



Delegated Report

KCC Consultation

Planning Application No: 20220530

Location: Unit 6 Rod End Estate Northfleet Industrial Estate Lower Road

Description: KCC Consultation of behalf of EDC KCC/DA/0082/22 - Change of use of industrial yard to create a facility for the collection and distribution of hazardous wastes (including liquid waste oils/petrochemicals, liquid waste coolants, automotive wastes and packaged hazardous wastes); installation of new offices, weighbridge, laboratory, oil storage tanks, oil interceptor, new hard surfacing/hard standing and impermeable bunding; demolition of part of building 5 and a fire damaged structure; and retention, reprofiling and landscaping of the northern bund.

Applicant: KCC Planning Applications Group

Site Visit Date: None (desktop assessment)

Introduction

Kent County Council (KCC) on behalf of the Ebbsfleet Development Corporation (EDC), as the determining Planning Authority, has consulted Gravesham Borough Council (GBC) for its views on the proposed change of use of an industrial yard to create a facility for the collection and distribution of hazardous wastes; the installation of new offices, weighbridge, laboratory, oil storage tanks, oil interceptor, new hard surfacing/hard standing and impermeable bunding; demolition of part of building 5 and a fire damaged structure; and retention, reprofiling and landscaping of the northern bund at the application site.

It is noted that the application site is located within the Dartford Borough Council area and GBC are being consulted as the adjoining Local Planning Authority.

Submitted Documents/Plans

The planning application (KCC reference KCC/DA/0082/2022) documents are available on the KCC website via the following link;

<https://www.kentplanningapplications.co.uk/Planning/Display/KCC/DA/0082/2022?cuuid=8230D66B-4D7C-486C-B364-F54886186E9B>

Relevant Planning History

EDC/19/0069 Outline application for the Redevelopment of site to provide industrial units within Class B2/B8 and Class B8 (with ancillary Class B1a) together with associated parking and access road.
Permitted 12 Mar 2020

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

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.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 6 – Building a strong competitive economy
- 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

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- 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

I consider this proposal lacks supporting information that permits a detailed comment.

Whilst an outline permission may have been granted to a number of B class uses, it does not appear to have been progressed. The Class B Planning usage and its replacement Class E includes multiple sub divisions which have their own traffic generation profiles, which may not be relevant to this application. (I note the 2019 application was for B1c, B2 and B8 [with ancillary B1a] EDC/19/0069). This application therefore needs to be supported by either a full Traffic Impact Assessment, or at least a Traffic Statement comparing the current proposal with the previous approved outline scheme, although this is now somewhat dated as it was a 2019 application, so a complete TIA would be preferred. The approach taken should be agreed with Kent County Council's Highways Department.

The details in the planning statement are confusing.

Paragraph 8.80 refers to 4 x 14 tonne vehicles and 18 x 16 tonne vehicles,

Table 8.1 then refers to 4 x 14 tonne vehicles with 80 trips per week or 14 trips per day, but a 5 day week would generate 70 trips and 6 days 84 trips.

The 17 x 18 tonne vehicles or is it 18 x 16 tonne vehicles generates a maximum of 340 trips per week or 57 a day. 57 per day gives 285 for a 5 day week or 342 for a six day week

The totals in Table 8.1 seems to suggest a six day week with 145 daily trips and 860 weekly but 145 x 6 gives 870 trips.

There is no evidence submitted to demonstrate that the vehicle generation is appropriate for the proposal, data should either be taken from TRIC's for similar developments in similar locations or from site surveys overall several days at existing sites, to allow for daily variations.

The total capacity of the tankers would also appear to greatly exceed the proposed collection capacity, now although part loads will not be uncommon, it does raise the issue of whether the vehicles are being used efficiently to deal with the waste material

The parking plan shows provision for rigid tankers but no spaces for articulated vehicles, now it may be that none is required as they are visiting from another depot or treatment plant, but this needs to be explained. It is noted that lorry drivers may park in vacant tanker parking spaces which is not an uncommon approach, but a parking management plan should be submitted as should a site management plan to ensure that the site is not overwhelmed with returning vehicles that all require unloading at the same time, that could result in vehicles waiting off site for an unloading slot.

Given the above, I would suggest that further details are requested or the application is refused until more supporting information, which may take time to accumulate is available.

GBC – Commercial Team (Regulatory Services)

No objection in principle. 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

GBC - Environmental Protection Team (Regulatory Services)

This comment is for the application 20220530 / KCC/DA/0082/2022, the site is in the Dartford area with EDC making the decision.

As the site is not in the Borough of Gravesham we will only be making comments re air quality related to how it may impact the air quality in Gravesham as the site is immediately adjacent the borough boundary and the boundary of the Northfleet Industrial Area Air Quality Management Area (AQMA). The site also has to be accessed through the borough of Gravesham.

The applicant has submitted an air quality impact assessment dated March 2022 carried out for Enva Specialist Waste Limited by Holford Clark Associates, Environmental Consultants. This assessment is commented on it general terms as it is expected that Ebbsfleet Development Corporation (EDC) will have engaged their own air quality consultants to review the assessment and make technical comments to EDC. Such technical comments have not been provided to this service for information or comment.

