

## **Decision Notice**

MC/21/0979



Mr Huw Edwards  
Barton Willmore LLP  
26 Kings Hill Avenue  
Kings Hill  
West Malling  
ME19 4AE

**Applicant Name:**  
C/O Agent

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR  
01634 331700  
01634 331195  
Planning.representations@medway.gov.uk

### **Town and Country Planning Act 1990**

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**Location:** Kingsnorth Power Station, Power Station Access Road, Hoo St Werburgh, Rochester, Medway

**Proposal:** Outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks

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### **Notification of Grant of Planning Permission to Develop Land.**

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 6 April 2021.

### **SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:**

- 1 Approval of the details of the layout, scale, appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development in any phase is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Within 2 weeks following Commencement of the Development the Local Planning Authority shall be informed in writing of the Commencement date of the Development.

Reason: To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

- 3 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. The first such application for approval shall be made to the Authority before the expiration of three years from the date of this permission with the final submission to be made within a period of 10 years from the date of this permission. The reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 Prior to the submission of or in conjunction with the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:
  - Define the extent of the area of each phase.
  - Identify how the phase is severable from the rest of the development.
  - Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1 or any subsequent amendment that has been agreed in writing by the LPA.

The development shall be implemented in accordance with the approved Phasing Plan or any subsequent amendment that has been agreed in writing by the LPA.

Subsequent phases of development permitted under this permission may be carried out even if other phases of the site are developed under a subsequent or drop in planning permission.

Reason: This condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure

needs, landscaping /open space and access are all in a place relevant to each phase before further development is undertaken, in the interests of good design.

6 The Development shall be carried out in accordance with the following approved plans:

- Site boundary plan (RG-M-20 Rev C)
- Parameter Plan (RG-M-16 Rev N)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

7 The development shall be restricted to the Initial Land Use and Initial Trip Cap parameters as identified in the Technical Note N13-SM-Initial Trip Cap (dated October 2022) prepared by Vectos.

The Initial Trip Cap and Initial Land Use parameters may be exceeded up to the maximum land use and trip parameters where;

- i) Analysis is presented and agreed by National Highways that indicates acceptable effects at Junction 1 of the M2; or
- ii) A scheme for enhancements to Junction 1 of the M2 has been agreed with National Highways and a programme for its delivery is in place.

Reason: To ensure that Junction 1 of the M2 continues to be an effective part of the Strategic Road Network for through traffic in accordance with section 10 of the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', the National Planning Policy Framework and Planning Practice Guidance.

8 The proposed energy production unit shall produce sufficient energy only as required for the uses with the application site (as defined by the outline planning application). This permission allows for a baseline production figure of 27.5MW on the basis of the information submitted to date. No energy production above this figure shall take place upon the site, unless the applicant (or successors in title) provides the Council with evidence (which shall be approved in writing) as part of future reserved matters applications, that the uses on site will require a higher energy production. Evidence shall be submitted on each phase (or future unit) demonstrating why energy production will need to exceed 27.5MW across the whole site. Should this evidence be provided, and the Council be satisfied that greater energy production is required, expansion up to 49.9MW can take place within an agreed timescale.

Should there be any subsequent change to the uses within the application site (resulting in a lower energy need), the applicant (or successor in title) would be required to revert back to the lower energy usage.

Reason: To ensure that the proposal would only meet the energy requirements of this proposal and have no detrimental impact upon the waste hierarchy.

- 9 Notwithstanding the requirements of condition 8, the overall maximum production of electricity output from an energy production facility on the site shall not exceed 49.9MW.

Reason: To accord with the principles of the Environmental Statement and the evidence that underpins this application.

- 10 Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension subject of this permission shall be carried out without planning permission having been obtained from the Local Planning Authority.

