

MC/11/2866

Date Received: 17 November, 2011

Location: National Grid Grain LNG Terminal Grain Road Isle Of Grain Kent
ME3 0AB

Proposal: Application for approval of reserved matters being access, appearance, landscaping, layout and scale pursuant to outline permission MC/10/3301 for a second liquid natural gas cryogenic pipeline of approximately 1.9km in length that includes a culvert to carry the pipeline beneath B2001 and other ancillary infrastructure

Applicant: National Grid Grain LNG

Agent:
Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15 February, 2012.

Recommendation - Approval with Conditions

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

LGC/30001-07-05-01-60-48-99-0001 Rev 0; 0002 Rev 0; 0003 Rev 0; 0004-001 Rev 0; 0004-002 Rev 0; 0004-003 Rev 0; 0004-004 Rev 0; 0004-005 Rev 0; 0004-006 Rev 0; 0004-007 Rev 0; 0004-008 Rev 0; 0004-009 Rev 0; 0004-010 Rev 0; 0004-011 Rev 0; 0004-012 Rev 0; 0004-013 Rev 0; 0004-014 Rev 0; 0004-015 Rev 0; 0004-016 Rev 0; 0004-017 Rev 0; 0004-018 Rev 0; 0004-019 Rev 0; 0004-020 Rev 0; 0005 Rev 0; 0007 Rev 0; 154260-204-CS-22-001003 Rev 0 all received on the 17 November 2011

Plus drawing numbers 154260-000-CS-22-000002 Rev2; 154260-000-CS-22-000004 Rev1; and 154260-202-CS-22-000001 Rev2 received on 10 January 2012;

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

Recommendation

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

Proposal

Application for approval of reserved matters being access, appearance, landscaping, layout and scale pursuant to outline permission MC/10/3301 for a second liquid natural gas cryogenic pipeline of approximately 1.9km in length that includes a culvert to carry the pipeline beneath B2001 and other ancillary infrastructure.

The applicants have advised that the length of the pipeline has reduced from that granted at outline from 2.4km to 1.9. This is due to the relocation of the process area tie and the consequential reduction in land required to the north of the Phase 3 tie in point. The applicant also advises that the expansion loops, within the pipe line have been handed from that previously shown and that an additional patrol road is to be included within the perimeter of the site on the north eastern side of the pipeline. In terms of appearance the applicants have confirmed that the cryogenic line will be identical in its finish to the existing pipeline and that in terms of landscaping there is very little scope within this industrialised area for landscaping. However, they have confirmed that the pipeline corridor will be stone capped.

Site Area/Density

Site Area: 18.6 hectares (ha) (45.592acres)

Relevant Planning History

MC/10/3301	Application for a new planning permission to replace an extant planning permission MC/08/0424 (construction of a second liquid natural gas cryogenic pipeline) in order to extend the time limit for implementation Decision Approval with Conditions Decided 21/12/2010
MC/10/3258	Retrospective application to regularise alterations undertaken on existing consents for LNG facility Decision Approval With Conditions Decided 21/12/2010
MC2008/0644	Outline application for the construction of a nitrogen plant Decision Approval with Conditions Decided 18/07/2008
MC2007/2261	Application for approval of reserved matters [layout, scale, appearance, access & landscaping] pursuant to outline consent MC2007/0638 for construction of a Nitrogen Plant for use in conjunction with the existing LNG facility Decision Approval with Conditions Decided 10/03/2008
MC2007/1683	A full planning application related to the Liquid Natural Gas (LNG) storage, vaporisation and distribution facility, being alterations to development approved within the Northern

Zone of planning approval MC2006/1428 comprising the relocation of the approved positions and new related equipment being; two LNG storage tanks, each having a capacity of 190,000 cubic metres; six additional submerged combustion vaporisers; and related infrastructure including (I) pipe racks connecting the new tanks to the existing site racks; (II) unloading line from the closest point to the tanks; (III) external tank pumps; (IV) boil off gas compressors; (V) an impounding basin; (VI) flow meters to monitor volume of natural gas; (VII) power connections for generated power; (VIII) provision of internal site access roads; (IX) 2.5m palisade security fence topped with barbed wire surrounding the new facilities and contiguous with the existing boundary fence; (X) a vent stack; (XI) a compressor shelter; (XII) a holding pond; and (XIII) an SCV circulation water tank
Decision Approval with Conditions
Decided 21/12/2007

