light levels to the edge of the site would be below the light levels from the existing background levels and due to the distance to neighbouring properties would not be detrimental.

The development is considered acceptable with regard to lighting and Policies BNE2 and BNE5 of the Local Plan and paragraph 180 of the NPPF.

Flood Risk and SUDs

A Flood Risk Assessment and a Surface Water Drainage Strategy has been submitted as part of the Environment Statement in support of this application. There is a possibility of a medium to high risk of surface water flooding from the proposed development. The surface drainage strategy is to incorporate two open ditches/channels either side of the proposed storage building. These will then be connected to the existing drainage infrastructure on the southern side of the site. The proposed measures would require additional water quality management and this should be included within the finalised scheme. Further consideration of drainage is set out in the ecology section below.

Consequently, conditions to secure details of the disposal of surface water and a verification report are suggested to ensure the proposed development and its maintenance is in accordance with paragraphs 163 and 165 of the NPPF.

Ecology

The site is located close to the Medway Estuary & Marshes SPA, Ramsar and SSSI sites. It could also impact on the Medway Estuary Marine Conservation Area (MCZ). However,

there is a potential that if unmitigated surface water runoff, air quality and noise could have an adverse impact on these designated sites.

An objection was raised through consultation responses to the proposed use and the shipping routes. It was considered that the proposed development could impact on sensitive areas in particular the use involving the storing raw materials on the ships and the impact of sulphur dioxides (SO₂) on nearby ecological areas. The applicant has provided clarification regarding these concerns in the Air Quality Technical Guidance Note dated 10 February 2020. The wider Thamesport site is an unrestricted shipping container port and in 2009 it had a peak level of shipping of 451 vessels visiting the port. In 2019, the number of vessels visiting the port had fallen to 289. The total number of vessels for the proposed use would be 46 which is much lower than the peak use of 2009 when added to the 2019 figures for the existing uses.

The Air Quality Technical Note goes on to assess the impact of the additional 46 shipping movements in combination with the projected HGV movements from the proposed use, the levels of SO₂ and the impact on nearby sensitive sites. The modelling shows that there would be no sufficient effects of SO₂ at any surrounding ecological receptors as the increase in vehicles and emissions from the shipping is <0.001g/m³ and remains well below the critical level of 20g/m³. The modelling and outcomes of the assessment is considered to be acceptable.

The application has been supported by an Ecological Impact Assessment Report (including a desktop study, Extended Phase 1 Habitat Survey and wintering bird and ringed plover surveys) as part of the Environmental Statement. The assessment indicates that within the site itself there are no rare or nationally scarce botanical species to habitats including the type of wintering birds that use to designated sites.

The ecological impact assessment in conjunction with the submitted noise assessment, air quality assessment, additional Air Quality Technical Guidance Note dated 10 February 2020, flood risk assessments and surface water drainage strategy submitted within the Environmental Statement conclude that there would be no significant impact on the designated sites with regards to noise, air quality and surface water subject to mitigation. As stated in the relevant sections above, the mitigation includes:- SUDs drainage with treated surface water being provided, rotary bored piling measures to reduce noise during construction; noise mitigation measures during operation regarding cladding of buildings and silencers; dust management measures during construction and the design of plant and processes to be enclosed and under negative pressure and suitable filtering and extraction systems.

A habitats regulations appropriate assessment was submitted to Natural England including the proposed mitigation along with the suggested conditions to ensure implementation of the mitigation. Natural England agreed with the findings the development would not adversely affect the integratory of the designated sites subject to the proposed mitigation. Therefore in addition to the conditions referred to in air quality and noise sections of the report above two additional conditions would be required to

ensure that the proposed rotary bored piling method is used instead of impact piling as per the noise assessment and the plant and process mitigation under the air quality report regarding negative pressure and dust filtration and extraction to be adhered to.

There is no objection to the proposed development with regard to the impact on ecology and the proposal is considered to be in accordance with Policies BNE35, BNE37 and BNE39 of the Local Plan and paragraphs 170 and 175 of the NPPF.

Highways

The wider Thamesport site consists as an unrestricted cargo port and the impact of this was addressed at the time that it was granted planning permission as part of the larger Thamesport development. The current proposal would result in a change of use of an area previously approved as storage (Use Class B8) area to general industry (Use Class B2). No change to the existing access arrangements is proposed. This application proposes at maximum, 196 HGV movements (98 in and 98 out) and average staff movements of 47 per day and not prejudice the use of the wharves.

Highways England raised concerns that the application, as submitted, did not provide enough information to ensure that there was no detrimental impact on the Strategic Road Network due to the intensification of the site. As a result, the applicants provided a Transport Statement and further letter dated 9 September 2019 in response to Highways England's comments. The statement is considered to be suitable to indicate there would not be a significant impact on the Strategic Road Network and no objection is raised subject to conditions to prevent production of wet mortar cement, requiring a CEMP and for the layout to be finalised that only allows a single HGV and tanker to be loaded at one time.

Subject to the abovementioned conditions, the development is considered acceptable with regard to Policies T1, T2 and T10 of the Local Plan and paragraphs 109 and 111 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

A desk top study undertaken by Ground Condition Consultants Ltd has been submitted to form part of the Environmental Statement. The assessment states there could be a moderate risk from potential contamination at the site due to former industrial use and further intrusive investigation should be undertaken in order to characterise any contamination and therefore this should be conditioned if the application is considered acceptable. Subject to such conditions, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 170 and 178 of the NPPF.

Archaeology

A heritage statement undertaken by Ground Condition Consultants Ltd has been submitted to form part of the Environmental Statement. It concludes that the application has no archaeological potential or paleo-environmental evidence and no mitigation is required. The report is acceptable and consequently the application is considered to be in accordance with Policy BNE21 and paragraph 189 of the NPPF.

Climate change

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Environmental Statements should include “a description of the likely significant effects of the development on the environment resulting from the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change”. Medway Council has declared a climate change emergency. The Air Quality Technical Guidance Note dated 10 February 2020 provides a Greenhouse Gas (GHG) Emissions Assessment which concludes that while any increase in GHGs is considered significant in line with the IEMA guidance, within the context of the total carbon emissions, it is not considered that the development will generate an excessive amount of emissions. Best practice mitigation measures are set out in this report which will further reduce carbon emissions from the proposed development. The report is considered acceptable and no objection is raised with regard to climate change.

Conclusions and Reasons for Approval

There is no objection in principle to the proposed development in this established allocated employment area and in considering the site circumstances the visual, amenity, ecological, transport, and contamination impacts are considered acceptable subject to conditions. Approval is therefore recommended including with regard to Policies S13, ED1, ED7, BNE1, BNE2, BNE18, BNE21, BNE23, BNE24, BNE35, BNE37, BNE39, T1, T2 and T10 of the Local Plan and paragraphs 80, 82, 109, 111, 124, 127, 163, 165, 170, , 175, 178, 180, 181, 189 and 198 of the NPPF.

The supporting Environment Statement read in conjunction with the Air Quality Technical Guidance Note dated 10 February 2020 is considered to be acceptable with regards to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 against which the development has been assessed. Any material alteration to the design principles and development objectives at a later date may have an impact which has not been fully assessed.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation received expressing a view contrary to officer’s recommendation including the objection from Parish Council.

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/>