

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

05 October 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 EXTENSION OF THE EXISTING ALLINGTON INTEGRATED WASTE MANAGEMENT FACILITY STATUTORY PRE-APPLICATION CONSULTATION UNTIL 16 OCTOBER 2020 – NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) – DEVELOPMENT CONSENT ORDER (DCO)

Summary

This report advises Members on the statutory pre-application public consultation for a Development Consent Order (DCO) to extend the Integrated Waste Management Incinerator at Allington which is a Nationally Significant Infrastructure Project (NSIP). The consultation ends on the 16th October. The report covers a basic overview of the NSIP process, likely time frames, the Council's participation, key points for the Council to consider and a recommended response to the consultation.

The consultation and its relevant documents can be accessed via the following link - <https://app.box.com/v/allingtoniwmf>

1.1 Introduction

- 1.1.1 FCC Environment (UK) Ltd are proposing to extend their current Integrated Waste Management facility at Laverstoke Road, Allington with a fourth waste treatment line. This is unlike a normal application for planning permission because the scheme qualifies as a Nationally Significant Infrastructure Project (NSIP) and will be determined under the separate (NSIP) procedure set out in the 2008 Planning Act by the Planning Inspectorate. Such a development proposal is determined as a NSIP due to the generation capacity of the extended generating station. The proposed extension, in combination with the existing station, would exceed the NSIP threshold of 50 Mega Watts.
- 1.1.2 This pre-application consultation is one of the initial and important requirements of the NSIP process prior to submitting an application for a development consent Order. Such applications are determined by the Planning Inspectorate (PINS) on behalf of the Secretary of State who will make the final decision. Therefore Tonbridge and Malling Borough Council does not determine the proposal but is a consultee.

- 1.1.3 It is important to note that the information provided as part of this pre application statutory consultation is preliminary information and is not the complete and finalised package. As part of the consultation feedback, details may change and/or extra information may be needed. The results of the consultation are presented in a consultation statement.
- 1.1.4 The Planning Act does not specify a set level of information/plans to be provided by the applicant at the pre-application stage. NSIP guidance recognises there is a balance between consulting early but also having project proposals firm enough to enable consultees to comment and recognise and understand the impacts. This scheme will require an Environmental Impact Assessment (EIA/ES). This is not required to be submitted at the pre-application stage; instead applicants are advised to submit a preliminary environmental information report (PEIR) to enable consultees to develop an informed view of the project.

1.2 What is an NSIP

- 1.2.1 The Planning Act 2008 produced a new decision making process for major infrastructure projects in the fields of energy, transport, water, waste water and waste. These projects are large scale developments both onshore and offshore such as new powers stations, harbours, roads and electricity transmission lines. The aim is to streamline the decision making process for such projects making it fairer and faster for communities and developers alike. The Planning Act sets out the thresholds above which certain types of development are considered nationally significant and requires an application for development consent under the NSIP procedure. In this case for electricity generation, the trigger point is 50 Mega Watts.
- 1.2.2 The NSIP process works on a front loaded method and therefore pre-application consultation of the project is a key requirement prior to the submission of the application to the Planning Inspectorate. The development consent order (DCO), if eventually granted by the Secretary of State, is meant to be a complete process whereby it not only provides planning consent for the project but incorporates other consents including authorisation for the compulsory acquisition of any necessary land.
- 1.2.3 The application is considered within its national context and need and determined in accordance with the National Policy Statements which for this development would be EN1 – Overarching National Policy Statement for Energy, EN3 – Overarching National Policy Statement for Renewal Energy Infrastructure and EN5 – Overarching National Policy Statement for Electricity Networks Infrastructure. The National Planning Policy Framework and Planning Policy Guidance are also material considerations and to a lesser degree the Local Development Plan.
- 1.2.4 The application is submitted to the Planning Inspector who manages the process and appoints an examining authority to run the public examination. The Inspector

concludes by making a recommendation to the Secretary of State who makes the final decision.

1.3 What are the NSIP stages

1.3.1 The key stages of the NSIP process are as follows:

- Pre application consultation (unlimited time period) – ends 16th October 2020.
- Application Acceptance (28 days).
- Pre-examination (3 months).
- Examination (6 months).
- Recommendation and decision (6 months).

1.4 Application site and surroundings

1.4.1 The development site is located at the existing waste management centre at Laverstoke Road in the parish of Aylesford. The vast majority of the site is within the Council's administrative boundary in the ward of Aylesford South but a small portion of land (in the south-western corner) lies in the administrative boundary of Maidstone Borough Council (MBC).