MC2007/0638 Outline application for construction of a Nitrogen Plant for use in conjunction with the existing LNG facility
Decision Approval with Conditions
Decided 02/08/2007

MC2007/0630 Combined heat and power system to provide heat for the vapourisation of LNG in place of natural gas
Decision Approval with Conditions
Decided 11/07/2007

MC2006/1962 Hazardous substance consent application for the construction of a new jetty and pipeline leading to the existing cryogenic line, two additional Liquid Natural Gas (LNG) Storage Tanks each of 190,000m³ capacity, regasification facilities and associated works (an increase of 183,000 tonnes of Liquid Natural Gas, bringing the total capacity to 563,000 tonnes)
Decision Approval With Conditions
Decided 08/02/2010

MC2006/1934 Town and Country Planning [EIA] Regulations 1999 for a screening opinion to determine the need for an Environmental Impact Assessment for heat transfer pipelines between the National Grid Property Site and the CCGT Power Station, Isle of Grain, Rochester, Kent.
Decision Screening Opinion (EIA) not required
Decided 11/12/2006

MC2006/1436 Construction of a 1km long interconnector gas pipeline to connect Phase II of the LNG storage tanks to the National Transmission System

Decision Approval with Conditions
Decided 29/09/2006

MC2006/1428

Liquid Natural Gas (LNG) importation storage, vaporisation and distribution facility, comprising; demolition of an existing jetty structure (Jetty 8) including stripping and removal of jetty approach walkway, cutting of jetty approach piles approximately 1m below current river bed level and removal of resulting piles; Construction of a new jetty (New Jetty 8) comprising equipment to unload LNG from ships, berthing and mooring dolphins, emergency walkways, a jetty approach to accommodate vehicular access, an instrument control room and appropriate emergency equipment; Construction of jetty approach consisting of a LNG pipe rack and vehicular access elevated above the existing Port Victoria Pier and sea wall. Existing internal access road extended to connect vehicular deck access via a deck access ramp; Reinstatement by dredging of existing berth box to accommodate LNG carriers; Erection of equipment landwards of the existing sea wall comprising a nitrogen generator, jetty control room, security gatehouse, diesel generator and electricity sub-station; Construction of pipeline to connect jetty head passing above the sea wall to the existing LNG transfer pipeline. This will comprise of (I) a LNG transfer pipeline; (II) a recirculation line; (III) a vapour return pipeline; (IV) horizontal expansion loops; (V) support structures in the form of trestles to carry the pipeline above the existing sea wall; (VI) a concrete channel containing the pipeline and running from the sea wall to the existing LNG transfer pipe; and (VII) a pipeline running from the jetty to a vent stack; Construction of two LNG storage tanks, each having a capacity of 190,000m³; Installation of six additional submerged combustion vaporisers; Provision of related infrastructure; Temporary lay down area in the northern and central zones

Decision Approval with Conditions
Decided 14/05/2007

MC2006/1369

Construction of an approximate 930m long gas pipeline (part alternative route to MC2006/1034) to connect the National Transmission System to the proposed Grain CCGT power station

Decision Approval with Conditions
Decided 29/09/2006

MC2006/1220

Outline planning application with all matters reserved for future consideration for the construction of a nitrogen plant associated with Phase II construction of the LNG storage facility.

