

Our Ref: 20/010/GM/23/022

Your Ref: 20220733

Planning and Regeneration
Gravesham Borough Council
Civic Centre
Gravesend
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DA12 1AU

For the attention of Mr E Bonthron



11 July 2023

Dear Ethan,

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Planning Application Reference 20220733 – Response to Environmental Protection Comments

I refer to the consultation response received from Gravesham Borough Council (GBC) Environmental Protection (EP), dated 28 June 2023 in respect of planning application reference 20220733 relating to land at Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY.

Having reviewed the comments received from EP it would appear that they have misinterpreted the content of our previous letter and they maintain some concern over the proposed development and how the site will be operated in future. This concern is misplaced, and I would like to provide some reassurance that it is our client's intention to continue operating the site to the highest environmental standards, undertaking continued monitoring and maintenance of the facility.

Whilst there have been odour issues at the site historically, they related to an 18 month period approximately five years ago. Measures were subsequently implemented by our client and the site has been operating without any issue in the years since. There is no reason why this cannot continue in light of the proposed development.

In respect of any future odour complaints, the response from EP proposes the following condition:

"If an odour is detected offset or complaints are received either from the LPA or direct from the community the operations should cease immediately until the cause of the problem is rectified. If emissions of particulate matter are visible from ducting, pipework, the pressure relief valve or arrestment plant during silo filling, the operation should cease immediately; the cause of the problem should be rectified prior to further deliveries taking place. Tanker drivers should be informed of the correct procedure to be followed."

It is important to note that the site is a bitumen storage facility. It is therefore not possible to cease operations immediately as the bitumen cannot be immediately removed from the site. This condition therefore fails the test of reasonableness in accordance with paragraph 57 of the NPPF and should not be imposed on the development. I would instead suggest that actions to be taken following the receipt of a complaint/ discovery of an issue be outlined as part of the suggested odour management plan which I have addressed further into this letter.



The response from EP goes on to state that:

“The operator should be preventing odour issues through proactive, frequent and regular maintenance of the plant and its odour arrestment equipment, visual checks of equipment that the odour is likely to emanate from, swift investigation and recording of faults that may cause the release of odour and how they were dealt with, providing a customer contact point to deal with any complaints that they receive from either members of the public or GBC, the immediate investigation into the cause of the odour with swift resolution, as well as an ongoing monitoring by the operator in terms of regular visual and odour checks walking around the site and odour checks in the locality, especially as the odour has been evident in the car park to the neighbouring Pets at Home Store i.e. off site therefore odour monitoring off site is necessary to determine if the community is being affected.”

We are in agreement with this, and it reflects much of the work that our client is already doing to keep the facility operating in an appropriate manner with due consideration to the amenity of the local community. This is evidenced through the absence of complaints from local residents since 2018.

The response from EP goes on to propose that a condition be implemented on the planning consent relating to the provision of an odour management plan prior to the commissioning and operation of the proposed development. The proposed condition states that:

“Prior to commissioning and operation of the new plant the applicant is required to draft and submit an odour management plan for the prevention, identification and resolution of odour impacts on the community, to the LPA for approval. It is expected that the plan include the following as a minimum, or words to affect the same outcome:

- *Suitable and sufficient techniques taken from the Defra Process Guidance Note 6/42 (13) for the Bitumen Processes with particular reference to sections 5.1 and 5.8 to 5.11*
- *Measures to ensure that once the site becomes operational there are no visible airborne emissions from any part of the plant at any time.*
- *There shall be no offensive odour beyond the site boundary, as perceived by GBC.*
- *Monitoring to identify the origin of a visible emission shall be undertaken using one or more of a variety of a number of indicative techniques.*
- *The plant shall be installed and operated in accordance with supplier recommendations, so as to minimise the release of odour.*
- *Within three months of the completion of the development an odour survey is to be undertaken in accordance with the methodology outlined within the Odour Survey Plan produced by Tetra Tech, dated 28 April 2023, and submitted to Gravesham Borough Council for approval. The assessment shall be undertaken under conditions representative of the worst-case scenario. Should any issues be identified during the assessment, then the Operator will undertake appropriate investigation and any remedial actions intended to be undertaken shall be outlined in writing to Gravesham Borough Council and implemented as soon as practicably possible to resolve the odour impact. The odour survey shall be repeated in the event of any future justified odour complaints, with the necessary works to resolve the odour/potential odour as soon as practicably possible to resolve the matter.*
- *Visual checks of all locations that are potentially the source of leaks especially airborne emissions. The time, location and result of the checks, along with weather conditions such as indicative wind direction and strength, shall be recorded. The aim being to prevent any visible air borne emission from any part of the plant. For unmanned sites other suitable checks shall be implemented eg suitable CCTV should be installed so as to carry out daily visual checks remotely.*

- *Where there are problems that, in the opinion of GBC, may be attributable to the installation, such as local complaints of visual emissions or odour being detected beyond the site boundary, the operator shall investigate in order to find out which part of their operation is the cause.*
- *Whilst problems are ongoing, a visual check shall continue to be made at least once per day, by the operator. Once the source of the emission is known, corrective action shall be taken without delay.*
- *Where it is installed any odour arrestment equipment shall be inspected at least once a day to verify correct operation and to identify any malfunctions. Depending upon the type of any arrestment plant used this inspection shall include the identification of any leaks in air handling equipment and ductwork.*
- *The operator shall keep records of inspections, tests and monitoring:*
 - o *Records shall be kept on site and made available for the regulator to examine.*
 - o *Records shall be kept by the operator for at least two years.*
- *In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:*
 - o *investigate and undertake remedial action immediately;*
 - o *adjust the activity to minimise those emissions; and*
 - o *promptly record the events and actions taken and*
 - o *inform the regulator without delay."*

It is recognised in the response from EP that the Defra Process Guidance Note 6/42 (13) for the Bitumen Processes is not strictly relevant to the proposed development, so this should only be used as a guide, rather than a strict set of rules that the proposed development should adhere to.

Based upon the modelling and assessment work we have undertaken in support of the planning application, together with the best practice measures which our client is already imposing, it must be noted that the proposed development is acceptable in its own right without the need for a planning condition to control odour. Within our previous letter, dated 28 April 2023, we proposed a condition relating to the monitoring of odour emissions following first operation of the proposed development. The purpose of this condition was to provide reassurance to GBC following comments received from EP, rather than to address a particular need for a planning condition to control odour.

Nevertheless, having reviewed the alternative condition which has been put forward by EP relating to the provision of an odour management plan, we would be happy to agree to the imposition of this condition on the planning consent for the development. As stated previously, we suggest that as part of the plan the process to be followed in the event that an issue is detected, either through routine inspections or from the receipt of a justified complaint, shall be included.

In light of the above, we consider that the imposition of the above condition will allow Gravesham Borough Council an appropriate means of monitoring the proposed development and reinforces our client's commitment to continue maintaining and operating the site to the highest environmental standards.

Given that there is no overriding reason why the proposed development should not be granted planning permission we would welcome a copy of the draft planning conditions for review. Should you have any questions please do not hesitate to contact me.

Yours sincerely,

Gr. Massingham

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CONSULTANT