Reason: Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highway network, in accordance with Chapter 9 of the NPPF and T1 of the Medway Local Plan 2003

- 11 Applications for the approval of reserved matters in relation to appearance for any phase or sub-phase that includes a building shall include details and samples of all materials to be used externally. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 12 Notwithstanding the plans submitted, any reserved matters application which includes a building shall include details of the provision of a brick plinth on the proposed buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 13 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any items to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other

vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; structures seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Details of how the development will enhance biodiversity to include (where applicable) green roof habitat, a native species planting and integrated bird nest bricks. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

14 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full arboricultural details of:

- a) A plan showing the location of all existing trees on site or on land adjacent (where the RPA is likely to fall within the application site) to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.
- b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.
- c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
- d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance of 5m; from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
- e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 15 Prior to the first occupation or use of any phase or sub-phase within the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 16 No unit or phase shall be occupied or put into use until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each commercial unit shall be completed in accordance with the approved details before that commercial unit is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003

- 17 As part of each Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the Local Planning Authority. The strategy shall include the following:
- Description and evaluation of the habitat features to be created and managed.
  - Aims and objectives of habitat creation.
  - Appropriate management prescriptions for achieving the objectives.
  - Constraints that might influence management.
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - Details of the body or organisation responsible for implementation of the plan.
  - Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be updated as necessary with each subsequent detailed application and implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 18 Prior to the installation of any external lighting within a phase or sub-phase details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on biodiversity, the landscaping of the site including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape and nearby residential properties, and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

- 19 No development (except for demolition) shall take place within a phase or subphase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, ecological mitigation measures indicated within the ecology report and site contact details in case of complaints. With regard to highways impact the CEMP should include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, and guided access/egress and parking arrangements. The construction works within that phase or subphase shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 20 During the period October to March inclusive, piling shall not take place that gives rise to noise that exceeds 70dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active. Prior to the undertaking of any monitoring, a plan demarcating the area to be monitored and timetable for monitoring shall be submitted to the Local Planning Authority and agreed in writing. Monitoring shall thereafter be undertaken and appropriate mitigation shall be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

- 21 Should periods of extreme cold occur during the period November to February, when the average daily temperature measured at the boundary between the site and the SSSI/SPA/Ramsar site falls below 0 degrees Celsius for a consecutive period of seven days or more, any construction activities that would result in noise levels exceeding 55dB (LAmax) within the Medway Estuary & Marshes SSSI/SPA/Ramsar site in areas where wintering birds are active shall cease. Monitoring shall be undertaken within the area identified in accordance with details to be submitted pursuant to condition 20 and appropriate mitigation would be put in place during this period if required.

Reason: In order to protect over-wintering bird populations on the Medway Estuary & Marshes SSSI/SPA/Ramsar site.

- 22 Notwithstanding the requirements of condition 18, from the commencement of works (including site clearance), all mitigation measures for breeding birds shall be carried out in accordance with the details in the Environmental Statement (December 2021) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure protection of the breeding birds in/around the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

- 23 The proposed development shall be carried out in accordance with the findings of the Biodiversity Chapter of the ES (8A) as submitted in December 2021. The provisions of the LEMP shall accord with the requirements of this document when providing details of the suitable mitigation required.

Reason: In the interests of ensuring that the proposal has no adverse impact on biodiversity and ecology in accordance with BNE37 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

- 24 No development shall take place, within a phase or sub-phase, until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.



25 No development shall take place within a phase or sub-phase until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

26 No development shall take place within a phase or sub-phase until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

27 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase that includes a building shall include details of cycle storage facilities for that phase or subphase. The cycle storage facilities (including the

provision of individual lockers where appropriate) shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new development requires provision of adequate accommodation for cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003 and to ensure that development is sustainable.

- 28 The vehicle parking areas approved pursuant to condition 13 shall be provided, surfaced and drained prior to the first occupation of the phase or sub-phase to which it relates. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 29 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of refuse storage facilities including provision for the storage of recyclable materials for that phase or sub-phase. The refuse storage facilities shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for refuse storage facilities.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 30 Any application(s) for approval of Reserved Matters for a phase or sub phase in respect of 'Layout' shall include the following details in respect of that phase or sub phase:

a) Movement network including layout of internal roads, junctions, service roads and servicing areas, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways, crossings, any one-way operation, loading and unloading areas, construction details and road geometry. The details to be submitted shall include plans and sections indicating design, layout, levels and

materials. It shall also detail how that fits into a comprehensive movement network for the totality of the site and links off site.