	Decision Approval with Conditions Decided 29/09/2006
MC2006/1034	Construction of an approximate 3km long gas pipeline to connect the National Transmission System to the proposed Grain CCGT power station Decision Approval with Conditions Decided 29/08/2006
MC2006/0771	Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for heat transfer pipelines Decision Screening Opinion (EIA) not required Decided 19/05/2006
MC2005/2266	Relocation of existing process vent stack from west of LNG pipeline corridor to east of LNG pipeline corridor Decision Approval with Conditions Decided 23/01/2006
MC2004/2863	Installation of two 11KV power feeder from Grain power station to the Grain LNG site Decision Approval with Conditions Decided 14/02/2005
MC2004/2390	Variation of condition 12 requiring the provision of a roundabout on the B2001/Grain Road of planning permission MC2002/1692 (Construction of liquid natural gas importation facility including new pipe line) to allow for the provision of a traffic calming scheme in lieu of roundabout Decision Approval with Conditions Decided 29/11/2004
MC2004/0991	Town and Country Planning (EIA) Regulations 1999 for screening opinion to determine whether or not the proposed development at land at Grain Road requires an Environmental Impact Assessment Decision Screening Opinion (EIA) required Decided 26/05/2004
MC2002/1725	Construction of Liquid Natural Gas Importation (LNG) facility including provision of: new jetty; dredgebox to accommodate LNG ships; pipeline connecting the jetty with existing LNG storage site; ancillary service roads and ancillary plant and structures including two compressor houses Decision Withdrawn by applicant Decided 21/07/2003

- MC2002/1692** Construction of Liquid Natural Gas Importation (LNG) facility including provision of: new jetty; dredgebox to accommodate LNG ships; pipeline connecting the jetty with existing LNG storage site; ancillary service roads and ancillary plant and structures including two compressor houses
Decision Approval with Conditions
Decided 16/04/2003
- MC2001/0879** Outline application for precast concrete production facility and associated storage yard area
Decision Approval with Conditions
Decided 16/10/2001
- MC2000/1880** Construction of new drainage system, land raising and creation of replacement wetland/ecological area (Phase I)
Decision Approval with Conditions
Decided 29/11/2004
- MC2000/1751** Temporary change of use of land for open storage of aggregate.
Decision Decided

Representations

The application has been advertised on site and in the press as a major development.

EDF Energy, The Environment Agency, Health and Safety Executive (Explosives Inspectorate), Kent County Constabulary, Kent Wildlife Trust, Medway Port Authority, Natural England, Royal Society for the Protection of Birds, Southern Gas Networks and Southern Water have also been consulted

The **Environment Agency** (EA) have stated that they have no comment to make on this reserved matters submission.

Health and Safety Executive have advised that having considered the type and location of the proposed development, the explosives inspectorate have no objection to it proceeding.

Kent County Constabulary have confirmed that they have no comments or representations in respect of this application.

Natural England have stated that they have no objections to the proposal being carried out according to the terms and conditions of the application and the submitted plans. They also advise that the Local Planning Authority should assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites and biodiversity enhancements.

In response to the Outline Planning application Natural England advised in relation to the Impacts of the development on designated sites and protected species. They stated:

"Statutory nature conservation sites.

We have checked our records and, based on the information provided, we can confirm that the application site lies close to habitats which form part of the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) and the South Thames Estuary and Marshes SSSI. These SSSI's form part of the Medway Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) and the Thames Estuary and Marshes SPA and Ramsar Site respectively. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Habitats Regulations, in particular Regulations 48 and 49.

On the basis of the information provided, Natural England considers that, in its current form, the location, nature and scale of the proposed application are such that it will not be likely to have a significant effect on the interest features of the European sites. We also consider that the proposed development will not adversely affect the Medway Estuary and Marshes or the South Thames Estuary and Marshes SSSI. Therefore, in accordance with Regulation 48(1), Natural England confirms that an Appropriate Assessment is not necessary and wishes to make no further comment concerning this application. However, we should be advised of any modifications or amendments which may affect the interest of the European sites.

Protected species

The information provided in support of the application includes details of the location and populations of the following protected species, together with an assessment of the likely impacts.

<i>Species</i>	<i>Protection legislation</i>
<i>Bats Act 1981</i>	<i>The Wildlife and Countryside (as amended)</i>
<i>Habitats &c.) amended)</i>	<i>The Conservation (Natural Regulations 1994 (as</i>
<i>Great crested newt Act 1981</i>	<i>The Wildlife and Countryside (as amended)</i>
<i>Habitats &c.)</i>	<i>The Conservation (Natural</i>

amended)	Regulations 1994 (as
Breeding birds Act 1981	The Wildlife and Countryside (as amended)
Widespread reptiles Act 1981	The Wildlife and Countryside (as amended)
Badgers 1992	The Protection of Badgers Act

Paragraph 98 of ODPM Circular 06/20052 states that 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' Paragraph 99 also states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision. . .