1.4.2 The existing facility and main access is situated within the 20/20 business park with the actual proposed development area immediately to the west of the site within a disused quarry which is surrounded by earth bunds and tree screening. This area is subject to the provision of a Section 106 Agreement, which includes the retention of the land for nature conservation purposes (non-designated).

1.4.3 Directly to the north is the M20 Motorway. Laverstoke Road is located to the east, beyond which is the 20/20 Business Park which includes a range of commercial uses (including office space, industrial units and distribution units). To the south is St Laurence Avenue beyond which is a mainline railway and past that is a residential development known as 'The Orchards'. To the south-west and west is the A20 London Road/Coldharbour Lane as well as the Poppyfields public house.

1.5 The Proposal

1.5.1 The application seeks consent for a fourth waste treatment line to the existing station. The proposed extension would be located immediately to the west of the existing station and would be capable of processing up to an additional 350,000 tonnes of non-hazardous residual waste per annum in a single process line and generating approximately 32MW of electricity. In combination with the existing station, the extended generating station would be capable of processing up to 910,000tpa of non-hazardous residual waste, generating circa 77MW of electricity.

- 1.5.2 Whilst comprising an extension to the existing station, it is proposed that the proposed extension would utilise a different thermal treatment technology to the processing lines contained within the existing station. It would include a moving grate combustion system, rather than the fluidized bed system. However the basic operational activities carried out at the proposed extension would not differ significantly from the existing processing lines and would follow the same basic process that already operates.
- 1.5.3 The proposed extension would cover an area of approximately 6.9 ha. It would be a single main building, divided into a series of distinct but interconnected smaller buildings housing the various process areas. The main building would be approximately 145.6m in length, with a width approximately 114.2m at the widest point. The existing land form would be excavated to create a level platform with the highest part of the building 37 metres above the 16 metres AOD (above ordnance datum) level. A shared stack is proposed at a height of 90 metres, 10m higher than current.
- 1.5.4 In design terms, the development would have a utilitarian appearance with a predominantly flat roof form with an external finish of metal cladding. The remaining land within the site would be landscaped with enhanced habitats including, woodland screening around the perimeters, hedgerows, scrub and grassland areas as well as a pond feature. The western part of the site would be publicly accessible, via St Laurence Avenue with designated footpaths. A number of plans and elevations are appended at **Annexes 1 – 8** for Members' information.
- 1.5.5 Access would remain as is currently the case, from Laverstoke Road which connects to St Laurence Avenue which in turn connects to the A20 via a roundabout. The existing internal access arrangement would be improved to allow for the free flow of commercial and private vehicles internally within the Site. The improvements would enable additional queuing capacity off the public highway.
- 1.5.6 The proposed extension would operate on the same hours as the existing station, which is 24-hour 7 day a week, 365 days per year basis.
- 1.5.7 Owing to the loss of the existing land to development at the Allington site, the applicant has sought to offset the loss of biodiversity arising from the development by means of an additional off-site compensatory habitat enhancement. This is proposed to take place at former Stangate landfill Quarry (east/west), Crowhurst Lane near Borough Green where the applicant owns and controls parcels of land. It is proposed that habitat enhancement work at Stangate quarry and the Allington site together, will achieve a net biodiversity benefit of 10% in line with Government guidance.

1.6 Household Waste Recycling Centre

- 1.6.1 You may be aware of an application to build a new public Household Waste Recycling Centre at the same site, adjacent to the existing station. This is by the

same applicant, however does not form part of this DCO application, although it has been included in the Environmental Impact Assessment (EIA), considering the cumulative impacts.

- 1.6.2 The application has been approved by KCC (the determining waste authority) and further details can be found on the KCC website under KCC/TM/0284/2019.

