

MC/21/0979

Date Received: 6 April 2021

Location: Kingsnorth Power Station Power Station Access Road
Hoo St Werburgh Rochester

Proposal: Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks

Applicant Uniper UK Ltd

Agent Barton Willmore LLP
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Kings Hill
West Malling
ME19 4AE

Ward: Peninsula Ward

Case Officer: Karen Cronin

Contact Number: 01634 331700

Recommendation ; Approval subject to:

- A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure contributions towards the necessary highway improvements.
- B. Delegated Powers be given to the Head of Planning to negotiate suitable payments towards the improvements to key highway infrastructure from the site towards Medway and the M2. Such contributions sought shall be proportionate to the level of traffic generated by the scheme when assessed against other commitments within the Peninsula.
- C. And the following conditions:

Outline Conditions

1. Approval of the details of the layout, appearance of the buildings 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. Within 2 weeks following Commencement of the Development the local planning authority shall be informed in writing of the Commencement date of the Development.

Reason: To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

3. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

4. The development to which this permission relates must be begun no later than the expiration of 2 years from 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.

5. Prior to the submission of or in conjunction with the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:

- Define the extent of the area of each phase.
- Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1.

The development shall be implemented in accordance with the approved Phasing Plan.

Reason: This condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping /open space and access are all in a place relevant to each phase before further development is undertaken, in the interests of good design.

6. The Development shall be carried out in accordance with the following approved plans:

- Site location plan (RG-M-20)
- Parameter Plan (RG-M-16)
- Phasing Plan (RG-M-03)
- Site Location and Zones of Influence (Figure 8.1A)
- Site Appraisal Plan (LN-LP-04)
- Landscape Character Plan (LN-LP-012)
- Illustrative Layout Plan (RG-M-21-2)
- Visual Appraisal North (LN-LP-06)
- Visual Appraisal South (LN-LP-07)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies

7. Subject to compliance with the requirements of the conditions, the submission of Reserved Matters for any phase or development plot(s) or key infrastructure works shall have regard to the Illustrative Masterplan (RG-M-21-2 Rev H received 6 April 2021).

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

Uses and Floorspace

8. The development shall be restricted to the Initial Land Use and Initial Trip Cap parameters as identified in the Technical Note N13-SM-Initial Trip Cap (dated October 2022) prepared by Vectos.

The Initial Trip Cap and Initial Land Use parameters may be exceeded up to the maximum land use and trip parameters where;

- i) Analysis is submitted to and agreed in writing by the Local Planning Authority that indicates acceptable effects at Junction 1 of the M2; or
- ii) A scheme for enhancements to Junction 1 of the M2 has been submitted to and approved in writing by the Local Planning Authority and a programme for its delivery is in place.

Reason: To ensure that Junction 1 of the M2 continue to be an effective part of the Strategic Road Network for through traffic in accordance with section 10 of the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', the National Planning Policy Framework and Planning Practice Guidance.

9. Any space proposed for offices shall only be used for purposes in conjunction with and ancillary to the primary use of a building within a phase or development

plot and shall not be occupied as separate office uses. The office content will be ancillary to the main operation of the building and shall not exceed 10% of the overall Building Floorspace (Gross Floor Area).

Reason: To ensure that the Development is carried out in accordance with the approved plans, the Environmental Statement and the other submitted details assessed in relation to the Development.

Energy Uses

10. The proposed energy production unit shall produce sufficient energy only as required for the use with the application site (as defined by the outline planning application). This permission allows for a baseline production figure of 27.5MW on the basis of the information submitted to date. No energy production above this figure shall take place upon the site, unless the applicant (or successors in title) provides the Council with evidence (which shall be approved in writing) as part of future reserved matters applications that the uses on site will require a higher energy production. Evidence shall be submitted on each phase (or future unit) demonstrating why energy production will need to exceed 27.5MW across the whole site. Should this evidence be provided, and the Council be satisfied that greater energy production is required, expansion up to 49.9MW can take place within an agreed timescale.

Should there be any subsequent change to the uses within the application site (resulting in a lower energy need), the applicant (or successor in title) would be required to revert back to the lower energy usage.

Reason: To ensure that the proposal would only meet the energy requirements of this proposal and have no detrimental impact upon the waste hierarchy.

11. Notwithstanding the requirements of condition 1, the overall maximum production of electricity output from an energy production facility on the site shall not exceed 49.9MW.

Reason: To accord with the principles of the Environmental Statement and to ensure Electricity production from the Energy Uses from this permission does not exceed more than 49.9MW as that would be classed as a National Significant Infrastructure Project (NSIP) which requires a separate Development Consent Order under The Planning Act 2008.

Permitted Development

12. Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

Reason: Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highways network, in accordance with Chapter 9 of the NPPF and T1 of the Medway Local Plan 2003.

Appearance

13. Applications for the approval of reserved matters in relation to appearance for any phase or sub-phase shall include details and samples of all materials to be used externally. 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 and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

14. Notwithstanding the plans submitted, any reserved matters application shall include details of the provision of a brick plinth on the proposed buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

Landscaping

15. Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). 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. Details of how the development will enhance biodiversity to include green roof habitat, a native species planting and integrated bird nest bricks. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

16. Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of:

a) A plan showing the location of all existing trees on site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.

b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.

c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance of 5m; from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.

e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

17. Prior to the first occupation of any phase or sub-phase within the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

18. No development shall take place of any phase or sub-phase without the submission to and the approval in writing by the Local Planning Authority of details of all hardstanding. Such details as are approved shall be provided and thereafter maintained.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

19. No unit or phase shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment (which shall include the provision of close boarded fencing (2m min) along the sea wall adjacent to parcel 3 and the eastern boundary of parcels 2 and 4) to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each unit/phase shall be completed in accordance with the approved details before that unit/phase is first occupied and shall thereafter be retained.

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.

20. As part of the first Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The strategy shall include the following:

- Description and evaluation of the habitat features to be created and managed.
- Aims and objectives of habitat creation.
- The provision of green infrastructure along the site boundaries as a buffer to mitigate against visual and noise disturbance impacts
- The provision of strategic viewing points/bird hides in appropriate locations.
- Appropriate management prescriptions for achieving the objectives.
- Constraints that might influence management.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be updated as necessary with each subsequent reserved matters application and implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

21. Prior to the installation of any external lighting within a phase or sub-phase details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on biodiversity, the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape and nearby residential properties, and of how this effect has been minimised. It is recommended that no lighting exceed 1 Lux at the site boundaries in accordance the Ecological Lighting Strategy 29497 Figure 8.3B dated August 2021. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

CEMP

22. No development (except for demolition) shall take place within a phase or subphase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, bat mitigation measures indicated within the ecology report and site contact details in case of complaints. With regard to highways impact the CEMP should include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, travel plan and guided access/egress and parking arrangements. The construction works within that phase or subphase shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

Ecology

23. During the period October to March inclusive, piling should not take place that gives rise to noise that exceeds 55dB (LAeg) and 70MB (LAm_{ax}) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering

birds are active. Monitoring should be implemented in respect of this and be available to the LPA on request, and appropriate mitigation should be put in place during this period if required as a result of the monitoring.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

24. Should periods of extreme cold occur during the period November to February, when the average daily temperature measured at the boundary between the site and the SSSI/SPA/Ramsar site falls below 0 degrees Celsius for a consecutive period of seven days or more, work activities that would result in noise levels exceeding 55dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active should cease for 14 days unless otherwise agreed in writing with the LPA. Monitoring should be implemented in respect of this and be available to the LPA upon request, and appropriate mitigation should be put in place during this period if required as a result of that monitoring.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

25. Notwithstanding the requirements of condition 1, from the commencement of works (including site clearance), all mitigation measures, including the provision of visual screens and acoustic barriers along the site boundaries during construction, for breeding birds will be carried out in accordance with the details in the Environmental Statement (December 2021).

Reason: To ensure protection of the breeding birds in/around the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

26. The proposed development shall be carried out in accordance with the findings of the Biodiversity Chapter of the ES (8A) as submitted in December 2021. The provisions of the LEMP shall accord with the requirements of this document when providing details of the suitable mitigation required.

Reason: In the interests of ensuring that the proposal has no adverse impact on biodiversity and ecology in accordance with BNE37 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

27. All measures set out within the Water Resources and Air Quality Chapters of the Environmental Statement (including addendums) shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details as are approved, shall be carried out in accordance with a timetable of works agreed with the Local Planning Authority.

Reason: In the interests of ensuring that the proposal has no adverse impact on biodiversity and ecology in accordance with BNE37 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

Archaeology

28. No development shall take place, within a phase or sub-phase, until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

Drainage

29. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

30. No development shall take place within a phase or sub-phase until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

31. No development shall take place within a phase or sub-phase 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. Those details shall include (if applicable):

- i. a timetable for its implementation (with the SuDs system in place prior to the occupation of any unit or phase).
- 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.

The development shall be undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

32. Prior to the first use of any of the buildings within a phase or sub-phase (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 in writing by the Local Planning Authority to confirm that the approved surface water systems have been constructed as per the approved 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: To ensure a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 168 of the National Planning Policy Framework 2021.

Transport

33. No development shall take place within a phase or sub-phase before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out by the applicant/occupier, with a travel plan co-ordinator appointed to monitor compliance.

Reason: To ensure that the development seeks to encourage alternative methods of travel other than the private motor car in accordance with the requirements of the NPPF.

34. No part of the development within a phase or sub-phase shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details for the phase or sub-phase and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

35. Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of cycle storage facilities and any changing/shower facilities for that phase or subphase. The cycle storage and changing/shower facilities shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

36. Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include areas shown as vehicle parking space. The vehicle parking areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the phase or sub-phase to which it relates. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

37. Any application(s) for approval of Reserved Matters for a phase or development plot(s) or key infrastructure works pursuant to Condition 1 Parts (a) 'Layout' and (d) 'Means of Access' shall include the following details in respect of that phase or development plot(s) or key infrastructure works:

- a) Movement network including layout of internal roads, junctions, service roads and servicing areas, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways, crossings, any one-way operation, loading and unloading areas, construction details and road geometry. The details to be submitted shall include plans and sections indicating design, layout, levels and materials. It shall also detail how that phase or development plot, or key infrastructure works fits into a comprehensive movement network for the totality of the site and links off site

- b) External lighting (to roads, lorry and car parking areas, footways / cycleways) shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation
- c) Street furniture
- d) Surface finishes
- e) Signage
- f) Security measures to prevent any unauthorised access
- g) Entrance gates and/or barriers
- h) Drainage (including to roads, lorry and car parking areas, footways / cycleways)
- i) Timescale for the provision of this infrastructure, and
- j) Demonstrate compliance with the Design Code and the Environmental Statement. No phase or development plot(s) shall be occupied, or key infrastructure works used until the approved details in respect of that phase or development plot(s) or key infrastructure works have been carried out in accordance with the timescales for the provision of this infrastructure.