Bats

Whilst no specific bat survey appears to have been conducted of the application site, it is known that pipistrelle, and possibly Daubenton's bats forage across the Grain Site but no know bat roosts occur within the site. Given the nature of the works proposed, Natural England has no comments to make in relation to the potential impacts of this proposal on bats at present.

Great crested newts

The survey information provided in support of this application indicates that great crested newts were recorded in a number of water bodies across the application site. Other native species of amphibian, namely the smooth newt, common frog and common toad were also recorded at the Grain site. In addition, it appears that the existing cryogenic pipeline may be acting as a barrier to amphibian dispersal to the south of the pipeline and it is important to ensure the new pipeline does not create a further barrier. Natural England is satisfied that the indicative mitigation contained within the supporting information to the planning application appears appropriate to mitigate any potential impacts upon local populations of great crested newt subject to the inclusion of the following condition on any consent:

- *Prior to the commencement of any works which may affect great crested newts or their habitat, a detailed mitigation strategy shall be submitted to and approved in writing, by the Local Planning Authority. All works shall then proceed in accordance with the agreed mitigation strategy with any amendments approved in writing.*

The above condition is necessary to ensure that the legislation which affords protection to great crested newts is not breached as a result of this development.

Where a development affects great crested newts or their habitat, the work may need to be carried out under a Regulation 44(2)(e)3 overriding public interest licence. These licences are administered by the Wildlife Management and Licensing Unit of Natural England who can offer further advice on the licensing process and they can be contacted on 0845 601 4523.

Breeding birds

The Grain Site supports populations of 56 breeding bird species which has been assessed as being of district importance. A number of these species receive protection through Annex 1 of the Habitats Directive or the Wildlife and Countryside Act, are Biodiversity Action Plan priority species or red list species on the List of Birds of Conservation Concern. However, the proposals set out in section 11.305-11.311 of the environmental statement appear appropriate to mitigate the potential impact of this proposal on breeding birds. Therefore, subject to a suitably worded condition being appended to any consent to secure the aforementioned recommendations, Natural England has no comments to make at present in relation to breeding birds.

Widespread reptiles

The survey information provided in support of this application indicates that grass snake and common lizard have been recorded across the Grain site with significant numbers of common lizard in particular being recorded. Adders have been recorded on the site in the past but no sightings have been reported since 2003. It is unclear from the information provided whether the area of reptile habitat to be lost to this development is to be replaced, as a minimum, on a of like for like basis by area in accordance with good practice. Providing this is the case, the indicative mitigation proposed as a result of this development appears appropriate to minimise any potential impacts on local reptile populations subject to the inclusion of the following condition on any consent:

- Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to and approved in writing, by the Local Planning Authority. All works shall then proceed in accordance with the agreed mitigation strategy with any amendments approved in writing.*

The above condition is necessary to ensure that the legislation which affords protection to widespread reptiles is not adhered to during this development.

Otter and Water voles

The Environment Agency takes the lead on otter and water vole conservation and we recommend they are consulted in relation to the potential impacts resulting from

this application on these species. They can be contacted at Orchard House, Endeavour Park, London Road, Addington, West Mailing ME19 5SH.

Badgers

The survey information provided by the applicant indicates that a number of active setts and other signs of badger activity have been recorded around the Grain Site but all of these were observed further than 30 metres from the current proposed development footprint. As such, Natural England has no comments to make in relation to the potential impacts of this proposal on local badger populations at present.

Other species of conservation concern

The application site encompasses an area where the 'vulnerable' divided sedge grows. Natural England believes that mitigation for any impacts arising from the development on this species should be provided, and recommends that should the Council be minded to grant permission for this application, the following condition is appended to the consent:

- Prior to the commencement of any works which may affect divided sedge plants, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the agreed strategy with any amendments approved in writing.*

Isle of Grain Ecological Masterplan

Natural England has been actively engaged with all of the applicants on the 'Ecological Masterplan' for the various developments in and around the Grain LNG site to ensure the various developments result in a net gain for wildlife. It is noted from the information contained within the environmental statement that there will be a net loss of reedbed, neutral grassland and other habitats on the site as result of this development. Such loss of habitats of biodiversity value should be subject to mitigation and/or compensation to ensure there is not net loss of such habitat. As such, Natural England would expect this application to sign up to, and fully engage with the Isle of Grain Ecological Masterplan Process. Such measures are in accordance with Paragraph 14 of Planning Policy Statement 9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Summary and conclusion

Subject to the recommendations and conditions detailed above, Natural England has no comments to make in relation to this application at present.

