



Delegated Report

KCC Consultation

Planning Application No: 20221087

Location: Britannia Refined Metals Ltd Lower Road Northfleet Gravesend

Description: KCC Consultation - Development of an enclosed electronic waste (E-Scrap) transfer facility, involving shredding, sampling, sorting, and bulking up of electronic waste streams for onward transportation to recycling / management facilities. The proposed development includes construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf

Applicant: Kent County Council

Site Visit Date: None (desktop assessment)

Introduction

Kent County Council (KCC), as the determining Planning Authority, has consulted Gravesham Borough Council (GBC) for its views on the proposed development of an enclosed electronic waste (E-Scrap) transfer facility. The proposed development includes the construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf at Britannia Refined Metals Ltd Lower Road Northfleet.

Submitted Documents/Plans

The planning application documents are available via the following link;

<https://www.kentplanningapplications.co.uk/Planning/Display/KCC/GR/0168/2022?cuuid=1855BC59-9316-4539-8785-E2E7990D5F15>

Relevant Planning History

It is noted that the application site has been subject to numerous planning applications since the 1970s. Those applications all relate to the use of the wider site as a metal refinery. The most recent planning application history is;

Reference	Description	Decision	Decision Date
20211588	KCC/SCR/GR/0250/2021 - Retrospective Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 as to whether the proposed development of a facility to sample waste	Permitted	23.12.2021

	electronics material (also known as an E-Scrap facility) requires an Environmental Impact Assessment at Britannia Refined Metals (BRM) site, Botany Road, Northfleet, Kent DA11 9BG.		
20170325	Installation an above ground, 1000 cubic meter capacity, cylindrical drainage water storage tank on the BRM site. The proposed location for the tank currently comprises three unused storage bays covered in a clad lean-to structure, adjacent to a larger operations building. The existing bays and structure will be demolished in order to provide sufficient space for the tank. The tank will be epoxy or glass fused steel material and will likely be green in colour. The tank will be supported on a reinforced concrete base which will be founded on existing piles. The tank will be 6m high and 17.5m diameter.	Permitted	13.07.2017
20130580	Construction of roof over existing 10 metres of open steel frame work at the end of No 1 Refinery building.	Permitted	23.08.2013

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 – Economy, Employment and Skills
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

Kent Minerals and Waste Local Plan 2013-30 (amended September 2020)

- CSW 1 – Sustainable Development
- CSW 2 – Waste Hierarchy
- CSW 4 – Strategy for Waste Management Capacity
- CSW 6 – Location of Built Waste Management Facilities
- CSW 12 – Hazardous Waste Management

- DM 1 – Sustainable Design
- DM 2 – Environmental and Landscape Sites
- DM 3 – Ecological Impact Assessment
- DM 5 – Heritage Assets
- DM 6 – Historic Environment Assessment
- DM 8 – Safeguarding Minerals Management, Transportation Production & Waste Management Facilities
- DM 10 – Water Environment
- DM 11 – Health and Amenity
- DM 13 – Transportation of Minerals and Waste
- DM 15 – Safeguarding of Transport Infrastructure
- DM 16 – Information Required in Support of an Application
- DM 17 – Planning Obligations

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 6 – Building a strong, competitive economy
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and Enhancing the Natural Environment
- 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

As the determining authority, KCC have the responsibility to undertake relevant statutory consultations and publicity. In addition, the following consultations have been undertaken by GBC.

GBC – Highways Officer

This proposal results in minimal traffic generation and so I have no highway objection. However, the applicant should make some provision for cycle parking as this is often a chicken and egg situation and the parking provision needs to be made available to encourage people to cycle.

SPG4 states;

Cycle Parking

33. The provision of secure and convenient cycle parking is essential in encouraging people to cycle. Without good facilities, cyclists will use railings and other fixtures to secure their bicycles. Informal cycle parking may cause a danger to pedestrians, especially those with mobility impairment, and appear unsightly

and goes on to say

36. In addition to the provision of secure cycle parking, developers will be required to consider the additional needs of cyclists (such as lockers, changing and shower facilities where appropriate), the access to cycle parking and the interaction between cyclists and other highway users. Further guidance on cycle parking is contained in Appendix B

It is therefore suggested the minimum cycle provision for two cycles in a secure/weather proof should be provided and expanded should demand warrant it. (This is still well below the recommended cycle parking provision, but given the limited number of employees it would be difficult to justify additional provision)

GBC – Environmental Protection Team (Regulatory Services)

Environmental Protection at Gravesham Borough council has considered this application. There are no objections to it. The following matters have been considered and where appropriate, conditions are recommended.