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of highway safety, amenity and sustainability to accord with policy T1 of the Medway Local Plan 2003.

38. The Development hereby approved shall take its means of access to and egress from the Strategic Road Network for all HGV and LGV movements via the A289 and A228 only and no other means within the Medway local road network, with the exception of LGV movements that are required to access Medway for the purposes of making a delivery to a property accessed from the local road network.

Reason: In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network, in accordance with the requirements of chapter 9 of the NPPF.

39. The occupation of any individual or in combination floorspace on the development hereby permitted shall not at any time generate traffic exceeding the approved Trip Cap (agreed via Condition 2) in the AM (8.00 to 9.00) or PM (17.00 to 18.00) peak at M2 Junction 1 northbound off slip and/or southbound on slip.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

40. Prior to the first occupation of any floorspace on the development hereby permitted, a Monitor & Manage Framework shall be submitted to and approved

in writing by the Local Planning Authority. The Framework shall set out the means by which it will be demonstrated that the approved Trip Cap will not at any time be exceeded. Thereafter the approved Framework shall be implemented in perpetuity unless otherwise agreed in writing by the Local planning Authority. The Framework shall be based on the initial Trip Cap that shall be a total of 60 movements from either an individual or a combination of land uses or developments on the site.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Broadband

41. Prior to the Occupation of any Phase or Development Plot(s) a strategy to facilitate superfast broadband (broadband with speeds of at least 30Mbps as defined by Ofcom) for future occupants of that Phase or Development Plot shall be submitted to and approved in writing by the local planning authority. The strategy shall, accounting for feasibility and viability, seek to ensure that upon occupation of that Phase or Development Plot(s), either a landline or ducting is in place to facilitate the provision of a broadband service to that Phase or Development Plot(s) from a site-wide network, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of users of that Phase or Development Plot(s) will no longer necessitate below ground infrastructure. Each Phase or Development Plot shall be carried out in accordance with the approved strategy for that Phase or Development Plot and the services (and ducting where applicable) retained and maintained at all times thereafter.

Reason: In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 114 of the NPPF.

Waste Management

42. No phase or development plot(s) or key infrastructure works shall be commenced until a Waste Management Plan (WMP) has been submitted to and approved in writing by the local planning authority for that phase or development plot(s) or key infrastructure works. Each WMP shall include details of:
- a) The anticipated nature and volumes of construction waste
 - b) Measures to minimise waste and maximise re-use
 - c) Measures to mitigate the risk of polluting ground water, water courses or sensitive receptors

- d) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside that Phase or Development Plot
- e) Any other steps to ensure the minimisation of waste during construction
- f) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

The implementation, management and monitoring of construction waste for each phase or development plot(s) or key infrastructure works shall be undertaken in accordance with the approved Waste Management Plan (WMP) for that phase or development plot(s) or key infrastructure works.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

43. Applications for approval of Reserved Matters for any Phase or Development Plot(s) or Key Infrastructure Works pursuant to Condition A1 parts (a) 'Layout' (c) 'Appearance' and (d) 'Means of Access' shall include full details of the number, size, location, design and materials of bin and recycling stores to serve that Phase or Development Plot, together with details of the means of access to bin and recycling stores for refuse operatives, including collection points if necessary. The bin and recycling stores as approved shall be provided prior to the occupation of any of the buildings within that phase or development plot(s) or key infrastructure Works and the bin and recycling stores shall be retained and maintained as approved at all times thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

CCTV

44. Prior to the Occupation of any Building a scheme for CCTV in respect of that Building shall be submitted to and approved in writing by the Local Planning Authority. All CCTV shall be installed and be operational in accordance with the relevant approved scheme prior to the Occupation of the Building and shall be retained and maintained at all times thereafter.

Reason: In the interests of amenity, security and crime prevention in accordance with the requirement of paragraph 92 of the NPPF.

Storage of Oil

45. All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

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.

Ventilation

46. Applications for approval of reserved matters for any phase or development plot(s) or phase pursuant to Condition 1 parts (a) 'Layout' (b) 'Scale' and (c) 'Appearance' shall include details of the ventilation and extraction equipment for that phase or unit. The approved ventilation and extraction equipment shall be installed prior to occupation of that phase or development plot(s) and shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the amenity and ecology and air quality to mitigate the impact of development in accordance with the requirements of Policy BNE24 of the Medway Local Plan 2003 and paragraphs 153 and 186 of the NPPF.

Air Quality

47. No part development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority in relation to that part of the development. The Statement shall accord with the requirements of the Air Quality Chapter of the ES and be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE24 of the Medway Local Plan 2003.

Climate Change

48. Applications for the approval of reserved matters in relation a phase or subphase shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall accord with the recommendations of the Climate Change chapter of the ES and outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance. This shall then be submitted to and approved in writing by the Local Planning after the construction of every phase of the development confirming that all the approved measures have been implemented within the phase to which it relates.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

External Lighting

49. No Phase or Development Plot(s) or Key Infrastructure Works shall Commence until details of the means of external lighting to serve the Development within that Development Plot (including any security lighting) has been provided to and approved by the Local Planning Authority. The details shall be in accordance with the Institution of Lighting Engineers Guidance notes on reduction of obtrusive light, with specific external lighting for sensitive areas i.e., nearby ecology and nature conservation areas and shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance for that and shall accord with the General Principles of the Design Code. No Development within a Development Plot(s) or Key Infrastructure Works shall be Occupied until the lighting for that has been installed in accordance with the approved details. All lighting shall be retained and maintained thereafter as approved.

Reason: In the interests of amenity, ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

Contamination

50. No development shall commence (other than that required to be carried out as part of an approved scheme of remediation) unless otherwise agreed by the Local Planning Authority until conditions 51 to 53 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 51 has been complied with in relation to that contamination.

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.

51. No development shall take place until a scheme for an intrusive site investigation, (in addition to any assessment provided with the planning application) is submitted to and approved in writing by the Local Planning Authority. This scheme must be 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 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 'Land Contamination Risk Management document (LCRM)'.

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.

52. 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 is 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: 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.

53. No development shall take place until the approved remediation scheme is carried out in accordance with its terms (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 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: 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.

54. 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 50, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 51, 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 50 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 51.

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.

Environmental Statement

55. The Development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and the Conditions of this planning permission.

Reason: To ensure that the Development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise the environmental effects of the Development and ensure compliance with a range of development plan policies set out on this decision notice.

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

Proposal

The applicant is seeking outline planning permission for the following development:

‘Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks.’

This outline application (with all matters reserved except access) seeks a flexible permission which would allow for the following uses:

- Light Industrial Uses (Use Class E(g)iii);
- General Industrial Uses (B2 Use Class);
- Storage & Distribution – including Data centres and Parcel Distribution (B8 Use Class);
- Energy Uses (Sui generis);
- Lorry Park/Layover (Sui generis); and
- Associated access, infrastructure, demolition, earthworks and landscaping.

It is proposed that the total floorspace of the development proposed will not exceed 315,000 sqm (GIA)/324,450sqm (GEA). The applicant has provided parameter plans which would ensure that the proposals would fall within the assessed environmental limits.

Since the submission of the initial application, additional work has been undertaken to refine the proposal, although this itself does not change the description of development. The refinement of the proposal is set out within the assessment section of the report.

Relevant Planning History

- MC/10/3381 General application for hazardous substance consent for storage of gas oil.
- MC/12/1264 Details pursuant to condition 20 on planning permission MC/09/0961 for application for deemed planning permission under Section 90 (2) of the Town and Country Planning Act 1990 as amended, to construct and operate an extension to the existing Damhead Creek CCGT Power Station which will provide an additional 1,000 (mw) of power generating capacity together with ancillary infrastructure.
- MC/18/1355 Details pursuant to condition 7 on planning permission MC/13/2796 for the Prior Notification of proposed demolition and removal of the main power station buildings including the chimney, four boiler houses and four turbine halls, demolition and removal of the coal processing plant, demolition and removal of the tank farm structures, removal of the structures from Long Reach and Oakham Ness jetties, removal of the plant in the cooling water intake area and demolition and removal of other small ancillary buildings and structures within the site.
- MC/20/1807 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) - request for a scoping opinion with respect to the proposed development of industrial, storage and distribution and energy and waste uses, on land at the former Kingsnorth Power Station.
- MC/20/2738 The construction, operation and maintenance of a converter station, balance of plant and equipment, buildings related to materials storage and maintenance activities, internal roads and car parking, landscaping, access road and underground HVDC cable system from the converter station to the Mean High Water Springs.
- MC/21/0028 Application for a Lawful Development Certificate (proposed) for the Installation of an underground 400 kV cable system between the new GridLink Interconnector Ltd converter station site and the existing National Grid ESO Kingsnorth 400 kV sub-station located at the Kingsnorth Power Station.

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. Further submissions to the LPA have also required additional consultation which has taken place in accordance with the EIA Regulations.

Cadent Gas Networks have highlighted that the site is in proximity to Cadent and/or National Grid apparatus and that the applicant needs to undertake the necessary steps to ensure their protection.

Fulcrum (pipelines) have raised no objection

National Highways initially (September 2021) raised concerns relating to the application and in particular with regard to the impact of the proposal on the A2 truck road and M2 motorway.

Subsequent to this, additional information has been submitted and reviewed by National Highways and there has been a discussion regarding the potential for conditions to be imposed that would address the concerns raised. These conditions have been included within the report, with an assessment of their need within the assessment section. National Highways have now removed their holding objection to the proposal.

Southern Gas Networks have raised no objection.

Southern Water have raised no objection subject to the imposition of a condition that will provide sufficient capacity within the local network for this future use.

UK Power Networks have raised no objection to this proposal.

Kent County Council Archaeology have raised no objection to this proposal subject to suitable conditions being imposed.

Kent County Council Ecology were consulted and requested that additional information be submitted prior to the determination of the planning application. The applicant has submitted much of this, and the County have reviewed the submission. KCC Ecology are content with the information submitted but have requested that conditions be imposed that provides greater detail on habitat creation, mitigation (strategy), management of the site and ongoing monitoring. Conditions have been imposed reflecting this requirement.