The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. All species of bat and the great crested newt are European protected species and as such a licence is required in order to carry out any works that involve certain activities such as capturing the animals or destroying their resting places. This licence is applied for after planning permission has been granted and is processed by Natural England's Wildlife Management & Licensing Team, rather than by the local Team (though the local Team will have an input at this stage). The later decision on a licence application is a more detailed assessment and may require additional survey information, population assessment and specific details relating to the effectiveness and workability of the mitigation proposals before works can proceed. The licence application would also need to demonstrate additional tests, namely those set out in Regulation 44(2)(e) relating to the purpose of the activities, and Regulation 44(3)(a) relating to satisfactory alternatives. This means that our comments on the application at a local level cannot provide a guarantee that a licence will be granted post planning permission, although it should indicate that in general the conservation issues are being handled effectively.

Please accept this letter as Natural England's formal consultation response under Regulation 48 of the Habitat Regulations and Section 28 of the Wildlife and Countryside Act 1981 (as amended). However, should there be any modification or amendment to the application which may affect the SSSIs, Natural England must be consulted further".

Southern Gas Networks (SGN) have written stating that there is gas infrastructure in the area and have supplied plans showing the approximate location of this gas infrastructure. They have also advised that there may be other gas transporters may be present in the area, but they are unable to advise as to that equipments location. They state that there is the presence of low/medium/intermediate pressure gas mains in the proximity of the site and that no mechanical excavation are to take place above or within 0.5 metres of the low and medium pressure system and 3 metres of the intermediate pressure system. They advise that the position of the mains should be confirmed by hand dug trial holes.

In addition to the above, SGN advise that safe digging practices in accordance with the Health and Safety Executive publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any Mechanical plant is used.

All of the information provided by Southern Gas Networks has been forwarded to the applicant for their information

Southern Water have advised that they have no comments to make in respect of this reserved matters submission and confirm that their original comment on the outline permission (MC2008/0424) remains unchanged and valid. In relation to outline permission (MC2008/0424) Southern Water wrote advising of the approximate position of a public waters mains and of the need to ensure it is protected during the course of construction.

Peel Ports – On behalf of the Port of Sheerness – Raise no objections

9 letters from 6 separate addresses have been received raising the following summarised objections:

- The off site emergency plan is not fit for purpose and any further planning at Grain LNG must be stopped until full guarantees over safety of Grain Village can be assured;
- An alternative route in and out of Grain Village must be implemented. The B2001 is the single entrance/exit to the village and should any damage/incident occur the village would be cut off preventing people carrying on their daily lives
- Main Road through Grain Village from Maritime gets flooded everytime it rains;
- Safety advice from Southern Gas Networks (SGN) advises that heavy traffic should not cross SGN pipe work. Heavy busses and heavy deliveries to the Co-op could not avoid crossing these pipes.
- The B2001 is in a disgusting state

Development Plan

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

Planning Appraisal

Background

The application site extends to some 18.6 hectares (ha) in site area and runs from land adjacent to Jetty 8 northwest for some 700m and then 'dog legs' by turning east for 1200m, linking in with the existing LNG site. Temporary laydown areas are included within the application site on the southwestern and southern side of the cryogenic line. The laydown/construction areas will be restored to their original condition following the completion of the development.

The application site is in part adjacent to and comprises part of the existing National Grid Grain LNG importation and storage site at the Isle of Grain (IoG), Kent. The site generally lies within the former oil refinery land together with internal roads linking to the B2001. The application site runs northwest from Jetty 8 for some 700m and then 'dog legs' by turning west for 1200m, linking in with the existing LNG site. Currently the land predominantly comprises old concrete bases for the former fuel tanks with naturally regenerated scrub vegetation.

The Grain Site, within which the application site lies, comprises around 400 hectares of former oil refinery land and represents one of the largest brownfield sites in the

south east of England. The oil refinery was decommissioned in the mid 1980s and most of the buildings and structures associated with this use have been removed with only large areas of hardstanding, isolated buildings and some plant remaining.