In relation to matters that the Environmental Protection team would cover, Environmental Assessments have been undertaken for air quality (plus traffic and transport), contaminated land and noise.

Air Quality:

The proposed site falls within the boundary of the Northfleet Industrial Air Quality Management Area (AQMA) declared for exceedances of the Air Quality Objective for PM₁₀. In terms of transport and air quality impacts, the predicted future traffic flows and impacts on local junctions as a result of the proposal are negligible. As such, traffic impacts from the proposed development in terms of air quality are unlikely to have an impact on the AQMA.

With regards to impact from the construction and operations phase with regards to dust which could influence PM₁₀ levels, this has been assessed in the Air Quality Assessment (AQA). In terms of demolition, construction and track out dust impact, there is a low risk to human health and a medium risk to ecology and as such, medium risk mitigation measures have been recommended (see Table 6.1 of the AQA).

In the operation phase, dust emissions will be minimal as the building will be fully enclosed and emissions will be mitigated by a 'dry' atomised water spray in general areas and an extraction system.

It is recommended that a condition be applied to any planning permission which covers the demolition/construction phase in terms of dust emission. A suitable Construction Environmental Management Plan should be submitted for approval which should include the mitigation measures contained in Table 6.1 of the AQA.

Contaminated Land:

A Phase 1 Contaminated Land Desk Top Study has been undertaken which highlights some potential concerns with the locality and with historic use. In addition there is uncertainty regarding the made historic ground/land raising on the site. The Phase 1 report recommends that a full intrusive ground investigation study is undertaken and the Planning Statement indicates that this is underway and due for completion in autumn 2022.

It is recommended that a suitably worded condition is applied to any permission that requires the results of this ground investigation to be submitted to KCC for approval along with appropriate remediation measures/a mitigation strategy and a closure report on completion.

Noise:

The proposed location of the plant is at the north of BMR owned land in an industrial area, immediately adjacent to the Cemex Cement Works. There are currently no residential premises in the area. Noise has however been considered and all potentially noisy activities (loading/unloading of scrap, shredding etc will take place in a completely enclosed building with fast acting roller shutter doors.

Noise from operational activities is likely to be an issue.

Operational hours are acceptable. Receipt and dispatch of material to/from the site will only take place between 07:00 and 17:00 Monday to Friday with no delivery/dispatch on Saturday, Sunday or Christmas/New Year public holidays. On site operations will be 24/7, however bearing in mind the industrial location, this is not anticipated to give rise to any problems.

In terms of Environmental Permitting, the plant will be permitted and regulated by the Environment Agency. In this respect, the Permit will cover and control emission to air, water, land and it will also regulate any noise.

GBC – Commercial Team (Regulatory Services)

The following comments are made for the information of the applicant.

Health and Safety:

In these premises, the Health and Safety Executive (HSE) will be the enforcing Authority for all health and safety matters. Should you require further advice and information check out the HSE website

www.hse.gov.uk

Food Safety Comments:

If the new staff welfare facilities are to have a staff canteen providing food and drink for staff then it is a requirement under Article 6(2) of Regulation 852/2004 that food business operator registers their establishment with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website

www.gravesham.gov.uk/food-safety

The applicant must ensure that the kitchen fully complies with current food safety legislation. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

Lavatories must not lead directly into rooms in which food is handled, stored or prepared. There should be an intervening ventilated space between toilets and food rooms. Food should not be stored in that space.

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a double sink unit must be installed. A dish washer is also recommended.

The layout and scale of the business operation may be such that mechanical ventilation, with a balanced air intake and appropriate extract system, is required. This will need to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen. I recommend that you contact a specialist contractor in this regard.