KCC Ecology have also requested additional information with regard to lighting – and again, we have sought to address this through the imposition of a suitable condition.

KCC Ecology have also commented on the Habitat Regulations Assessment, which is subject to separate assessment as part of this application.

Natural England initially raised no objections to the proposal subject to the receipt of additional information regarding winter birds and cold weather working practices. This information has been submitted and has provided Natural England with the necessary information to allow the application to be determined.

The Environment Agency have raised no objections in principle to the development, but have raised the following points:

- As previously advised, the plan for flood defence raising is set out within MEASS and suitable space within the site will be required in order to accommodate this in future. We are therefore pleased to see that development has not been proposed within close proximity of the existing flood defences.
- We are satisfied that the development can be made safe from flooding and can remain so when accounting for climate change and future sea level rise.
- The applicants should be confident that there is sufficient space for any required improvement works or rebuilding of flood defences for the Medway within the site. No encroachment into the estuary would be acceptable, and therefore setting back within the site would be required which may impact on proposed biodiversity enhancements.
- We would encourage such a large strategic development to make a significant biodiversity net gain to demonstrate what is possible, so including green roofs and walls should be considered alongside the proposed landscaping enhancements around the buildings.

Medway Council Flooding Officer raised no objections to the proposal on the basis that conditions relating to the details of the sustainable urban drainage system being provided, as well as a verification report being provided once complete. These conditions have been suggested within the report.

UK Power Networks raise no objection to the proposal. More detailed comments from UK Power Networks are set out within the assessment of the application.

Southern Gas Networks (SGN) have raised no objections to this proposal although do identify that there is a gas main near to the site that the applicant should be mindful of.

Hoo Parish Council objects to the application as it will increase the use of the area as an industrial estate. This will lead to:

- Increased traffic:
- Air pollution
- Harm the Medway Estuary and Marshes

Two letters have been received from neighbouring occupiers raising the following objections:

- The proposal would bring about a significant increase in traffic movements within the locality.
- The proposal would impact upon air quality.
- There would be a detrimental impact on the Medway Estuary, SSI, SPA and Ramsar sites.
- Additional parking should be provided if this proposal is approved.

Dickens' Country Protection Society raises concerns about the impact of the traffic on the locality, but also request that conditions be imposed relating to the Stoke Saltings SSSI should permission be granted.

The Invicta Chamber of Commerce have written in support of the proposal. They state that the regeneration of this site would enhance future business in Medway and will bring many benefits to the locality.

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 2021 and are considered to conform.

Environmental Impact Assessment

The EIA Regulations set out which types of development may require an Environmental Impact Assessment ("EIA"). Whilst development types listed in Schedule 1 of the Regulations always require EIA, types listed in Schedule 2 could potentially require EIA where the site is in a "sensitive area" or exceeds one of the relevant criteria or thresholds set out in Schedule 2 and has the potential to result in likely significant environmental effects.

The EIA Regulations require the likely significant effects of the development to cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary, positive and negative effects of the development. The Environmental Statement considers the baseline conditions (existing conditions), construction and operational phases (when the development is occupied) as part of this assessment. This application has been advertised (inter-alia) as a Major Development being accompanied by an Environmental Statement.

The material considerations for this application are as follows:

- Principle of the Development

- Socio and Economic Impact
- Access, Connectivity, Travel Plan, Parking and Traffic Impact
- Design, Layout and Impact upon the Area
- Landscape and Visual Impact
- Ecology and Nature Conservation
- Flood Risk, Drainage and Water Resources
- Air Quality and Odour
- Noise
- Land Contamination and Ground Conditions
- Health and Safety
- Energy and Climate Change
- Effect on Neighbouring Properties
- Heritage and Archaeology
- Phasing and Construction
- Sustainability

Planning Appraisal

Background

As the Local Plan states¹, the designated industrial site at Kingsnorth is 219 hectares and has a long planning history, deriving from the identification of the site for a proposed oil refinery in the 1960's, as well as the development of the major coal-fired power station. The legacy is the designation of a large area for general industrial development purposes and, more particularly, for a variety of industrial uses which cannot easily be accommodated within the urban area. However, the site is also surrounded by areas of nature conservation importance, including a Special Protection Area, and it is an important objective that substantial new development at Kingsnorth should be of a standard which respects this context.

Kingsnorth has been identified as a strategic economic site, located within the Thames Gateway. Since the closure of the power station in 2014, the applicant has spent significant sums on site remediation to enable development on the site to take place.

It is intended that the site is to provide significant inward investment into Medway, as well as allowing for existing business to relocate should they need larger sites.

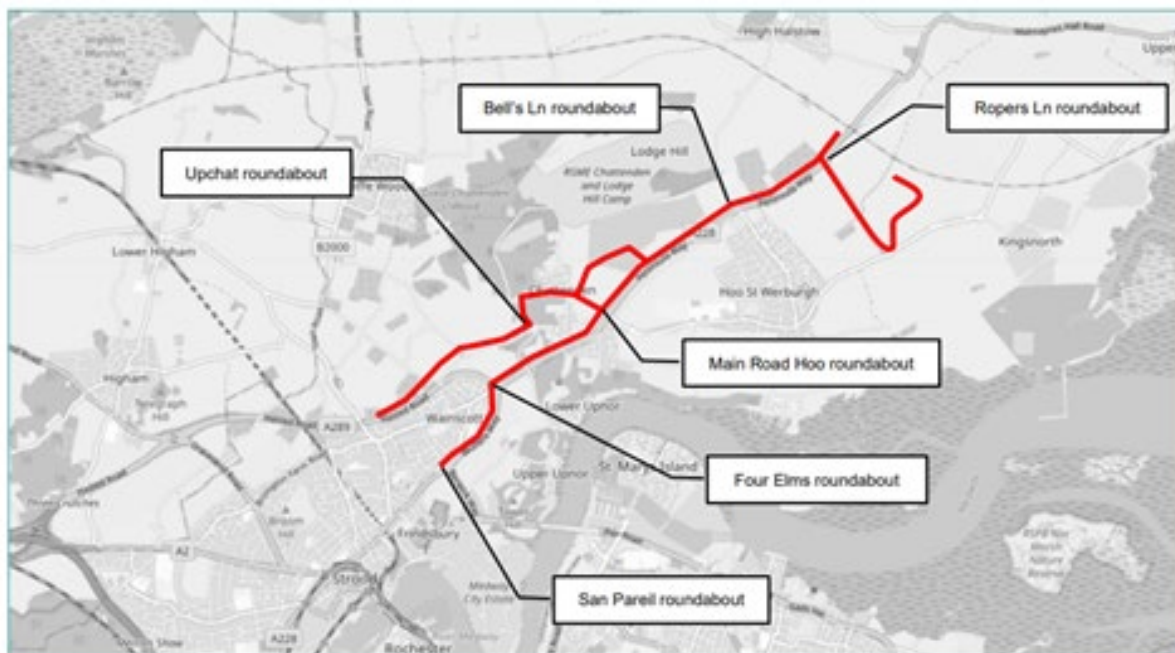
The applicants undertook pre-application discussions with the Council prior to the submission of the application, as well as making a presentation to Members. These discussions centred around the principle of development, including the provision of a small energy production facility – which at the time was not identified as an energy from waste provision.

¹ Paragraph 2.5.50 Medway Local Plan 2003

Since then, the applicants have refined the proposal, and in particular have provided more detail on the energy to waste (ETW) transfer station, details of which are set out within the assessment below.

The proposal would require for improvements to be made to the existing highway network in order to ensure that there would be no severe harm to the highway network (including highway safety) or a worsening of the air quality within the vicinity, or along existing highway corridors. To this effect, the Council have secured significant funding for highway improvements (as well as rail improvements). This funding is however based upon planning permission being secured for them (as well as the Council continuing a strategy of further growth on Hoo). The details of this are set out below. Should this funding not come forward, the applicants would be required to make financial contributions to mitigate their harm.

HIF



Medway Council has secured approximately £170m of government funding for highway improvements, a new railway station, and the reintroduction of a passenger rail service, together with environmental management measures.

This funding relates solely to the provision of infrastructure rather than the identification of any land for development. The infrastructure proposed is set out below:

Highways Improvements

- A new junction on the A289 Hasted Road is proposed
- Improvements to Woodfield Way will make the road suitable for increased public use. The works comprise improvements to the surface of the existing

carriageway and footways, providing new crossings, and improving fencing. No works are proposed that will directly impact upon the adjacent Chattenden Woods and Lodge Hill SSSI. The works will take place within the existing hard surfaces.

Rail Improvements

The proposal also includes the provision of a new railway station and passing places along the existing railway line. The new station would be in close proximity of the application site and would be a short walk for any future employees.

It is anticipated that a planning application for the road improvements will be submitted to the Council in early 2023, with the railway applications to follow (and determined by the relevant authority).

Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan).

The application site is allocated within the extant Medway Local Plan (2003) by virtue of policy S12. This policy identifies that the site is suitable for industrial and storage and distribution uses. Since the publication of the Local Plan, the Use Classes Order has been amended, however the principle of allowing these uses remains.

The current Local Plan states² that the core values relating to the promotion of economic, physical and social regeneration and also improving the environment are particularly pertinent to land use planning and the Plan. Particular objectives include (amongst others):

- Developing partnerships to build a range of thriving residential and business communities through the regeneration of key strategic sites (such as Chatham Maritime, Rochester Riverside, Kingsnorth, Grain and Strood Waterfront).

The Plan also states³ that the main economic opportunities are at Chatham Maritime, Rochester Riverside, Gillingham Business Park, Medway City Estate and Rochester Airport. Grain and Kingsnorth have special significance as largescale sites suitable for land intensive uses.

² Paragraph 2.2.7 (bullet point) Medway Local Plan 2003

³ Paragraph 2.4.1 (v) Medway Local Plan 2003

Furthermore, Policy S1 (which provides the overarching development for the Council) states that strategic development provision will be made both within the urban area and at Kingsnorth and Grain.

The site also constitutes previously developed land, much of which was contaminated due to the previous use. The applicant has spent a significant amount of money to decontaminate the site on the basis of the allocation within the Plan, and the realistic prospect of the site being suitable for business use.