The northern and central areas of the development were previously occupied by oil refinery buildings. These areas have now been cleared, which has left a predominantly flat brownfield site, devoid of any above ground structures. The area to the south close to Jetty 8 is located close to the River Medway, which is a disused Jetty that was previously used as part of the former oil refinery. Directly behind Jetty 8, on the foreshore lie the remains of the former Port Victoria. This was previously used as a departure point for visits to Germany by Queen Victoria and other members of the Royal Family, from around 1846 to 1911. Port Victoria was built as a railway station at the end of a line to this location from Windsor, via Gravesend, and included a small jetty from which the Royal Family would embark. After 1911, the port fell into disuse, the railway line was abandoned and the station and Port Victoria deteriorated.

The northern portion of the site is divided from the central and southern sections of the site by the B2001 Grain Road, which at this point is a single carriageway in either direction. There are no public footpaths within the site with the nearest terminating some distance to the east on the shoreline in front of the power station.

To the east is the Grain Power Station with Grain village beyond and to the southwest is the BP fuel depot and the container port including facilities for mineral aggregates.

The first area of the Grain site to be used in relation to LNG is located on the Grain Site's northwest boundary. This area was developed in the late 1970s and is mainly visible due to the four large storage tanks that are prominent features in the generally flat landscape. In April 2003 planning permission was granted for further LNG related development known as "Phase 1", this has now been developed. Phase 1 comprises an LNG importation facility including a new jetty (Jetty 10) and an over ground pipeline connecting Jetty 10 with the existing, 1980s LNG storage site. Phase 1 has been fully functional since July 2005.

Planning permission was granted for what is known as Phase 2" in 2004 which comprises three additional LNG storage tanks located to the north east of the original four storage tanks on the northwest boundary of the Grain Site. Construction of Phase 2 is nearing completion. Phase 3 was granted consent in 2006 and sought consent for the demolition of existing Jetty 8 and the construction of a new jetty with ancillary loading/unloading equipment, construction of a LNG pipe rack etc as well as the construction of two LNG storage tanks, each having a capacity of 190,000m³ and other related ancillary infrastructure and temporary lay down areas in the northern and central zones.

Other parts of the wider Grain site are vacant. However, close to the development site is the Thamesport container terminal, Foster Yeoman aggregate importation facility and the Medway Power Station.

Beyond the application site areas, to the north, the land is for the most part in

agricultural use interspersed with creeks, marshland and tidal mud flats. Grain village is located to the north east of the Grain Site.

The application site adjoins land that is the subject of a number of special designations. These include the North Kent Marshes Special Landscape Area (SLA), the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI) and also as a Special Protection Area (SPA) and Ramsar site under the Conservation (Natural Habitats etc) Regulations 1994. This is known as the Medway Estuary and Marshes Special Protection Area. The application site lies within an existing employment area and the route of the roadway runs through the adjacent proposed employment area. To the south west of the wider Grain site is a Foster Yeoman aggregates' operation and the Medway Power Station. To the west of the wider Grain site, the land is again mainly in agricultural use interspersed with marshland and low-lying wetland areas.

The loG peninsula is served by both road and rail. These include the A228/B2001 Grain Road, which provides access to Rochester and Medway Towns to the west and hence to the A2/M2/M25. There is also a single-track railway line, providing a link to the national railway network.

Principle

As Members will have noted from the information already provided in this report, this application seeks approval of reserved matters being details of access, appearance, landscaping, layout and scale pursuant to outline permission MC/10/3301. This being the case the principle of the development, being the construction of a second cryogenic pipeline, has already been accepted by the Council as being acceptable and in line with Government objectives and adopted development plan policies. This submission purely relates to the details of the development related to the reserved matters detailed above.

Main Issues

Clearly, a great deal of consideration has already been given to the proposed development at the Outline stage. However, with the submission of the details pursuant to that outline planning consent consideration needs to be given to the specific details of the layout, appearance, scale, landscaping and access and their impact on:

- the affect of the proposal on landscape character and visual appearance;
- whether the proposal would be detrimental to the amenities of surrounding properties;
- whether the proposal would have an adverse impact on parking or highway safety;
- the impact of the proposal on nature conservation; and
- whether the proposal would create any environmental issues.

