

CC1 (Detailed)



Reference Code
of Application SW/12/1132

KENT COUNTY COUNCIL

**TOWN & COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Notification of Grant of Permission to Develop Land

To: MW Environment Ltd
c/o SLR Consulting Ltd
Treenwood House
Rowden Lane
Bradford on Avon
Wiltshire
BA15 2AU

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, **HAS GRANTED PERMISSION** for development of land situated at Ridham Dock, Iwade, Sittingbourne and being an extension to wood storage area and improvements to site access at the approved Ridham Biomass power plant (planning permission SW/10/774), referred to in your application for permission for development dated the Ninth day of August 2012, received 10 August 2012 and as amplified and amended by details referred to in the attached schedule, **SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-**

1. Notwithstanding the provisions of part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, or structures and erections shall be located on site without the prior approval in writing of their siting, design and external appearance by the Waste Planning Authority;

Reason: To protect the visual amenities of the area and minimise impact to accord with the objectives of Kent Waste Local Plan Policy W25.

2. The development hereby permitted shall begin before the expiration of 5 years from the date of this permission. Written notification of the date of commencement shall be provided to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and drawing number Ridham/W/001 entitled 'Extension of Waste Wood Piles' together with any subsequent amendments which may be approved by the Waste Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan policies W17, W18, W19, W20, W21, W22, W25 and W27.

4. No external wood shredding activity shall take place within the area hereby permitted (and as identified in red on drawing numbers 6237-1.003040 and Ridham/W/001);

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policies W17 and W18 of the Kent Waste Local Plan.

5. The stockpiles of unprocessed wood identified on drawing number Ridham/W/001 shall be no more than 5 metres in height;

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policies W17 and W18 of the Kent Waste Local Plan.

6. Wood stored in the 5m high storage bays, identified on drawing number Ridham/W/001, shall not exceed 4.5m in height;

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policies W17 and W18 of the Kent Waste Local Plan.

7. Deliveries of wood to the site shall be restricted to those permitted under planning permission SW/10/774, being between the hours of 06.00 and 20.00 including at weekends and Bank Holidays;

Reason: In the interests of highway safety.

8. The site access, internal road and those parts of the site or building to be used for vehicle manoeuvring, shall be maintained and kept free at all times from mud or other debris;

Reason: In the interests of highway safety.

9. Dust management shall be carried out in accordance with the mitigation measures specified in the Dust Mitigation Strategy received by email on 12 October 2012 from SLR. In prolonged periods of dry weather, roads and stockpiled material shall be dampened with water or a dust suppression agent;

Reason: In order to minimise dust nuisance and in the interest of local amenity and pursuant to Policy NRM9 of the South East Plan and Policies W17 and W18 of the Kent Waste Local Plan.

10. Archaeological field evaluation works shall be carried out in accordance with the Archaeological Written Scheme of Investigation approved under SW/10/774/R16(i) on 23 October 2012; and following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Waste Planning Authority.

Reason: To enable any archaeological interest to be adequately investigated and recorded.

11. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with effective silencers;

Reason: In order to ensure minimum disturbance from operations on the designated wildlife areas adjacent to the site.

12. The terms of this planning permission and any schemes or details approved pursuant thereto shall be displayed at the office on site and shall be made known to any person(s) given responsibility for the management or control of operations;

Reason To enable easy reference to the requirements of the permission.

Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions above:-

National Planning Policy: PPS10

Kent Waste Local Plan, Adopted 1998 Policies: W17, W18, W19, W20, W21, W22, W25 and W27

Swale Borough Local Plan (February 2008) Policies: E1, E2, E3, E4, E11, B2, T4 and T6.

National Planning Policy Framework, 2012

The summary of reasons for granting approval is as follows:-

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informatives:

1. Please be advised that this permission relates solely to the area identified in red on drawing number 6237-1.003040 entitled 'Planning Application Boundary for Revised Access & Biomass Storage Area' received 23 August 2012.
2. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County planning Authority for approval may be required to be formally discharged prior to commencement of operations on site, or within the specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented.

It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time. **Note that from 6th May 2008 each submission of details pursuant to conditions attracts a fee of £85.**

Dated this Seventh day of November 2012

(Signed) 
Head of Planning Applications

INVICTA HOUSE
COUNTY HALL
MAIDSTONE
KENT
ME14 1XX

**Schedule of documents relevant specifically to SW/12/1132
(KCC/SW/0297/2012)**

Letter/Email Correspondence	Document	Drawing Number	Title
	Planning application form Planning statement dated August 2012 Flood risk assessment dated August 2012		
		6237-1.003040	Planning Application Boundary for Revised Access & Biomass Storage Area
SLR Email dated 31 August 2012			
SLR Email dated 5 September 2012		Ridham/W/001	Extension of Waste Wood Piles
SLR letter dated 27 September 2012 – which clarifies stockpile heights			
SLR Email dated 12 October 2012	With accompanying Dust Mitigation Strategy		

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN THE COUNTY COUNCIL REFUSES PLANNING PERMISSION OR GRANTS IT SUBJECT TO CONDITIONS

- This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010, and the Town and Country Planning (Applications) Regulations 1988 and does not obviate the necessity of compliance with any other enactment, by-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.
- Section 53 of the County of Kent Act 1981 (access for Fire Fighting Purposes) will apply to this permission if it relates to building works, and will be considered when plans are deposited with the appropriate authority for approvals under the Buildings Regulations 1995.
- If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Section 78(1) of the Town and Country Planning Act 1990. If he wants to appeal then he must do so within six months of the date of this notice using a form which is obtainable from the Secretary of State at The Planning Inspectorate, Room 315A, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN – Tel: 0117 372 6372; or online at www.planningportal.gov.uk/pcs The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the County Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the County Planning Authority based their decision on a direction given by the Secretary of State.
- If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.
- Where this decision relates to development which has been the subject of Environmental Impact Assessment the validity of the Council's decision may be challenged by making an application to the High Court within three months from the date of this decision. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor, or contact the Crown Office at the following address: Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London, WC2 2LL – Tel: 020 7947 6655; or online at www.courtservice.gov.uk