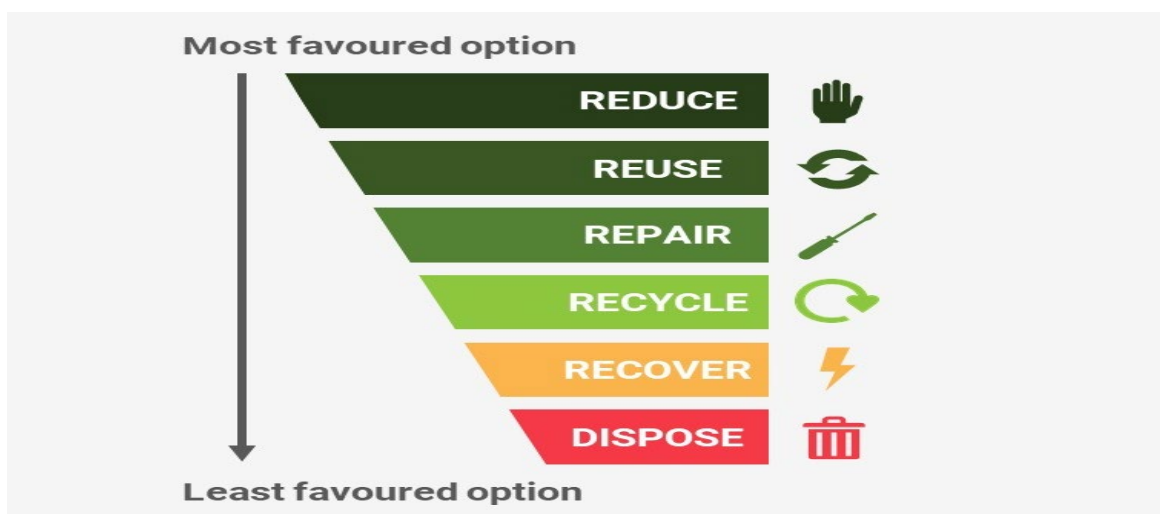
For these reasons, it is considered that the principle of development on this site, for commercial use, is accepted and the proposal can be supported should the planning balance indicate that there are more benefits than dis-benefits to the proposal as submitted. These detailed matters are considered within the specific sections within the remainder of the report.

Energy from Waste (Principle)

This application proposes an energy from waste plant that would seek to create electricity to help power the site and would also provide the opportunity to heat a number of the units (CHP).

It is important to carefully consider the principle of including an energy from waste facility within the site, as the impact upon the waste hierarchy within the locality (and wider area) is of significance. The application was initially submitted on the basis that there was an open-ended energy from waste provision, with no specific link to the use of the site.

Concern was raised on this provision, on the basis that it had the potential to allow for the burning of 'black-bin' waste, which would have been harmful to the waste hierarchy.



The waste hierarchy (see image – below) seeks to ensure that waste is first sought to be reduced, re-used, repaired, recycled, then recovered (energy from waste), with the disposal of waste (landfill) the least preferable. Given that the production of waste is the penultimate stage on this hierarchy, it is important that there is not an overprovision of these facilities, as it will likely lead to a reduction in the more preferable stages set out above.

The National Policy Statements set out that energy from waste is a type of infrastructure that is needed. However, the National Policy Statement for Renewable Energy Infrastructure, NPS EN-3 states that an applicant for development consent must assess “the conformity with the waste hierarchy and the effect on relevant waste plans...”. NPS EN-3, notes that the decision-maker should be satisfied, with reference to the relevant waste strategies and plans, that the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets.

There are a number of national and local policies and plans that come into play in considering applications of this types. The Kent Minerals and Waste Local Plan refers to the potential for waste management proposals to contribute towards local energy supply and policies within the Kent Minerals and Waste Local Plan state that, in order to deliver sustainable waste management solutions for Kent, proposals for waste management must demonstrate how waste is being driven to ascend the waste hierarchy.

A recent High Court decision⁴ for the enlargement of an existing facility at Kemsley saw a refusal for additional capacity to be provided due to the concern that it would have on the waste hierarchy.

Whilst there is an in-principle agreement for the provision on site, due to the existing policy, it is imperative that any consideration of this waste provision ensure that any permission granted does not contradict national policy and guidance or Local Policies. These matters will be discussed further within the relevant section of the report.

Socio-Economic Impact

Chapter 6 of the NPPF seeks to build a strong and competitive economy with significant weight being placed on the need to support economic growth and productivity. Furthermore, the existing Local Plan seeks to develop the competitiveness of Medway businesses and to promote Medway’s inward investment potential.

Policy ED1 of the existing Local Plan identifies Kingsnorth as an existing employment area and Medway Council identify the site as having considerable potential for new industrial development and as an appropriate site for the relocation or expansion of

⁴ 19 February 2022 Decision (Wheelabrator Kemsley K3 Generating Station).

existing local companies from within the urban area that need larger sites. Policy ED5 allocates Kingsnorth for development, and specifically, Policy S12 (Kingsnorth) allows for the following type of development at Kingsnorth:

‘Class B2 General Industrial Development and Class B8 Storage and Distribution Uses will be permitted. Class B1 uses will be permitted but will be restricted to Class B1 (c) except where the development makes provision for increased accessibility by means other than the private car. Provision will be made within the site for the relocation of businesses from urban regeneration sites, including special industrial uses and others not in a use class, subject to access and environmental considerations.’

The Medway Employment Land Need Assessment (Update) sets out the most up-to-date position in relation to the employment needs within the administrative boundary. This report highlights that there is a demand for both B1/B2 and B8 floorspace within Medway throughout the emerging Plan period.

The applicants Environmental Statement (ES) Chapter (socioeconomics) sets out what the likely employment provision would be on site (albeit acknowledging that the application is in outline form). Table 6.2 of this submission sets out the ‘worst-case’ scenario for employment within the site in terms of jobs per sqm – with the data centre and B8 storage demonstrating the lowest job/floorspace ratio.

Use Class	Employment Density
B8 Data Centre	1,400sqm (GEA) per FTE job
B8 Storage and Distribution	95sqm (GEA) per FTE job
B2 Manufacturing	36sqm (GIA) per FTE job
B8 Storage and Distribution (parcel distribution only)	95sqm (GEA) per FTE job
Sui Generis (energy uses)	357sqm (GEA) per FTE job
Sui Generis (lorry park)	2 FTE jobs in total
E(g)(iii) Light Industrial	47sqm (NIA) per FTE job

The applicant has also proposed a suggested breakdown of floorspace⁵, and therefore the job creation that would take place. This indicates that the site would be able to generate approximately 2,055 new jobs, through a mixture of a new data centre, a sizeable element of storage and distribution (including parcel delivery) and as part of the energy use.

The report also sets out that there would be significant opportunities for local people during the construction phase. Discussions have been held with regard to ensuring that the local universities and colleges (many of whom specialise in construction) should be able to utilise this construction phase as part of their training – something

⁵ Paragraph 6.89 ES Socio-Economic Chapter

that the applicants are happy to support. An informative has been included at the end of this report, setting out this requirement.

There are clear socio-economic benefits that this proposal would bring about in terms of job creation, and also for existing businesses within Medway to expand. The proposal complies with the requirements of the requirements of S12 in terms of the proposed uses and would be located on a (primarily) brownfield site. It is therefore considered that the proposal would represent a suitable location of economic growth reflecting the existing spatial strategy, whilst also having no detrimental impact on future strategies.

Energy from Waste (EFW)

The planning application includes the provision of an energy from waste facility that would utilise waste products to power and to heat the proposed buildings within the application site.

The existing policy for the site (Policy S12) refers (within the pre-ambles⁶) to the provision of an energy from waste facility being suitable within the site itself. The initial submission to the Council was for this element of the proposal to be relatively open-ended, to allow for greater flexibility for any future user. However, concern was raised that this would have had a harmful impact on the waste hierarchy, and the application was required to refine their proposals to address this key issue.

Energy production of more than 49.9MW would require a Development Consent Order (DCO) to be obtained rather than planning permission. A DCO would be sought from the Secretary of State rather than decided at a local level.

The applicant has submitted information setting out the rationale behind the provision of an energy from waste facility on site and explaining how this will operate without harm to the waste hierarchy. This information also explains that there is an existing shortfall of energy within the site (a matter confirmed by UK Power Networks) should higher energy be delivered as part of this consent. Within this submission, it sets out what power would be required by the different potential uses within the site:

- Energy Hub – 4-5MW
- Baseline Jobs (mainly B8) 27.5MW
- High Energy Uses (manufacturing/data storage) 25MW

At present, there is 5MW of power available to the site, which identifies a shortfall of 2.6MW should a capacity of 49.9MW be met.

As set out above, there has been a recent decision at the Kemsley EFW power station where the SoS refused an extension to the facility. This was on the basis that there

⁶ Paragraph 2.5.51, Medway Local Plan 2003

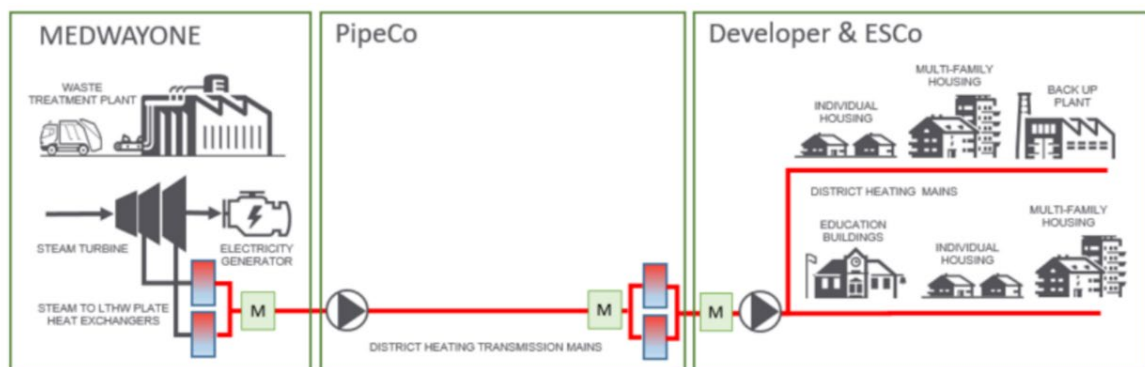
was sufficient provision within the area, and additional capacity would harm the waste hierarchy. This decision sets out how proposals of this nature should be considered in light of the waste hierarchy. The Council were therefore concerned that allowing for an 'open' consent for any type of waste to be utilised (including black bin waste), without an identified need would need to be considered in a similar manner to the refused application at Kemsley. The applicants were therefore required to differentiate between that proposal and this one and demonstrate how the Council could therefore control this difference.

