



Delegated Report

Application No: 20230137

Location: Clifton Slipways, West Street, Gravesend Kent

Description: Application for approval of condition 5 attached to planning permission reference number 20191122 relating to parts (i, ii, and iii) of the Contaminated Land Strategy.

Applicant: Mr Ben Geering, Downriver Properties Ltd

Submitted Documents/Plans

Application form
Phasing plan
Remediation Strategy by Ecologia
Remediation Strategy Clarification letter from Ecologia

Relevant Planning History

20191122 ****Revised Description****The erection of two buildings to provide a total of 227no. dwellings with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide 121no. dwellings with 1no business Unit (B1a) comprising 90 sqm of floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West Street which will provide 106no. dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of 16no. Business(B1a) units comprising a total of 510 sqm of floor space; and a cafe (A1/A3) comprising up to 60 sqm of floor space.

Approved 4 December 2020

Consultations, Publicity and Representations

Environment Agency

We have reviewed the 'Phase 1 and Phase 2 Geo-Environmental Assessment' (Ecologia, ref EES 18.376.2 & 18.376.3, June 2019) and the 'Remediation Strategy' (Ecologia, ref EES 18.376.6, February 2023).

The Phases 1 and 2 investigations have identified potential pollutant linkages including risks to controlled waters. Remedial options have been appraised in the remediation strategy, with a cover system and removal of some made ground proposed.

We agree with the conclusions and recommendations in these documents, in particular the

recommendation for a piling risk assessment and associated monitoring. However, it is unclear from these documents whether a piling risk assessment is to be produced as part of remediation measures, or is needed to further inform land contamination assessments and possible contaminant mobilisation. We also note the parent application's decision document does not include a condition for piling. Therefore, we would not recommend the discharge of this condition until this is clarified.

Overcoming our objection

A piling risk assessment should be completed and submitted for approval.

Alternatively, confirmation should be provided that one will be produced as a result of the recommendations of these reports, before the contamination condition (parts 1, 2 and 3) are discharged.

The applicant provided a letter clarifying the above on 4 May 2023 committing the Piling Assessment to be submitted to the EA for approval prior to any piling works taking place, a programme of groundwater monitoring pre, during and post piling works and a report to be submitted to the LPA and EA post works.

The EA has responded with the following:

We have reviewed the letter from Ecologia (ref EES 18.376.6, 03/05/23), which confirms a piling risk assessment will be undertaken. Therefore, we do not object to the discharge of parts I, II and III of Condition 5.

GBC Environmental Protection

Having reviewed the Phase 1 and Phase 2 Geo-Environment Assessment and the Remediation Strategy submitted, I can confirm that the methodology and findings are acceptable. In this respect, I am satisfied that parts i), ii) and iii) of Condition 5 have been met and I am happy for these parts of the condition to be discharged. However, as part of the investigation and remediation relates to groundwater, the Environment Agency should also be contacted regarding this matter.

Analysis

Condition 5 of 20191122 states:

Prior to the commencement of the development a strategy for carrying out a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and, if necessary, an associated remedial strategy, together with a timetable of works, which relates to the phasing plan submitted pursuant to Condition 3 shall be submitted to and approved in writing by the Local planning Authority. This shall be of the format:

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, where appropriate, 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.

Development shall thereafter proceed only in accordance with the approved Strategy, including any required remedial or monitoring measures.

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 170 of the National Planning Policy Framework (2019).

The applicant has submitted a Remediation Strategy by Ecologia and, following from feedback from the Environment Agency, submitted a Remediation Strategy Clarification letter from Ecologia.

The information submitted is acceptable and the condition can be discharged.

Recommendation:

Discharge parts 1-3 of condition 5.

See draft Decision

Case Officer: Alison Webster	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 23 May 2023	Dated: 23 rd May 2023