The landscape character and visual appearance of the surrounding area

The development site is located in an area where there are a number of landscape designations. The Medway Estuary and Marshes are a wetland of international importance being a Special Protection Area/Ramsar Site and a Site of Special Scientific Interest. It provides breeding and wintering habitats for important bird species. There are also rare and scarce plants as well as endangered, vulnerable and rare invertebrates.

These areas are generally characterised by predominantly low lying flat landscape with extensive areas of open space dominated by the sky although the coastal fringes and marshes include existing major developments such as the existing development at LNG, power stations, other ports operators, industrial related activity and the existing cryogenic line. To the west of the site the land is designated as the North Kent Marshes Special Landscape Area (SLA). To the south across the River Medway is a SLA. Much of the coastline to the west of the site is designated as undeveloped coast in the Medway Local Plan.

The applicants have previously considered the impact of the development on the landscape and visual character of the area as part of their original outline planning submission. Those details gave a level of detail where an assessment could be made and the details now submitted with this reserved matters application related to layout, scale and appearance all confirm that the development will be similar in layout, scale and appearance to the existing cryogenic line, albeit lying to the southern side of the existing cryogenic line.

The landscape impacts of the development, both during construction and after, will be negligible. The areas character is already dominated by the positioning of the existing LNG storage tanks and associated processing equipment and is in an area of degraded industrialised land. As the development would lead to the introduction of a development which is not uncharacteristic in this landscape and its resultant effect is considered to be negligible. The industrial area within which the site is set is characterised by a number of cylindrical storage tanks (at both the BP and LNG), cranes at Thamesport (98m high when upright) and the 25m high chimney at Grain Power Station, the new chimneys which have emerge as a result of the Combined Cycle Gas Turbine (CCGT) Power Station and the further high chimney at Kingsnorth away to the southwest. The details of the layout, scale and appearance of this second cryogenic line clearly demonstrate that the proposal will have no impact on the North Kent marshes, the mudflats or salt marsh. Irrespective of this fact, it is recognized that some receptor groups such as recreational walkers, residential occupiers and road users view the development, but when seen against the existing cryogenic line, the backdrop of the wider LNG plant and surrounding industrial development, its impact will clearly be minor.

Whilst, the proposed development would add a new feature to the existing range of development in the landscape, the details submitted related to the scale, layout and appearance of the development clearly demonstrate that its visual impact is contained by other major industrial development such as power stations, storage tanks, and Thamesport with its cranes. In this context the details of the scale, layout and appearance of this additional cryogenic line is not considered to be detrimental in terms of the quality of the landscape or local views towards the site.

In summary the visual impact of the proposed developments, including its impact on the character of the landscape and the cumulative impact, is considered acceptable and the is no objection is raised in principle to this scheme under the provisions of Policies CC6, NRM8 and C4 of the South East Plan or Policies BNE1, BNE6, BNE33 and BNE45 of the adopted Local Plan.

Nature Conservation

There are a number of areas of international, national and local nature conservation interest close to the application site.

The Council consulted statutory and non-statutory nature conservation bodies in relation to this reserved matters submission and they have not raised any objections to the details of layout, scale, appearance, access or landscaping as submitted. Clearly Natural England and the Environment Agency sought a number of conditions being imposed in relation to both ecology and required mitigation and these were imposed as part of that outline consent, which would still apply should this reserved matters submission obtain consent. This being the case there would be no need to reimpose those conditions as part of this submission.

There have been no significant changes in policy in terms nature conservation that would override the previous considerations of this development in outline form. This being the case this development is considered to be acceptable in terms of issues related to Nature Conservation and accords with Policies BNE35, BNE36, BNE37 and BNE39 of the adopted Local Plan and Policy NRM5 of the South East Plan.

Amenity

Due to the position of the proposed development in an established industrial area, the nearest residential properties and settlements are some distance away. Grain is approximately 2.5km to the east, across mainly employment land, with Middle and Lower Stoke and Allhallows 2.5km and 3km away to the west and northwest respectively, mainly across rural land and the coast. In these circumstances, the main impact from the detail submitted with the reserved matters application, relating to layout, scale, appearance, access and landscaping, on local residents is likely to be the visual impact and this has already been assessed above. There have been no significant changes that would override the previous determination of the scheme, when it was considered that it was acceptable in terms of the impact on amenities. The proposal therefore accords with Policy BNE2 of the adopted Local Plan.