To this end, it is proposed that the site will be powered by refuse derived fuel (RDF) which are 'pellets' produced from recyclables which can be used to create energy. The use of RDF, rather than utilising 'black bin waste' has a lesser impact on the waste hierarchy as it still encourages the recycling to take place. At present, RDF manufactured within the UK can be transported abroad for use, without harming the waste hierarchy, so the use of it on site has the potential to improve sustainability. RDF utilises material that is less likely to be recycled – with a sieving process in place before waste is converted. Power and heat generated by an Energy Recovery Facility (ERF) is not dependent upon fossil fuels such as natural gas or oil, the prime fuel and purpose of the ERF is to convert waste into energy. The combustion of Refuse Derived Fuel (RDF) generates heat that is used to power a steam-to-electric turbine and once the bulk of the energy has been used by the turbine heat from the then "wet" steam can be recovered and converted into low temperature hot water and transferred into a district heating network.

The submission indicates that within Medway, there is the potential for enough RDF to be produced that would power 20MW of electricity (by 2035). Much of this would be produced at the existing facility (Streetfuel) which is currently producing approximately 200kt of RDF per annum but is permitted to produce up to 400kt per annum. At present, 67kt of the waste from the Streetfuel facility is transported abroad. The Council's own consultants have reviewed this submission, and through their own assessment concluded that this figure is less, at around 30,000 tonnes exported from the local facility. Whilst there is a difference in the figures produced, when assessed against the benefits of having energy production 'on site' to support the development, it is considered that this would not be sufficient to tip the balance and make the development unacceptable.

Due to the length of existing waste contracts, it would be a longer-term aspiration to re-use this material at Kingsnorth, but given the savings likely in terms of transportation, the Council are satisfied that there is a realistic prospect of a more sustainable pattern of use of this material post 2030. Over a longer period of time, it is envisaged that approximately 75,000 tonnes of the RDF could be sourced locally, which would still require some through-flow from outside of the area. However, it is concluded that there would be an opportunity to 'claw back' some of the RDF that is currently exported from elsewhere in the Southeast – thereby improving sustainability. It should be noted that the vehicle movements associated with such a provision has been included within the transport assessment.

Whilst it is preferable to use RDF as a fuel for energy production, when reviewed as a stand-alone proposal it is considered that at present there would not be a need for an additional facility. To permit such a provision, there would need to be a specific requirement for additional energy production. In this instance, because of the agreed shortfall of electricity on the Peninsula, and the associated costs of upgrading this provision, it is considered that permitting a facility that would exclusively provide power (and heat) for the units within the application site would be acceptable. However, specific conditions are recommended that would limit the power production to the specific requirements of the site – so the EFW component of the proposal effectively operates on behalf of the future occupiers of the site – and would not seek to ‘export’ power to the wider network.



It is also proposed that the excess heat generated by the plant can be used firstly by the units within the application site, and secondly by any future houses on the Peninsula – should they be permitted. The image below demonstrates how this would be utilised.

The initial proposal would include pipework to future buildings (where appropriate) and there would also be the ability for future housing growth to be connect via underground pipes to the facility. Whilst it is considered that this is a potential benefit, it should be afforded limited weight in the determination of the application, given the status of the emerging Local Plan, and the uncertainty of future growth strategies.

The provision of an energy from waste facility on site is a balanced decision. In its favour are the existing allocation within the Local Plan, the reliable source of power and heat, and the opportunity to reduce travel distance of RDF waste. The disbenefits include the (albeit reduced) impact on the waste hierarchy. Had this been a stand-alone proposal, the balance would likely be unfavourable, but given the proposal as a whole and the benefits that the facility would bring about, it is considered, on balance acceptable.

Access, Connectivity, Travel Plan, Parking and Traffic Impact

Chapter 9 of the NPPF refers specifically to the promotion of sustainable transport and highlights that transport issues should be considered from the earliest stage of plan-

making and development proposals. The Council's Local Plan also identifies that there is an emphasis on promoting sustainable forms of development and to reduce the impact of proposals on global climate change.

The Transport Assessment (TA) submitted with the application summarises the relevant sections of policy from the NPPF, NPPG, Medway Local Plan, the emerging Medway Local Plan (2012 - 2035) and Medway's Interim parking standards for both car and cycle parking. The ES also highlights the likely 'worst case scenario' for the development, in terms of traffic movements and the likely routes that the HGVs generated from the site would create.

Before assessing the impact upon the highway network, it is necessary to understand the proposed trip rates associated with the proposed development. The PPG advises that one of the key issues to consider in preparing a Transport Assessment are the 'road trip generation and trip distribution methodologies and/ or assumptions about the development proposal'. Trip Forecasting and Trip Rates to and from the site.

In assessing the application in terms of traffic movements, it is first important to consider that the site had previously been used as a coal fire power station, that itself generated a certain level of traffic movements – that was deemed acceptable on the highway network. Whilst this site has been closed since 2012, and the level of traffic generated lost, it is an important baseline figure to consider when assessing this application.

The applicants have been required to utilise the Council's own transport modelling (Aimsum), which includes committed development and committed highway schemes. This provides the greatest level of certainty as to what the 'worst-case scenario' would be for the level of traffic on the road prior to the implementation of this proposal. The applicant has then been required to assess a number of highways issues, including severance, driver delay, pedestrian delay and amenity, fear and intimidation and accidents and road safety. The applicants have suggested a maximum of 615 trips to and from the site in the am peak, and 598 within the pm peak as part of their calculations in terms of traffic impact. The Council are content that this figure is consistent with the potential 'worst case scenario' as set out within the submitted ES.

They have also been required to assess the mitigation that would be necessary to make this development acceptable, given the growth in traffic over and above the baseline figure. This section of the report assesses the applicant's conclusions.

In terms of the uplift in traffic movements, there are a number of issues to consider, including:

- The impact on the strategic road network (SRN)
- The impact on the local road network
- The implications of the HIF proposals within the locality of the site.

A holding objection was received by National Highways on the basis of the impact the proposal would have at Junction 1 of the M2. It is important to note that this objection was not based upon the 'here and now' impact, but because of the level of commitment already permitted that would have a theoretical impact, should all schemes be built out. There is (at present) capacity within this junction.

Discussions have been held with National Highways on this matter, and because there is currently capacity, and because this scheme is likely to come forward in advance of other commitments (and because the scheme is policy compliant) it has been agreed that the applicants can take a monitor and manage approach to the proposal. This will require the imposition of conditions regarding the level of floorspace that can be delivered, with ongoing monitoring of the junction to allow the site to develop, subject to the impacts not exceeding an acceptable level.

Discussions with National Highways have resulted in a suit of conditions being agreed that will ensure that they are now able to withdraw their holding objection, on the basis that the impact upon the strategic road network is acceptable – subject to the robust conditions in place.

In terms of the localised road network, significant concerns have been raised with regards to a number of the junctions on the A289 and the A228. In particular the impact on the Four Elms Roundabout, and the roundabouts (Sans Pareil and Antony's Way) on the A289 heading into Medway.

These junctions are subject to improvements as part of the HIF bid, which would unlock growth on the Hoo Peninsula. Should these improvements come forward, there would be sufficient capacity on the highway network locally to accommodate the vehicle trips generated by this proposal.

This section of the road is currently utilised by approximately 5,000 vehicles per hour in the peak periods, which leads to significant congestion, and air quality concerns. Furthermore, there are currently no signalised pedestrian crossings on this stretch of road – which discourages travelling by foot.



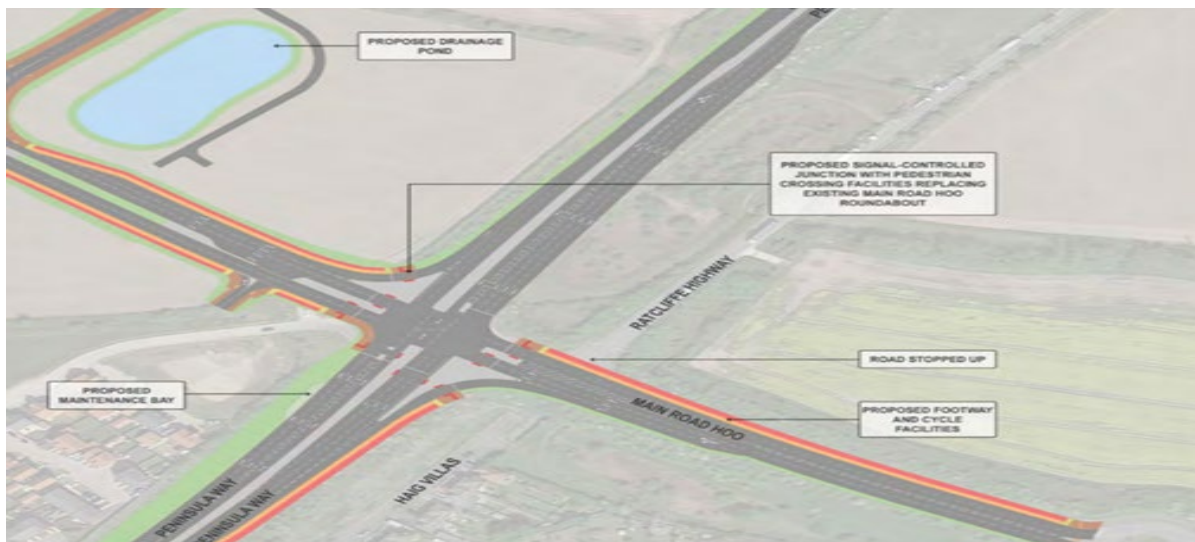
The proposal for the Four Elms roundabout would see the provision of two new slip roads that would enable the faster movement of traffic through the junction – thereby improving capacity, as well the air quality at the junction through reduced waiting times. The junction would also be signalised, resulting a more controlled throughput, also reducing waiting times, and to allow better pedestrian links across the junction. These improvements would be necessary to facilitate the development at Kingsnorth, and it is therefore suggested that the S106 Agreement requires proportionate payments to be made to this project should the HIF funding ‘fall away’.

The Sans Pareil roundabout would also be required to be enhanced should this proposal be approved (although the impacts on this roundabout are lesser than on the Four Elms junction). The HIF funding proposal would see significant road widening, as well as repositing the junction of Wainscott Road and the A228. The improvements would also facilitate a new access into the recently approved school to the south of



the A228.