For further advice on starting a food business please visit the FSA website

<https://www.food.gov.uk/business-guidance>

Smoking / Shelters:

Any smoking shelter must comply with the Smoke Free (Premises and Enforcement) Regulations 2007 and not be so enclosed or substantially enclosed as defined by the legislation (see below)

Enclosed

Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

Substantially Enclosed

Premises will be considered to be substantially enclosed if they have a ceiling or roof, but there are openings in the walls which are less than half of the total area of the walls, including structures that serve the purpose of walls and constitute the perimeter of the premises. When determining the area of an opening, no account can be taken of openings in which doors, windows and other fittings can be opened or shut.

Current guidance suggests that shelters should be constructed at least 1.5 meters from any premises doors or open able windows. The use of an existing wall attached to the building could create a substantially enclosed structure.

Officer's Analysis

The application site is within an Area of Archaeological Potential, the Northfleet Industrial Area Air Quality Management Area (AQMA), Flood Zone 3 (within an area benefitting from flood defences), Ground Water

Source Protection Zone 2 and the buffer zone of the Botany Road historic landfill site. The site is located in close proximity to the Swanscombe Peninsula Site of Special Scientific Interest (SSSI).

Looking at the proposals, key issues would appear to be:

1. The principle of the proposed development would be acceptable as it would provide a waste recycling/management facility in an existing industrial area, which aligns with both national and local planning policies. However the detail of the proposal will require careful consideration.
2. The application is on the riverside in a location where KCC is obliged to consider the proposal under section 58 of the Marine and Coastal Access Act 2009, having regard to policy as set out in the South East Inshore Marine Plan and Technical Annex (2021). The planning statement and the KCC pre-app advice do not refer to this requirement. There are a number of policies which apply, including relating to the wharf and potential impacts on the river itself. The Marine Management Organisation (MMO) and Port of London Authority (PLA) should both be consulted, particularly given the latter will have local knowledge in respect of the use of the site. The Environment Agency (EA) may also have views on the impact of the development on the foreshore, including in terms of the impact of light etc. on biodiversity.
3. The new building will be extremely close to the existing flood defences (3.5m) and it is unclear whether this would allow sufficient room for the future upgrading of the defences under the Thames Estuary 2100 Plan. This is important because the defences here also protect the wider flood cell, which includes other uses and the Northfleet Harbourside proposal. Also, the flood risk assessment says that the flood defences here are sheet metal piled, which also implies that the foundations of any new building may interfere with any ground anchors if used as part of the original construction. Whilst the proposals would probably require an EA licence or bye-law consent where it is in close proximity to the defences, GBC Core Strategy Policy CS18 at 5.14.38 applies, which prioritises flood defence over other development. KCC will need to have regard to this, in combination of any comments received from the EA.
4. In terms of the wharf itself, this is safeguarded under Core Strategy Policy CS07 at paragraph 5.1.36. It's not clear from the application as to whether the requirements of the policy in terms of the submission of supporting evidence have been met. Once again, KCC should be seeking the views of the PLA on this.
5. The impacts of the proposed development on the Swanscombe Peninsula SSSI will need careful consideration.
6. The application site is within the Northfleet Industrial Area Air Quality Management Area (AQMA) and in this regard, KCC should take into account the comments of the GBC – Environmental Protection Team (Regulatory Services) as set out above. Please note that their comments also relate to land contamination and noise and suggest various conditions which should be included on any planning permission granted.
7. In terms of cultural heritage, GBC would defer to the views of KCC Heritage. They may be interested in terms of the design of foundations and any need for piling given underlying archaeological deposits. There may also be marine archaeological interest because the river here was used for the mooring of East India Company ships certainly from the late C18th onwards.
8. In terms of access arrangements/parking, GBC would defer to the views of Kent Highways and in addition, request that the comments of the GBC – Highways Officer (as set out above) are taken into account.
9. The comments of the GBC – Commercial Team (Regulatory Services) should be passed to the applicant for information.

Recommendation

KCC be requested to consider the above comments, to undertake further consultations and to take account of the comments of GBC Highways Officer, the GBC – Environmental Protection Team (Regulatory Services) and the GBC – Commercial Team (Regulatory Services) when making their determination.

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:	K Joyce	Signed:	
Dated:	10th November 2022	Dated:	11 November 2022

Gravesham Borough Council