- b) Street furniture
- c) Surface finishes
- d) Signage
- e) Security measures to prevent any unauthorised access.
- f) Entrance gates and/or barriers
- g) Drainage (including to roads, lorry and car parking areas, footways / cycleways); and
- h) Timescale for the provision of this infrastructure

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of highway safety, amenity and sustainability.

- 31 Prior to the occupation of any building within each phase or sub phase of development a vehicle parking management plan in respect of that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Each vehicle parking management plan must demonstrate compliance with the Council's adopted parking policy or any subsequent parking standards document, and provide details of spaces allocated for:

- a) Vehicle parking
- b) Car club
- c) Disabled Space Parking
- d) Active electric vehicle charging points (to be a minimum of 20% of spaces)
- e) Details of passive provision or electric vehicle charging infrastructure to all identified electric vehicle parking spaces.
- f) No building within a phase shall be occupied until the approved details have been implemented in full. The ongoing approved details shall be implemented, and the facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the development.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 32 Prior to the commencement of the development on site, details of HGV and LGV routing plans (for both during construction and once the site becomes operational) shall be submitted to and agreed in writing by the Local Planning Authority. The subsequently agreed HGV and LGV routing plans shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network, in accordance with the requirements of chapter 9 of the NPPF.

- 33 The occupation of any individual or in combination floorspace in the development hereby permitted shall not at any time generate traffic exceeding the approved Initial Trip Cap (agreed via Condition 7) in the AM (8.00 to 9.00) or PM (17.00 to 18.00) peak at M2 Junction 1 northbound off slip and/or southbound on slip.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 34 Prior to the first occupation of any floorspace on the development hereby permitted, a Monitor & Manage Framework shall be submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall set out the means by which it will be demonstrated that the approved Initial Trip Cap will not at any time be exceeded. Thereafter the approved Framework shall be implemented for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority (who shall consult National Highways). The Framework shall be based on the initial Trip Cap that shall be a total of 60 vehicle movements from either an individual or a combination of land uses or developments on the site.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 35 Prior to the first occupation of any floorspace on the development hereby permitted a detailed Travel Plan, based on the approved Framework Travel Plan, to ensure the reduction of trips and promote active travel and covering staff and visitors, shall be submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented. The Travel Plan shall include details regarding responsibilities and arrangements for monitoring, review, amendment, and effective enforcement of measures. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan in perpetuity.

Reason: To ensure that the M2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

36 No phase of development shall be commenced until a Waste Management Plan (WMP) has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. Each WMP shall include details of:

- a) The anticipated nature and volumes of construction waste
- b) Measures to minimise waste and maximise re-use
- c) Measures to mitigate the risk of polluting ground water, water courses or sensitive receptors
- d) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside that Phase
- e) Any other steps to ensure the minimisation of waste during construction
- f) The location and timing of provision of facilities pursuant to criteria (b), (c) and (d) above.

The implementation, management and monitoring of construction waste for each phase or sub phase shall be undertaken in accordance with the approved Waste Management Plan (WMP) for that phase.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

37 All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

38 Applications for approval of reserved matters for any phase or sub phase of development which includes a building shall include details of the ventilation and extraction equipment for that phase or unit. The approved ventilation and extraction equipment shall be installed prior to occupation of that phase and shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the amenity and ecology and air quality to mitigate the impact of development in accordance with the requirements of Policy BNE24 of the Medway Local Plan 2003 and paragraphs 153 and 186 of the NPPF.