The plan shows the re-aligned junction, with the new additional slip road provided to the north-west of the roundabout which will improve the flows through the junction. Again, there would also be improved pedestrian links across the A228 and A289. Should this scheme not be delivered by the HIF funding, again, proportionate contributions would be sought from the applicant.



A further relevant highway improvement would be the alteration of the current 'Main Road Hoo' roundabout to a signalised junction. This proposal (as part of the HIF Funding) would also see the creation of an additional arm that would stretch to the north-west and form a new link road through to the A289.

Because of the level of traffic moving through this junction, once again the Council would seek proportionate contributions to be made to its delivery should the HIF funding scheme not be delivered.

In addition to these improvements, it is also proposed that the existing 'Bell's Road' roundabout would also be subject to a significant improvement, including part signalisation, as well as improved pedestrian and cycle connections. Additional capacity would also be provided through the widening of the junction, although for greater through put of traffic.

These elements would form the largest element of the highway improvements required in order to mitigate the impact of the proposal, as well as to unlock the future growth potential of the Peninsula. It should be noted that interventions of this scale would not be required if this development were coming forward in isolation, but it is considered appropriate to include them at this stage, given how developed the proposals are. However, should Members resolve to grant outline planning permission, it would be necessary to secure sufficient funding to unlock the necessary mitigation required to allow for the commercial uses to commence. As such, a review mechanism should be included within the S106 to give the Council comfort that this will be provided.

In terms of public transport to the site, at present there are no bus stops within 3km of the application site, and there are no train stations within 7km. The new train station (if constructed) would be within a short walk of the application site and could be utilised by future members of staff and visitors. However, it is important that the Council understands how staff will travel to and from the site without the provision, as the timeline for completion is likely to exceed the occupation of the first units should permission be granted.

To this end, a condition is recommended that requires the submission of a travel plan setting out measures to ensure that staff are able to travel to the site in the most sustainable manner. This will include the requirement for staff showers and cycle parking, electric car charging points, potential for shuttle buses to and from the site as well as the use of car clubs/car sharing opportunities organised by the site owner/future occupiers.

With regard to parking provision, as this is an outline planning application, no specific details have been provided at this stage. The level of parking required will vary on the end users of each of the units, and as such should be considered in detail at the reserved matters stage. As set out within this report, the applicant will have to adhere to the relevant parking standards in place at the time these applications are submitted for determination.

Whilst not a consideration at this stage, the applicant has agreed to retain the jetty from the site, in order that it may be able to be operated in the future should it be required by any occupier of the site. The re-use of the jetty would be welcomed, however, as it falls outside of the application site, the Council are not able to control this use as part of the determination of this application.

Given the above, and the recommended conditions and S106 provisions, it is considered that the proposal would not have a severe adverse impact on the highway network either within the vicinity of the site, or upon the wider, strategic network. As such, it is considered that the application complies with the requirements of the NPPF, PPGs and Local Plan policy.

Design, Layout and Impact upon the Area

Policy BNE1 of the Local Plan states: "the design of development...should be appropriate in relation to the character, appearance and functioning of the built and natural environment by:

- i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and
- ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and iii) where appropriate, providing well structured, practical and attractive areas of open space."

Policy BNE33 refers to Special Landscape Areas (SLA). The North Kent Marshes SLA extends from the north-eastern edge of the site to the northern shore of the Hoo Peninsula. The natural beauty of these areas is to be protected through Policy BNE33 which states:

"Development within the North Downs and the North Kent Marshes special landscape areas, as defined on the proposals map, will only be permitted if:

- (i) it conserves and enhances the natural beauty of the area's landscape or
- (ii) the economic or social benefits are so important that they outweigh the county priority to conserve the natural beauty of the area's landscape."

The site also lies within an area of local landscape importance (ALLI) which is addressed under Policy BNE34.

This application has been submitted as an outline application, with the detailed design matters to be considered at reserved matters stage. Nevertheless, the applicant has provided illustrative material to seek to demonstrate that the level of development proposed can sit comfortably within the site, without harm to the landscape character (and indeed to any other surrounding development).

The applicant has also submitted parameter plans which demonstrate the limits of development, in terms of the heights of buildings (including chimney stacks) as well as the areas that would be set aside for soft landscaping and ecological enhancements.



The parameter plan (below) shows the areas in orange as being up to 25 metres in height, those in 'peach' as being up to 20 metres, and those in pink as being up to 45 metres in height.

These heights are the parameters considered as part of the LVIA within the ES and have been considered as part of the recommendation as set out within this report.

The large jetty (and onshore structure) which fall outside of the application site is to be retained.

Much of the site is, at present, covered with hardstanding and access roads, following the demolition of the previous power station on site. The site is adjacent to existing industrial structures and therefore has an industrial character in itself. This proposal would seek to provide new commercial and industrial floorspace, and the assessment therefore concentrates on the wider views across the site rather than from the immediate vicinity.

The LVIA submitted with the application has considered the significance of the effect of the proposal from a number of views, which had been agreed with the Council prior to the submission of the application. The effects are both during and after construction of the proposal. The application is also accompanied by wire-frame images which demonstrate the scale of the proposals once constructed.

In terms of views into the site, the greatest impact would be from the eastern side, due to the expanse of water immediately adjacent to the site. Views from the Riverside Country Park (Rainham), Motney Hill (Rainham) Hoo Marina (and coastal path) and

from the Amazon Warehouse (London Medway Commercial Park) have been considered, with the impact from all vantage points considered limited.

The clearest view of the site is from the Riverside Country Park, particularly as one walks to the end of the waterside path. From here, the site is approximately 2.8km from view, with the existing jetty visible. The new buildings would be visible, but would not significantly alter the skyline, nor represent an incongruous feature when viewed with the backdrop of other commercial units. The same view (albeit from further away) can be obtained from Motney Hill.

Views from the Hoo Marina are limited due to the form of the shoreline, but as one walks along the coastal path, the site increases in visibility. From this path, there is the backdrop of commercial uses, including the large Amazon building – which would be of a similar scale and form to that proposed on this site. It is therefore considered that the visual impacts from this vantage point would be limited.

When viewed from the Amazon Warehouse, the site would be (in part) set behind the existing Damhead Creek Power Station, which itself is a sizeable feature, and utilitarian in form. It is therefore considered that new commercial buildings here would not harm important views from this northern vantage point.

It is therefore considered that the medium and long-distance views of the site would not be significantly impacted by this proposal. The development is as one would expect to see within this location and would be of a lesser scale than the previous power station on the site. It is therefore considered that the visual impact from outside of the site is acceptable.

In terms of the landscaping, Policy S4 of the Local Plan states: "A high quality of built environment will be sought from new development, with landscape mitigation where appropriate. Development should respond appropriately to its context, reflecting a distinct local character."

Policy BNE6 states: "Major developments should include a structural landscaping scheme to enhance the character of the locality. Detailed landscape schemes ... should have regard to the following factors:

- i) provide a structured, robust, attractive, long term, easily maintainable environment including quality open spaces, vistas and views.
- ii) include planting of a size, scale and form appropriate to the location and landform....
- iv) retain important existing landscape features, including trees and hedgerows, and be well related to open space features in the locality; and
- v) support wildlife by the creation or enhancement of semi-natural habitats and the use of indigenous plant material where appropriate..."

The proposal would see the creation of a number of tree-lined avenues throughout, which would provide both a positive impact to the appearance, as well as the

biodiversity within the site. Given the lack of soft landscaping at present, there is the opportunity for significant enhancements to the site and these should be sought to be controlled by condition (given that the application is in outline form).

Any planting within the should be of indigenous species, reflecting the character of the area, and ensuring that it complements the biodiversity of this ecologically rich environment. The tree lined avenues should be provided with established (heavy duty) trees as part of the initial planting schedule to ensure that there is an immediate benefit to the appearance of the site and also to provide the most robust 'up-front' planting. This will only be necessary on the spine roads, with smaller trees and shrubs being suitable throughout the remainder of the site in the first instance.



In terms of the buildings, these will likely be large, functional structures, however in order to ensure that these buildings do have a human scale on approach, it is recommended that they be constructed with a brick plinth, and that any office components of the site have a good level of glazing and articulation. Likewise, the landscaping provision upon each unit (secured at reserved matters stage) should help to frame entrance points into the buildings, and provide some vertical emphasis, in contrast to the otherwise horizontal form of the buildings.

Significant parts of the site would be provided for car parking, and it is therefore recommended that the applicant include permeable (block) paving within the areas that would be utilised for this purpose. Whilst this would not be suitable for areas where HGVs turn, for the car parking areas the provision of block paving and tree/shrub planting would positively enhance the appearance of the site.

It is considered that this proposal would have limited impacts on the wider character and appearance of the area, and has the opportunity to enhance its immediate locality, through the use of high-quality materials and good landscaping. As such, no objection is raised on the basis of the visual impact of the development.

Ecology and Nature Conservation

The application has been accompanied by significant information relating to the potential impact of this proposal on the ecological value of the application site and surrounding area. The application has been subject to a Habitat Regulations Assessment (HRA) as part of the determination process.

The NPPF confirms the Government's commitment to conserving and enhancing the natural and local environment through the planning system, including specific reference to maintenance and enhancement of biodiversity. The NPPF takes forwards the Government's strategic objective to halt overall biodiversity loss as set out in paragraph 174, which states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Paragraph 180 of the NPPF also states that:

'Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

Policies BNE35 to BNE39 of the Medway Local Plan are also relevant to the determination of this application. These policies relate to international and national conservation sites, wildlife habitats, wildlife corridors and protected species.

The application site sits adjacent to the Medway Estuary and Marshes SPA/Ramsar/SSSI which is of international importance.

The application is accompanied by a number of ecological surveys and also proposes mitigation where appropriate. There has been specific works undertaken with regard to rare plant species, badgers, bats, water voles, otters, great crested newts (GCN), reptiles, breeding birds, wintering birds, passage/migrant birds and invertebrates. A summary of the impacts upon protected species is set out below.

Badgers

One badger sett was found within the application site (to the western edge of 'parcel 4'). There were signs of badger activity elsewhere in the site, including latrines and foraging – which may not simply be linked to this particular sett.

In order to protect this sett, a green infrastructure corridor has been incorporated into the development parameters where the main sett is located, to ensure that it would be retained and buffered during construction. The sett itself is located on a steep bank as part of the site's flood defences in any event, which makes the risk of disturbance unlikely. This area of undeveloped land would be retained post construction within a green buffer.

