

Gravesham Borough Council
Development Control
Civic Centre Windmill Street
Gravesend
Kent
DA12 1AU

Our ref: KT/2023/130379/01-L01
Your ref: 20221328
Date: 11 January 2023

Dear Planning Team

Demolition Of Existing Bowls Pavilion And Erection Of A 4-Storey Building To Provide A 62-Unit Use Class C2 Retirement Living Complex, With A New Access From Ellerslie, A New Emergency Access Off Ellerslie, Parking, Landscaping And Associated Works.

Bowling Green, Church Walk, Gravesend, Kent DA12 2QU

Thank you for consulting us on the above planning application. We have reviewed the information and **do have any objections subject to the following comments.**

Sustainable development, Land Contamination and Controlled waters - Standard Planning Informative note for developments on land potentially affected by land contamination or sites of proposed high risk use

Advice to the applicant – site specific advice

If you would like to receive site specific advice or discuss documents in further details with us, we are able to do so under our charged planning advice. Please contact us on kslplanning@environment-agency.gov.uk for further details.

Standard Planning Informative

The Government is committed to ensuring that the planning system does everything it can to support long term, sustainable economic growth, and has made it clear that significant weight should be placed on the need to support economic recovery through the planning system and related consent regimes, while protecting the wider environment.

Sustainable development is about preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability. Sustainable development must therefore be based on a clear understanding of the historic land-use, the wider economic, social and environmental setting and the proposed development. Lack of understanding of the risks of

contamination or pollution associated with a development site can lead to delay and additional costs if permits/licences other than the planning permission are required.

There is substantive guidance on best practice for site assessments and this should be followed fully to ensure planning applications are accompanied by relevant preliminary documentation, to allow them to be promptly processed and sustainable developments fully supported.

Local planning authorities should ensure that any site is suitable for its new use, especially high risk uses, taking account of ground conditions, contamination arising from previous uses and any proposals for land remediation, pollution prevention and foundation design.

Land Contamination

The Guiding Principles for dealing with Land Contamination is available on <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

We recommend as best practice that all site desk study, site investigation, remediation strategies and verification reports submitted for planning purposes are undertaken by a suitably qualified person, preferably registered as a SILC/SQP. We recommend that for brownfield site developments – especially on sites with higher risk previous uses – desk study reports, site investigations, remedial strategies and verification reports are signed off under the *National Land Quality Mark Scheme* (NQMS).

The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations

If developments are supported by NQMS reporting we can assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We can recommend that you take account of the conclusions and recommendations within an NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National Planning Policy Framework and the Water Framework Directive, which places such duties on all public bodies.

We also recommend that you consider the merits of advising the developer to handle any further land contamination management work that may be required under the NQMS.

Any unexpected contamination encountered during development of a site should be reported to the Environmental Health Officer (EHO) in accordance with *Building Regulations Approved Doc C*.

Foundation Design and Contamination

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater. This should be in accordance with EA guidance document "*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*".

Drainage Design and Contamination

Any SuDs design for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with building regulations Approved Doc H (link below) and good practice design guidance (CIRIA R156).

All infiltration drainage from roads and service areas that bypasses the upper soil layers via soakaway chambers or boreholes may require a permit to discharge to ground, unless additional pollution prevention measures are installed that prevent contaminated water reaching the aquifer body.

Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges.

Submissions to the LPA should include all relevant information on foul drainage proposals using the following form.

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground or surface waters may require an Environmental permit.

Engineering works

Any excavation and re-profiling works on closed landfill sites are likely to require an Environmental permit. Any new engineering works on permitted landfills will require appropriate variations to the permit as well as planning permission.

Soils and Stones

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides developers/operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works can be sustainably re-used under an industry agreed Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution in accordance with an approved remediation strategy.
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA for a set number of development sites.
- some naturally occurring clean material can be transferred directly between sites for agreed re-use.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK

Wastes Removed from development sites.

Contaminated materials that are (or must be) disposed of are waste. Therefore, the handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.gov.uk/environment-agency

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Refer to the [hazardous waste](#) pages on gov.uk for more information.

Please do not hesitate to contact us if you require further details.

Yours faithfully

Ms Laura Edwards

Planning Advisor

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