1.7 Appraisal

- 1.7.1 It is not the intention here to appraise all the material planning considerations of the scheme, however attention is drawn to the following key areas of concern which Members should be mindful of. The full draft consultation response is attached to this report for Members' consideration **[Annex 9]**.
- 1.7.2 *The Consultation* - officers, in consultation with Cabinet and ward Members, have already commented on the Statement of Community Consultation (SoCC), which sets out how the applicant will consult with the local community and interested parties, and respond to questions and suggestions. In this regard, the methodology was considered acceptable and took into account the constraints presented by COVID 19 and the need to ensure social distancing.
- 1.7.3 *Waste Management* – in terms of the waste management this is not a local authority matter where Kent County Council are the Waste Authority and are best placed to advise on this matter. However Kent's early Partial Review of the Minerals and Waste Local Plan 2013-30 has been found sound and is due to be adopted by KCC shortly. This has an overall objective of maintaining net self-sufficiency for waste in the county for the duration of the Plan period. Therefore the provision of such additional capacity within the borough may be considered contrary to those waste policies. Officers expect that these issues will be raised by KCC in their response to the consultation exercise.
- 1.7.4 *Impact upon the TMBC Local Development Framework and emerging Local Plan* - the development site is not the subject of any site specific policy within the LDF or emerging Local Plan. On this basis, the development is not considered to conflict with the current or emerging development strategy in the borough.
- 1.7.5 *Socio-economic* – the Council's Economic Regeneration Manager welcomes the proposal in terms of the positive impact on employment generation within the borough. However he has recommended that ideally, there should be a strong commitment to sourcing local trade and suppliers as well as supporting training opportunities for the young.
- 1.7.6 *Design and visual Impact* – the consultation documents make a commitment to good design. In this regard, a utilitarian modern design is proposed that seeks to visually interrelate with the existing building and utilise existing facilities (where possible), in particular a shared stack (instead of two single stacks). Inevitably such a large development will present some visual intrusion into the area, however in this location, adjacent to an existing industrial building and commercial

estate this is not considered to be significant enough in planning terms to merit an objection on this basis.

- 1.7.7 *Ecology* - the current status of the site is a non-designated nature conservation area where there has historically been a commitment to maintain and manage this land. However the land has limited ecological value. A large proportion of this would be lost to the development therefore the applicant seeks to off-set the loss of biodiversity by means of an off-site compensatory habitat enhancement scheme at Stangate quarry within the west of the borough where a biodiversity net gain of 10% is proposed. The ecologist at Kent County Council is generally supportive of the scheme.
- 1.7.8 *Construction and residential amenities* – the site is located close to residential properties where residents may be adversely affected by noise and disturbance from piling and excessive working hours. The Council's Environmental Health Officers have therefore recommended a different type of piling be used as well as a reduction in site construction times.
- 1.7.9 *Air Quality* – the development proposes a taller shared stack the height of which would be ten meters higher than the existing stack to mitigate any adverse impacts upon both the human and natural environment. Taking into consideration the prevailing wind, The Council's Environmental Health Officers are generally happy that there would not be any significant reduction in air quality in the borough. The Officers have recommended consideration be given to ensuring future developments in the area are factored into the air quality modelling and that traffic routes, (where possible), avoid the Air Quality Management Areas in the borough.
- 1.7.1 *Highways* – Kent County Council are the Highways Authority and are best placed to advise on highways matters. However, owing to the COVID – 19 travel restrictions, the consultation does not include a junction capacity survey of junction 5 of the M20. This is a key piece of evidence which is missing and therefore it is recommended that this is carried out and submitted as part of the final submission to the Inspector. In this regard, the applicant is advised to refer to the Council's Local Plan transport evidence which may be helpful. The applicants Transport Assessment has also failed to properly take into account cumulative developments and committed growth, in particular the approved development reference 17/01595/OAEA, as well as other recently approved developments which should be highlighted to the applicant.

1.8 Legal Implications

- 1.8.1 The statutory legislation that governs NSIP is the Planning Act 2008 and this consultation is carried out under section 42 and/or Regulation 3 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

- 1.8.2 The Council is not the decision maker and under Section 42, the Council is effectively only a consultee giving its views on the development but as one of the 'host' local authorities, it has some wider duties and responsibilities under the process from the pre-application to the post decision stages. Participation is not obligatory but is strongly advised by the Inspectorate.

1.9 Financial and Value for Money Considerations

- 1.9.1 There are no financial or value for money considerations as part of this consultation.

1.10 Risk Assessment

- 1.10.1 As stated above, the Council is not the decision maker in this instance, but is a consultee. If the consultation is not considered and a representation is not made at this stage, there is the risk that the concerns and priorities of this Council and the potential impacts on local residents will not be relayed to the applicant.

1.11 Equality Impact Assessment

- 1.11.1 The decisions recommended in this report have a remote or low relevance to the substance of the Equality Act.
- 1.11.2 The most affected people will be those living the closest to the development site, however the Council has recommended some mitigation measures to reduce disturbance to a minimum. The Council has also recommended some measures to ensure equality in the recruitment of staff.

1.12 Policy Considerations

- 1.12.1 Climate Change Strategy

1.13 Recommendations

- 1.13.1 That the content of this report **BE NOTED**; and
- 1.13.2 The Director of Planning, Housing & Environmental Health, in consultation with the Cabinet Member for Street Scene and Environment regarding any changes agreed at this meeting, **ISSUE** the attached response as the Council's formal position on the public consultation that finishes on the 16th October.

Background papers:

contact: Julian Ling

Nil

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