Due to the level of development on what is presently open land, there is the possibility that the development will result in the loss of some land that badgers currently utilise for foraging, and this may impact on the long-term viability of the sett. However, given the level of available land that would remain within and outside of the site, which would be accessible to this population, no objection is raised.

Bats

There are four buildings within the site that have roost potential for bats, eight trees with high roosting potential, and two with moderate roosting potential. The submission identifies that a large proportion of the site is sub-optimal for commuting and foraging bats where bare ground, buildings and hard standing is dominant, and the habitats along the sea wall which is open in nature and exposed to the weather. Habitat suitable for commuting and foraging bats is present around the site in areas of woodland, grassland, ponds and inundation vegetation and along linear features such as scrub edges and ditches.

In terms of bat activity, the recorded levels were low and dominated by Common and Soprano Pipistrelle passes with very occasional passes from other species. The highest number of passes during the remote static monitoring was recorded at the southern end of the woodland in Parcel 1, where only 109 passes were recorded over five nights (i.e., average 22 passes per night, or approximately 3 passes per hour).

In terms of the buildings, it is not anticipated that they will be directly affected during construction as they comprise infrastructure associated with the ongoing functioning of the site (e.g., pumping stations associated with the flood defences). As such, no detailed mitigation is proposed at this stage. Should these structures be impacted at reserved matters stages, then detailed mitigation would be required and agreed in order for the appropriate licence to be issued.

In terms of the trees, it is not proposed at this stage that these trees would be lost as a result of the proposal. Again, no mitigation is therefore required at this stage, and it would only be necessary should any reserved matters application require their loss.

Details of lighting will be conditioned to ensure that it would not result in an unacceptable level of glare that would be to the detriment of the bat population.

Great Crested Newts (GCN)

A total of 24 waterbodies were subjected to study in terms of the likelihood of GCN population, which was then reduced to 4 waterbodies through a series of studies. These studies recorded GCN populations in three of the existing ponds and well as in one of the ditches running through the site. However, across the whole site the population of GCN is considered to be 'low'.

Nevertheless, some of the GCN habitat will be lost as a result of the redevelopment of this site, but this will be limited to poor semi-improved grassland, semi-improved grassland, and scrub vegetation. The submission identifies that with the provision of enhanced green corridors throughout the site, there would still be sufficient habitat suitable for the GCN population for no concerns to be raised. However, this would be subject to recommended conditions which would ensure that suitable mitigation be put into place and managed thereafter.

Reptiles

As part of the survey works undertaken, over 350 refugia were placed across the site in order to understand the likely reptile population. The results identified a small population of grass snakes within the site, a good population of slow-worms and a good population of common lizards.

As with the GCN, the proposal would see the loss of some habitat suitable to accommodate reptiles, however, the majority of open space would be retained, with the opportunity for significant enhancements. Again, conditions are recommended to ensure that these areas are delivered and managed appropriately to mitigate any potential harm.

Breeding Birds

The Medway Estuary and Marshes form the largest area of intertidal habitats which have been identified as of value for nature conservation in Kent and are representative of the estuarine habitats found on the North Kent coast. A complex of mudflats and saltmarsh is present with in places grazing marsh behind the sea walls which is intersected by dykes and fleets. The area holds internationally important populations of wintering and passage birds and is also of importance for its breeding birds. An outstanding assemblage of plant species also occurs on the site.

The submission indicates that the 2019 surveys recorded a total of 87 species, of which 55 were confirmed breeding and 1 probably breeding within the Site and its immediate surroundings, such as in Damhead Creek or Hoo Marshes. Breeding territories of a small number of notable species were identified including Black

Redstart, Cetti's Warbler, Little Ringed Plover, Cuckoo, Ringed Plover, Skylark, Song Thrush, House Sparrow, Lapwing, Linnet, Nightingale and a number of RSPB Amber listed species. The 2020 surveys recorded a total of 70 species, of which 41 were breeding/probably breeding and 11 possibly breeding either on-site or in the immediate surroundings. Additional notable species recorded to be breeding/probably breeding which were not recorded in 2019 include Avocet (off-site), Barn Owl (off-site), Starling, Mistle Thrush and a small number of RSPB Amber listed species.

The operational Development will result in the permanent loss of habitats suitable for breeding birds, including the habitats/a portion of habitats associated with a small number of territories of notable species including Little Ringed Plover, Cuckoo, Ringed Plover, Skylark, Lapwing and Linnet. The loss of other habitats within the site (such as trees and scrub) will also remove habitat for more common bird species.

It is considered that the impacts on the bird population can be minimised within the operational Development, as the majority of suitable habitats will be retained within the green infrastructure corridors. It is not considered that the loss of a small number of territories for the above notable species would affect their local conservation status as there are abundant suitable habitats elsewhere and the habitats in the south of the site being utilised by Skylark, Ringed Plover, Little Ringed Plover and Lapwing have only become suitable for these species since the power station was demolished. In addition, there will be opportunities for habitat creation and enhancement within the retained and new habitats which will benefit birds. Conditions are recommended to ensure that this habitat is provided and thereafter maintained.

Because of the proximity of the site to breeding birds within the Estuary, it will be necessary to condition the type of piling that can take place and at what time of the year to ensure that there is no harm caused to them. Two conditions have been recommended that would ensure that the piling is undertaken at the appropriate time.

Invertebrates

Surveys of the site identified that there are a number of areas within the application that would be suitable for invertebrates. Some of this land would be lost to development, and as such suitable mitigation would need to be provided to address this shortfall.

Summary

Surveys of protected species have found that the Site supports bats, badger, water vole, great crested newts, reptiles, breeding birds and invertebrates. In addition, otter, common seal and grey seal are present/likely to be present off-site in the wider area. Generally, populations are considered to be of importance at the Local or District level. The breeding bird assemblage is considered to be of County importance and the invertebrate assemblage is considered to be of importance at the Regional-National level in the northern portions of the site (and Local elsewhere within the Site).

A number of mitigation measures have been incorporated into the design of the development, with the key elements being the establishment of green infrastructure corridors around and across the site. The corridors have been designed to maintain habitat connectivity across the site which will maintain corridors for more mobile animals such as badgers and commuting and foraging bats. These corridors have also been sited to retain and buffer a main badger sett, retain the vast majority of habitat where reptiles have been recorded, and to retain and buffer all waterbodies where Great Crested Newts have been recorded.

Without these mitigation measures, there would be harm to the biodiversity of the locality, particularly at construction phase of the development. As such, conditions are recommended that would ensure that the measures suggested within the submitted report are undertaken at the correct point in time. These should be submitted as part of a Landscape and Ecological Management Plan (LEMP) and should correlate with the information submitted to date. Should this mitigation be provided, no objection is raised on the basis of the impact upon biodiversity.

A Habitat Regulation Assessment has also been undertaken as part of this application.

Climate Change and Energy Efficiency

The application is accompanied by a climate change chapter within the ES, which provides details as to how the proposal would help meet the Council's objectives in terms of climate change.

The 2017 EIA Regulations (as amended) state that any application subject to EIA must:

'Identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on climate.'

'A description of the likely significant effects of the development on the environment resulting from, inter alia: (f) 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.'

Policy BNE4 of the Local Plan states 'energy efficiency measures will be sought within development proposals, providing there is no detrimental impact on amenity. In particular, proposals should have regard to: ... energy efficient technology including solar panels, combined heat and power/district heating schemes and district wind power schemes; ... and the use of building materials of the lowest possible embodied energy.'

The chapter refers to a number of considerations (many of which have been discussed as part of the assessment section of this report), and in particular refers to traffic movements to and from the site.

Whilst the site is located in a relatively isolated location, away from residential properties (and thus a workforce) it is a brownfield site, which historically has employed a significant number of people. This proposal would also have the ability to be constructed to the highest standards of sustainable construction, with a fabric first approach that would ensure the buildings are well insulated and where possible the use of photovoltaics is included.

Whilst the development is likely to result in CO₂ emissions (from both direct and indirect sources) it is not considered that these would cause significant harm, if suitable mitigation is provided. The mitigation proposed includes the following:

- The provision of a CEMP during the construction process to minimise particulate matter and dust.
- The Development will consider sourcing building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm.
- During the construction phase, a Waste Management Strategy will include an Outline Construction Waste Management Plan.
- There is a requirement for a Travel Plan to be submitted for the whole site (with a travel plan co-ordinator appointed).
- The use of PV Cells where possible.

With these mitigation measures in place, it is considered that the proposal would seek to address climate change in a robust and effective manner.

Air Quality and Odour

The NPPF sets out (paragraph 105) that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It also sets out at paragraph 186 that policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Medway's adopted local plan also refers to this matter. Policies BNE2 and BNE24 seek to ensure that development likely to result in airborne emissions should provide a full and detailed assessment of the likely impact of these emissions and that development that would have an unacceptable impact should be refused.

The Council have also produced an air quality action plan which seeks to set out the measures required to reduce emissions within their air quality management areas (AQMA). This plan sets out 12 key measures to try to reduce emissions, which includes (amongst others) improving the movement of freight and the encouragement of the use of public transport.

Policies BNE2 and BNE24 of the Local Plan, and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality and to ensure that any development seeks to mitigate any impact that it has upon it.

The Planning Policy Guidance note also states:

'If a development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies or action plans and / or breach legal obligations (including those relating for the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.'

The application was submitted with a Chapter concerning Air Quality (within the ES) which assesses the impact of the proposal throughout the construction phase and post occupation. The data within this submission relates to the transport modelling that has been undertaken and has been updated alongside the transport information.

The site does not lie close to an AQMA, however the proposal would utilise roads that are subject to this designation. The AQMA that would be most affected by this proposal would be the Four Elms Roundabout, followed by the Gillingham AQMA. The submission highlights that with regards to annual mean NO₂ concentrations, the majority of receptors, including all those within the Gillingham AQMA will experience an impact of less than 1% of the relevant AQAL. Whilst this is considered as 'very high' impact within the Council's guidance, national guidance would consider this to be a 'slight adverse impact', or 'negligible'.

Mitigation would be provided in terms of the highway improvements at the Four Elms Roundabout, which would enable the smoother throughput of traffic movements. The results of the modelling indicated that with the HIF scheme in place, no exceedances of the relevant AQALs were predicted either with or without the operational Development. As discussed within the 'highways' section of this report, should the HIF improvements not be forthcoming through that mechanism, there would be a requirement for the applicant to make proportionate contributions to the Council for highway improvements – including to works at this junction.

