



Delegated Report

Approval of Conditions Application

Application No:	20240238
Location:	FM Conway, Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY
Description:	Application for the approval of condition 9 attached to planning permission reference number 20220733 relating to the Odour Management Plan.
Applicant:	FM Conway Limited

Submitted Documents/Plans

- Application Form – dated 14 March 2024;
- Covering Letter by PDE Consulting Ltd. – dated 14 March 2024;
- Odour Management Plan by Tetra Tech – dated 31 May 2024.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220733	The installation of two additional bitumen tanks, load out gantry and the installation of a bitumen emulsion plant and alternative car parking.	PERMITTED	11.09.2023

Consultations, Publicity and Representations

Internal Consultees

GBC Environmental Protection –

- First Comment – 03 April 2024

The 'Odour Management Plan' by Tetra Tech dated 27th February 2024 (report Ref: 784-B029584) has been reviewed.

Appropriate sensitive receptors have been identified around the site (including Overcliffe). These include residential and retail/commercial uses.

The only odour arrestment proposed is the use of carbon filters. These are already in use with the existing bitumen tanks on site and comments from Environmental Protection (EP) on the application for the additional tanks highlighted that these are considered to be basic technology and have not been successful in controlling odour release as complaints had been received and justified. The report recognises this as is identifies the main odour sources as being residual odour from the carbon filters and odour release from filling the lorry tankers.

However, no additional arrestment has been recommended with odour emissions from the carbon filters being addressed by way of daily inspection and regular maintenance/filter exchange. The only mitigation for loading to trucks is not overfilling and cleaning up spillages. It is disappointing therefore, that given the previous comments by EP, that consideration has not been given to other/additional abatement as outlined in PG 6/42(13). For example, section 5.10 whereby emissions are contained from the filling of road tankers by Local Exhaust Ventilation and exhaust to arrestment plant or returned to the storage tanks.

In this respect, it is not considered that part (a) of the condition has been suitable addressed.

With regards to proactive odour monitoring and odour control, the proposals specified in sections 4, 5 and 6 (and Appendix A & B) are acceptable. These sections and appendices address part (c) of the condition in relation to offensive odour.

Section 4.3 deals with visual emissions (parts (b) and (f) of the condition). However, there is no methodology for recording these checks or indication of the locations to be checked. In addition, the condition refers to the identification of 'the origin of a visible emission.....using one or more of a variety of a number of indicative techniques'. This section further detail/clarification.

Parts (g), (h) and (j) deal with the complaints procedure and the investigation of abnormal events/incidents procedure and these are addressed in sections 5.1, 6 and Appendix B. This information is generally satisfactory, except that there is no information regarding the recording/documentation procedure or notification of the regulator. This needs further detail/clarification.

In summary therefore, the following parts of the condition are considered to have been adequately addressed: (c), (g) and (h),

The following parts have not been sufficiently addressed and required additional information/clarification: (a), (b), (d), (e), (f), (i) and (j).

- Second Comment – 24 June 2024

The revised Odour Management Plan dated 31st May 2024. Generally, the revision addresses the concerns raised previously. In this respect, there is no objection to condition 9 being discharged.

I would however point out that Environmental Protection has recently received complaints about odour from FW Conway which we are currently investigating and the matter has been reported to FM Conway's Customer Care Team as the point of contact for this type of issue.

Officer's Analysis

This is an application for the approval of condition 9 attached to planning permission reference 20220733 relating to the Odour Management Plan.

Condition 9 states the following:

9. *Prior to commissioning and operation of the new plant the applicant is required to draft and submit an odour management plan for the prevention, identification and resolution of odour impacts on the community, to the LPA for approval. It is expected that the plan include the following as a minimum, or words to affect the same outcome:*
 - (a) *Suitable and sufficient techniques taken from the Defra Process Guidance Note 6/42 (13) for the Bitumen Processes with particular reference to sections 5.1 and 5.8 to 5.11*
 - (b) *Measures to ensure that once the site becomes operational there are no visible airborne emissions from any part of the plant at any time.*
 - (c) *There shall be no offensive odour beyond the site boundary, as perceived by GBC.*

- (d) *Monitoring to identify the origin of a visible emission shall be undertaken using one or more of a variety of a number of indicative techniques.*
- (e) *The plant shall be installed and operated in accordance with supplier recommendations, so as to minimise the release of odour.*
- (f) *Visual checks of all locations that are potentially the source of leaks especially airborne emissions. The time, location and result of the checks, along with weather conditions such as indicative wind direction and strength, shall be recorded. The aim being to prevent any visible air borne emission from any part of the plant. For unmanned sites other suitable checks shall be implemented e.g. suitable CCTV should be installed so as to carry out daily visual checks remotely.*
- (g) *Where there are problems that, in the opinion of the Council, may be attributable to the installation, such as local complaints of visual emissions or odour being detected beyond the site boundary, operations shall cease immediately and operator shall investigate the source of the odour emissions in order to find out which part of their operation is the cause.*
- (h) *While problems are ongoing, a visual check shall continue to be made at least once per day, by the operator. Once the source of the emission is known, corrective action shall be taken without delay.*
- (i) *Where it is installed any odour arrestment equipment shall be inspected at least once a day to verify correct operation and to identify any malfunctions. Depending upon the type of any arrestment plant used this inspection shall include the identification of any leaks in air handling equipment and ductwork. The operator shall keep records of inspections, tests and monitoring:*
 - *Records shall be kept on site and made available for the regulator to examine.*
 - *Records shall be kept by the operator for at least two years.*
- (j) *In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:*
 - *Investigate the source of the odour emissions and undertake remedial action immediately;*
 - *Cease operation of the site immediately;*
 - *Promptly record the events and actions taken; and*
 - *Inform the regulator without delay.*

The condition was attached to ensure that a suitable monitoring plan and programme is in place to prevent, identify and resolve any odour issues that would impact on amenity of surrounding residents.

The details submitted have been reviewed by Gravesham's Environmental Protection Team, with the revised odour management plan being considered acceptable and overcoming the concerns raised previously.

Therefore, the details submitted in relation to condition 9 are sufficient to ensure that odour would be monitored and an adequate programme is in place to prevent, identify and resolve any issues that arise, and the condition can be discharged.

Conclusion

The odour management plan is acceptable and condition 9 (odour management plan) can be discharged.

Recommendation

Approval

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	8 th July 2024	Dated:	09 July 2024

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