The application is for the change of use of an industrial estate yard to create a small facility for the collection of waste oil and automotive garage waste. The purpose of the assessment is to provide a construction phase air quality assessment and an operational phase air quality assessment of the proposed development.

It is expected that waste sites would need to have the relevant environmental permits from the Environment Agency to operate as a waste facility however the assessment states that the “development will not involve a process designated as a 'scheduled process' for the purpose of air pollution control; it will not involve discharges to water which require the consent of the Environment Agency.” It also states that “it will not give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances; nor radioactive or other hazardous waste; and the applicant advises the proposals fall outside the scope of the COMAH regulations.” It further states that “therefore the assessment of operational phase odour and non-traffic derived pollutants has been scoped out of the assessment.”

It is therefore recommended that the Environment Agency be consulted in order to confirm that this is the case and that they have not comments to make on the application.

The assessment has made reference to monitoring in both Gravesham and Dartford's boroughs as well as the borough's action plans. It is noted that the assessment makes no reference to PM2.5.

The assessment in section “5.2.2.3 New Vehicle Emissions Associated with the Development” state that it is predicted that the development will generate a worse case volume of 230 HGV loads per week ie 460 movements plus staff and visitor car movements which appears to be an increase in vehicular movements related to the site. All of these journeys impact on the levels of pollution in the area and therefore it is expected that there will be mitigation measures associated with these vehicle movements ie to control the euro star of the HGVs accessing the site and encouraging shared journeys by staff, encourage the use of public transport etc. **If possible, this service requests that the vehicular movements are restricted by conditions such that the applicant will need to apply for further planning permission to increase the movements if they exceed that permitted.**

The assessment concludes that the potential effects on air quality of the construction phase of the development are as follows:

- The construction phase assessment has determined, based on a methodology published by IAQM, that the significance of dust soiling from the construction phase will be ‘low’ to ‘medium’ at all human receptors; that the significance of PM10 from the construction phase will be ‘low’ to ‘medium’ at all human receptors; and that the significance of the construction phase at ecological receptors will be ‘medium’.
- The impact of traffic emissions associated with the development has identified that it will not lead to the exceedance of the Air Quality Limit Value for either NO2 or PM10 at any receptor. The overall significance has been assessed as ‘Negligible’ to ‘Slight’.

The assessment concludes that the potential effects on air quality of the operational phase of the development are as follows:

“With reference to the national planning policy guidance on air quality, the proposed development

- Will not lead to an unacceptable risk from air pollution;
- Will not prevent sustained compliance with, limit values or national objectives for pollutants, and;
- Will not cause failure to comply with the requirements of the Habitats Regulations or other environmental policies and duties, taking into account the presence of Air Quality Management Areas and Clean Air Zones.”

The assessment makes reference to the content of the Kent and Medway Air Quality Partnership, Air Quality Planning Guidance (Options A and B), and the Institute of Air Quality Management Guidance “Assessment of Dust from Construction and Demolition” (2014). The assessment recommends that the summarised mitigation methods in section “7. Proposed Mitigation” of the assessment are adopted during the relevant phases of the development. **This service therefore requests that these be secured by condition.**

The mitigation measures for “operations” refers to there being cutting, grinding or sawing fitted or being used in conjunction with suitable dust suppression techniques or local extraction eg suitable local exhaust ventilation systems. In order to prevent dust issues from the development it is recommended that the

development must not install such systems without submitting an application with a suitable scheme to the LPA for prior permission especially as the area immediately adjacent in Gravesham is an AQMA declared for fugitive emissions of particulate matter PM10. **It is therefore requested that this be controlled by condition.**

The mitigation measures for the operational phase include the point "All commercial vehicles should comply with either current or previous European Emission Standards." This is considered to be very ambiguous and could be understood to mean that all commercial vehicles should comply with previous Euro standards eg Euro 1. **This service would expect that the development would require that all commercial vehicles must comply with the latest Euro standards and therefore this service requests that the LPA consider this point further and agree a more appropriate measure relating to Euro standards.**

GBC – Waste & Recycling Manager
No comments.

Officer's Analysis

The application site lies within an existing industrial area in Dartford Borough and in terms of development management falls under the jurisdiction of the Ebbsfleet Development Corporation (EDC). The proposal does however have the potential to impact on Gravesham given the close proximity to the borough boundary to the north. In addition, any vehicles entering or leaving the site will need to use the Stonebridge Road/Galley Hill Road junction and the local highway network in Gravesham to access the A2. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, the application stands to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises:

- The Kent Minerals and Waste Local Plan 2013 - 2030 (2020)
- The Dartford LDF Core Strategy (2011)
- The Dartford Development Policies Plan 2017

The new Dartford Local Plan has reached the Regulation 19 Stage and is now at examination. The policies therein are therefore a material consideration, with any weight accorded them subject to procedure as set out in the NPPF. National policy contained in the NPPF and associated guidance set out in national Planning Policy Guidance is also material. Other published documents may also be material considerations (including those produced by the EDC) although the weight accorded them will vary.