In terms of the use of EFW plant, the impact has been determined to be negligible with regard to human health and in terms of odour. The proposal would be subject to strict environmental control, that would ensure that any particles would be treated and

dispersed appropriately. Likewise, any odour from the site would be carefully managed and with the site's isolated nature there would unlikely be any significant impacts on the residential amenity of neighbouring occupiers.

It is therefore considered that whilst the proposal, through the increased traffic movements, would be an impact on air quality, this would be mitigated by the highway improvements, and as such, it is considered that the proposal would comply with the requirements of national and local policy.

Land Contamination and Ground Conditions

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.

Due to the previous use of the site as a coal fired power station, there has been contamination of the ground, not only beneath the building itself, but also on much of the surrounding land (due to storage of coal, vehicles etc.). The applicant has already decontaminated parts of the site, however it will be necessary for further exploration of the ground, and remediation to take place thereafter.

The applicants have submitted a remediation strategy as part of the planning application, which sets out that they have undertaken ground surveys, and identified the main areas where remediation remains to be undertaken.

In order to ensure that suitable remediation takes place, conditions have been recommended that will require further examination of the ground conditions, as well as future submissions detailing the exact remediation. A final report will require submission post completion (on each plot/phase) in order to comply with the necessary condition. It is considered that this will ensure that the ground conditions are assessed and managed thereafter appropriately.

Effect on Neighbouring Properties

The application site is relatively remote, with only one dwelling that would be considered to be in close proximity to the site. This dwelling, located to the north-west of the application site sits behind a bund of earth which is already in situ. It is proposed that an acoustic fence be provided close to this boundary to further reduce any impact on the property from the site's redevelopment.

In addition, the illustrative masterplan shows the areas to the east and south of the property to remain undeveloped, as areas of open space and habitat. The nearest structure shown would therefore be a significant distance away from this property.

It is proposed that an HGV stopover provision be closest to this dwelling. It is considered however, that a combination of the existing bund, together with the

proposed acoustic fence will ensure that both noise and light spill will not impede the amenity that the occupants currently enjoy.

Other properties (Jacob's Lane) would be of a sufficient distance from the site (over 500m) to not be directly impacted by this proposal.

The applicant will be required to provide a detailed lighting plan as part of the conditions recommended which will ensure that light spill from the site will not impact upon any residential amenity (as well as the ecology within the vicinity).

It is not therefore considered that the proposal would have any direct detrimental impact upon the amenities of the nearby residents, subject to the imposition of suitable conditions.

Heritage

Paragraphs 195 and 196 of the NPPF set out two decision making tests where proposals would lead to substantial and less than substantial harm, respectively. Paragraph 195 guides that substantial harm to or loss of significance should not be permitted unless that harm is necessary to deliver substantial public benefits that would outweigh the harm or loss, or other criteria are met. Paragraph 196 guides that where a development proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies BNE18 and BNE20 of the Local Plan refer to listed buildings and ancient monuments respectively, whilst BE5 relates to the historic environment and BE6 relates to managing development in the historic environment.

Whilst there are no listed buildings or conservation areas within close proximity of the application site, Fort Darnet lies to the south, Hoo Fort to the southwest and the Grade I Church of St Werburgh lies to the west.

Both Hoo Fort and Fort Darnet are identified as scheduled ancient monuments and are considered to be of high heritage significance. The monuments form a group of 'island' forts that were constructed in the Medway in the late 19th century by the Royal Commission. The purpose of the forts was to provide an inner line of defence against invasion from France, and to protect the naval dockyards at Chatham. The monuments both comprise a circular, casemented battery and are set within an unriveted ditch and out glacis. The forts are noted in the designation report as forming a group as a pair of batteries. Both forts were approached from their associated jetties by way of a curving footpath and there is evidence at Hoo Fort that the entrance floor could be raised in the event of an attack.

In terms of the setting of the forts, it is considered that the two structures are intrinsically linked given their group value as part of the Royal Commission's costal

defence plans. The application site is not considered to have any functional relationship with the forts, and the redevelopment of the site would not lead to a lesser understanding of the forts' importance or their setting.

In terms of the Church of St Werburgh, as this is a Grade I listed building, it is again considered to be of high heritage significance. Its heritage interest is considered to derive primarily from its architectural and historic interest as a parish church dating from the 12th century.

The setting of the church is considered to be defined by the surrounding residential development which screens the church in short views from within the surrounding streets, and it is located upon a street with high hedges/trees along its boundaries. The church is visible within medium / long-distance views from the south, particularly from Vicarage Lane, but not from the application site. The church is located approximately 2.3km to the west of the site at its closest point. The site has no functional or associative relationship with the church and due to the distance and lack of visibility, it is not considered that the site makes any contribution to the heritage significance of the asset.

It is therefore considered that this proposal would have no impact of significance upon the nearest heritage assets, and therefore complies with national guidance and local plan policy.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

Given the previous use of the site, it is considered acceptable to impose a condition requiring further information (as a desktop study) prior to the commencement of development. This is considered sufficient to ensure that any likely archaeological interest is fully considered. Should any significant artifacts or remains be found on site, there would be a requirement for additional information to be provided and the potential for more intrusive ground investigations.

Flooding and Drainage

The NPPF directs a general presumption away from developing in areas at risk of flooding, ignoring the presence of existing defences. Plans need to apply a 'sequential' approach to the location of development. The sequential test steers new development away to areas at the lowest risk of flooding (para 162).

If it is not possible for development to be located elsewhere (taking into account wider sustainability objectives) the exception test may be applied (para 163).

In addition, major developments, such as this, are required to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (para 169).

The application site sits adjacent to the River Medway with the majority of the site being located within Flood Zone 3, which is at a high risk of flooding. There are however defences present along the bank of the river providing flood protection for events up to 1 in 1,000yrs probability.

The application is submitted with a Flood Risk Assessment (FRA) which concludes the following:

- The majority of the Site is at low to very low risk of flooding from surface water sources, with a “low – medium” risk within Parcel 1.
- The EA long term flood risk map indicates the entire Site is not within the maximum extent of flooding from reservoir failure and as such the risk of flooding from canals and other artificial structures is considered “low”;
- Risk of ground water flooding on the Site is considered to be “low”;
- The Site is at “low” risk from flooding from sewers; and
- The Site is located in a Flood Warning Area characterised as “064FWT1Medway - Tidal River Medway and Medway Estuary”

It is concluded that the greatest risk of flooding arises from tidal and surface water flooding with the following mitigation proposed.

- Site operator/s will be required to register with the EA flood warning system and implement on site management strategies to ensure they can communicate flood warnings effectively.
- Maintenance of the existing flood defence levels to maintain 1:1,000yr flood protection; and
- New flood defence constructed on the eastern boundary of Parcel 1, which will give it 1:1,000yr protection and is already included for within the submitted Masterplan/Parameter Plan.

In terms of surface water flooding a conceptual SuDS system has been submitted as part of this application. This SuDS system demonstrates that surface water can be attenuated in a series of pond and swale features, designed to 1:100yrs event plus 40% climate change. Details of this will be required to be submitted by condition.

It is considered that on balance, the provision of this SuDS drainage, which includes ecological enhancement features, settlement ponds and managed outflows, will provide an overall betterment to the current surface water management regime and will likely reduce the runoff rates accordingly.

The applicant has submitted a sequential analysis, stating that the proposed development is for mixed commercial use and therefore is not for development in a

higher risk class. Given the standard of protection afforded by the tidal defences, the standard of protection and the condition of the defences is currently considered “good”.

Through discussions, the Environment Agency has confirmed that the standard of protection will be maintained by virtue of the proposal and no other significant risks have been identified in relation to other sources of flooding. The proposed development uses are therefore considered to meet the requirements of the Sequential Test.

It is therefore considered that there is no concern regarding flooding, or drainage, and that the proposal would be acceptable with regard to national and local policy.

Conclusions and Reasons for Approval

The proposed development represents one of the more significant employment-led regeneration projects within Kent and Medway and would lead to the creation of significant new employment floorspace and up to 2000 new jobs at the site (in addition to jobs through the construction phase). The site has been allocated for employment purposes since 2003, and since the closure of the power station in 2012 has remained vacant.

The applicants have invested significantly in on-site remediation which would enable it to now be used for other commercial uses.

The proposal would fully accord with the Council’s extant Local Plan, as well as their economic development strategy.

As an outline planning application, it is supported by a parameter plan which secures the key information and requirements for any future reserved matters application(s). Furthermore, through an illustrative masterplan, and Design and Access Statement, the applicants have detailed how the site might appear once developed. It is proposed that a Design Code be required (and secured by a planning condition) which would further establish and influence the site wide requirements, development plots and areas of landscaping (including ecological enhancements).

However, from the information provided to date, it is considered that the development proposed could ‘fit’ comfortably within the site without harm to the character and appearance of the locality. Details of the proposal can be secured by condition and through the future reserved matters application to ensure appropriate compliance with the design, landscape and green infrastructure policies.

The applicant has submitted a Transport Assessment (TA) which identifies the ‘worst-case scenario’ for traffic generation to and from the site. A number of conditions are also recommended that would restrict the development to a level that would ensure no severe impact on the highway network, or with regard to air quality within the existing AQMAs.

For the natural environment considerations, the site is located close to areas of national importance and the applicant has submitted significant information relating to the impact on biodiversity/ecology. Again, conditions are recommended to ensure that suitable mitigation takes place regarding ecology, and in particular breeding birds within the Estuary.

The application would see the provision of an Energy from Waste facility, which is acceptable, should it only meet the need of the application site. The facility should not seek to produce any excess power beyond what is required on site. Should this be appropriately managed/maintained, no objection is raised to its inclusion.

Overall, it is considered that this is a proposal that would bring about significant benefits to Medway. The re-use of this brownfield site for commercial purposes would generate significant employment in a suitable location. The parameter plans, and illustrative masterplan show that there could be both visual and ecological enhancement to the site which should weigh in favour of support of this application. The disbenefits are the potential for a minor impact on the waste hierarchy, and increased traffic movements – albeit movements that can be accommodated.

It is for these reasons that it is recommended for approval subject to a S106 regarding financial contributions relating to highway improvements and the conditions recommended.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the scale of the proposal, and its importance in relation to the Council's economic strategy. It is also noted that the Parish Council have objected to the proposal.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>