- 39 No development within each phase or sub-phase which includes a building shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 40 Applications for the approval of reserved matters in relation a phase or subphase which includes a building shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance. This shall then be submitted to and approved in writing by the Local Planning Authority after the construction of every phase of the development confirming that all the approved measures have been implemented within the phase to which it relates.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 41 No remediation within any phase of development approved by this planning permission shall commence upon each phase until a strategy to deal with the potential risks associated with any contamination of the site for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework

- 42 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 43 The cumulative noise rating level (LAr) associated with the development site shall not exceed 43dB at any noise sensitive premises during the operational phase. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

- 44 An acoustic assessment of compliance with condition (01) shall be submitted to the Local Planning Authority prior to the bringing into use of any building hereby permitted Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (01) shall be submitted in writing for the written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Reason: To ensure that the development has an acceptable impact on residential amenity and upon the nearby ecological designations.

- 45 Prior to the commencement of the energy production facility, the undertaker must submit to the relevant planning authority for approval a study which sets out arrangements for how the facility positively responds to the waste hierarchy and aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy study"). The waste hierarchy study must include details of:

- (a) the criteria applied to securing appropriate waste supply agreements that source residual waste after recyclable and reusable waste has been removed;
- (b) the auditing arrangement to be applied to the waste supply to ensure that feedstocks are appropriate quality and type (with appropriate reusable and recyclable waste removed from waste), including contractual measures to govern auditing, sampling and testing;
- (c) details of the environmental management systems employed by waste suppliers;
- (d) the arrangements (including timelines) put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to supply waste of an appropriate quality;
- (e) details of the annual reporting which will be maintained by the operator of the facility and the analysis shall include waste quantities, types received, testing, audits, etc., with the reports submitted to the relevant planning authority annually, within one month from the end of the year (or within one month of a similar fixed point to be nominated by the operator and agreed with the relevant planning authority); and
- (f) details of the operational records that will be kept for the purpose of maintaining compliance with the principles within the waste hierarchy study.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

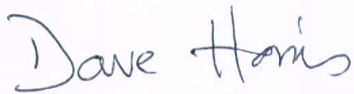
- 46 The Energy from Waste plant hereby permitted shall be built with appropriate provision to enable future heat export to relevant buildings within the MedwayOne Estate and other potential heat users, once they are operational. A report shall be prepared annually (until such time all available heat export is utilised) to assess the potential for commercially viable heat and export opportunities. Where appropriate commercial terms can be agreed, the heat export and associated district heating network shall be promptly installed, tested and commissioned enabling commercial operation. The operator shall maintain details of the heat production and performance achieved.



Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

**Your attention is drawn to the following informative(s) :-**

- 1 In carrying out the development the developer shall have regard to the information provided within the following plans:
  - Phasing Plan (RG-M-03)
  - Site Location and Zones of Influence (Figure 8.1A)
  - Site Appraisal Plan (LN-LP-04)
  - Landscape Character Plan (LN-LP-012)
  - Illustrative Layout Plan (RG-M-21-2)
  - Illustrative Masterplan
  - Visual Appraisal North (LN-LP-06)
  - Visual Appraisal South (LN-LP-07)
- 2 Prior to the Occupation of any Building CCTV shall be installed and be operational and be retained and maintained at all times thereafter.
- 3 The Development shall be carried out with regard to the mitigation measures set out in the Environmental Statement submitted with this planning application.



David Harris  
Head of Planning  
Date of Notice 17 August 2023

# TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

## TOWN AND COUNTRY PLANNING ACT 1990

### *Appeals to the Secretary of State*

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- Appeals must be made to the Planning Inspectorate and this can be done electronically via the GOV.UK website: <https://www.gov.uk/appeal-planning-decision>. If you are unable to appeal online, you can obtain a paper form from the Planning Inspectorate by contacting their Customer Support Team on 0303 444 5000.

### **Commercial Appeals Service**

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

### **All other Minor and Major Applications**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use 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 him that the Local 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 Local Planning Authority based on their decision on a direction given by him.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

### ***Purchase Notes***

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor 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, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.