It is not intended to list all the relevant policies contained in the development plan, although reference will be made below where Gravesham considers them to be important.

The application site is located within the Swanscombe Peninsula SSSI, the Botany Marshes LWS, the Botany Marshes LCA, Flood Zones 2 and 3, the London Resort Safeguarding Area, an Area of Archaeological Potential, the Bamber Pit, Southpit and Botany Road Historic Landfill Site Buffer Zones and Ground Water Source Protection Zones 2 and 3. It is adjacent to the Northfleet Embankment & Swanscombe Peninsula East Opportunity Area and to the Northfleet Industrial Area Air Quality Management Area.

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

- Impact on the local highway network, where Kent Highways will no doubt provide comments based on existing use and extant permissions. In addition, the comments of the GBC Highways Officer (as set out above) should be taken into consideration;
- Potential impact on the Swanscombe Peninsula SSSI and the Botany Marshes LWS (which are located partially within the site at the northern boundary and not 14 metres to the north as stated in the submitted ecological appraisal), where Natural England should be consulted on the use and operational characteristics of the site - including any on-site lighting that may spill into the SSSI during hours of darkness. On this, it is assumed that hours of operation would be limited by

condition as per paragraph 5.73 of the Planning Statement to avoid other forms of disturbance due to noise etc. ;

- Potential contamination on site as a result of historic uses and how this will be addressed, where the Environment Agency should be consulted;
- Potential contamination as a result of the proposed use of the site, where once again the Environment Agency should be consulted as licensing authority for controlled waste and Kent as Lead Local Flood Risk authority, given the need to drain the site sustainably;
- Whether any surviving buildings and structures on site have heritage interest as potential non-designated heritage assets and how this will be dealt with;
- Potential impact on any archaeological features, where KCC Heritage will no doubt provide comments;
- Potential impact on the Northfleet Industrial Area Air Quality Management Area. The comments of the GBC Environmental Protection Team (Regulatory Services) (as set out above) should be taken into consideration;
- Potential impact on the HS1 railway adjoining, should there be a major spillage or fire at the site; and
- Susceptibility of the site to flood risk and whether the submitted Flood Risk Assessment is consistent with national policy and guidance.

In terms of the above, it would appear that the southern edge of the site marginally encroaches the area covered by HS1 safeguarding - see plans at <https://www.gov.uk/government/consultations/hs1-route-reducing-safeguarding-directions> .

It is assumed therefore that the HS1 Safeguarding Manager should be consulted on the application, if that has not already been done. Notwithstanding this, it would be prudent to consult HS1 anyway given the proximity of the proposal to strategic national infrastructure.

In terms of flood risk, the most relevant policies would appear to be Kent Minerals and Waste Local Plan 2013 - 30 (2020) policies CSW6 and CSW12, along with the supporting text at 7.8.2. Policies CS24 and CS6 of the Dartford LDF Core Strategy (2011) are also of relevance. However, due to the passage of time and the precise wording of these policies, they do not appear to be entirely consistent with national policy as set out in paragraphs 153 - 169 of the NPPF and PPG at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> .

Officers have now had the opportunity to consider comments made by the Environment Agency in respect of flood risk, which raise no objection on the following basis:

Flood Risk

The site is in an area benefitting from the Thames Tidal Flood Defences, the built footprint will not be greatly changed and the site vulnerability will be unchanged. We are pleased to note that the applicant has considered flood resilience measures and registering with the flood warning service. We have included the relevant informatives to reflect this.

Looking at section 2.2 of the Flood Risk Assessment submitted with the application, the existing use would appear to be industrial/Sui Generis - i.e. the last use being vehicle repair and dismantling.

Based on PPG Table 2, would this not be a general industrial/non-hazardous waste type use and therefore classified as Less Vulnerable? In contrast, the proposed use is for the 'collection and distribution of hazardous wastes - including liquid waste oils/petrochemicals, liquid waste coolants, automotive wastes and packaged hazardous wastes. Looking at Table 2, this would appear to fall under the More Vulnerable use category.

Gravesham would suggest this is checked with the Environment Agency given it may wish to revisit its comments that the site vulnerability will be unchanged. Because the proposal involves a change of use and the scale of the built development is small, following PPG this is unlikely to trigger the need for the application of the Sequential and Exception Tests.

However, it is suggested that this should also be checked with the Environment Agency and consideration given to the supporting text of Kent Minerals and Waste Local Plan 2013 - 30 (2020) at 7.8.2 which suggests hazardous waste facilities are not appropriate in Environment Agency Flood Zone 3a.

Given the site already has an extant planning permission for industrial development under EDC/19/0069 (<http://applications.ebbsfleetdc.org.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQWZEGUAHF500>) consideration should also be given as to whether Kent Minerals and Waste Local Plan 2013 - 2030 (2020) policy CSW6(f) applies.

Recommendation

KCC be requested to consider the above comments and request further details from the applicant. In addition, KCC be requested 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.

(For detailed response and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	23 June 2022	Dated:	23 June 2022