Environmental Health Issues

The main environmental health issues with the application are air quality, dust, noise and contaminated land.

In relation to this reserved matters submission, the details related to layout, scale, appearance, access and landscaping are not considered to have any affect on air quality. There would be no detriment to residential amenity from dust during the construction phase and no significant construction noise impact. The Councils' Environmental Health section has raised no objections to these reserved matters

submission. Matters related to contamination, piling and remediation were all dealt with at the outline approval stage.

This being the case, the details of reserved matters submitted are considered to be acceptable in terms environmental health impacts and the development is considered to accord with Policies BNE2, BNE3, BNE23, and BNE24 of the adopted Local Plan and Policies NRM9 and NRM10 of the South East Plan.

Highways

An additional road within the site is proposed as part of this reserved matters submission. However, the applicants have advise that there will be no further access to the public and that this road will be secondary to the access to the LNG terminal. Under the original outline application, this proposal was considered to have no additional significant impact in transport terms over and above those impacts created by the larger schemes being carried out within the wider site. The development would not result in any significant increase in the number of permanent staff on site, plus another scheme granted under MC2007/0019 for an operations building and security gatehouse increased the level of parking on site, which would help to meet the increased parking demand related to the various developments being undertaken on the wider LNG sites.

Therefore, it is considered that the details submitted as part of this reserved matters submission related to access are acceptable and will have no impact on the local highways network and would be acceptable in terms of highway and pedestrian safety. The proposal therefore accords with Policy T1 and T13 of the adopted Local Plan and T1 and T4 of the South East Plan.

Other Matters

Archaeology

It was previously considered that subject to an appropriate condition the proposal was unlikely to have an adverse impact on archaeology in the vicinity of the site and this being the case the development was considered to accord with Policy BNE21 of the adopted Local Plan. An archaeology conditions was attached to the outline planning approval on this site and therefore there is no need to impose an archaeological condition as part of this reserved matters submission. The proposal therefore accords with Policy BNE21 of the adopted Local Plan.

Flooding

The Environment Agency advised that they had no comments to make in relation to this reserved matters submission. However, Members will have noted that the environment Agency previously advised “...*whilst this is a high-risk flood area, the principle of this development is established on the site and the applicant is aware of the nature of the flood risk*”. In relation to the outline planning approval they advised that the site is offered protection against flooding by the presence of defenses and this being the case they raise no objections on flood risk grounds. There have been no significant changes in relation to these reserved matters details of layout, scale,

appearance, access and landscaping that would override the previous comments related to this scheme. The proposal therefore accords with Policy CF13 of the adopted Local Plan and Policies NRM4, NRM8 and KTG6 of the South East Plan.

Appropriate Assessment

The site lies close to the South Thames Estuary and Marshes SSSI, which forms part of the Thames Estuary and Marshes SPA and Wetland of International Importance under the Ramsar Convention. In addition, the site lies close to the Medway Estuary and Marshes SSSI, SPA and Ramsar site. Natural England has stated that the location, nature and scale of the proposed development are such that it will not be likely to have a significant effect on the surrounding SSSIs, SPAs and Ramsar sites, and therefore an appropriate assessment is not deemed necessary. They are content that the mitigation proposals set out in the application are sufficient to minimise the impact upon biodiversity, subject to various conditions. They also state that they welcome the commitment to ensure the development contributes to the outcomes of the strategic ecological plan for Grain.

Conclusions and Reasons for the Approval

The reserved matters details submitted, being details of layout, scale, appearance, access and landscaping, are considered acceptable in terms of their impact on the visual impact, the affect on nature conservation, the affect on amenities, the highways aspects, environmental issues, archaeology and flooding. On balance therefore, the details of reserved matters are considered to comply with the provisions of all of the relevant and current development plan policies and as such are recommended for approval. Conditions attached to the outline approval apply to this reserved matters submission and no further conditions are considered necessary.

Background Papers

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.