



Delegated Report

Discharge of conditions

Planning Application No: 20250030

Location: Britannia Refined Metals Ltd Lower Road Northfleet Gravesend

Description: Application for approval of condition 3, 4, 5 and 9 attached to planning permission reference number 20240234 relating to contamination strategy, construction management plan, asbestos risk assessment and piling risk assessment.

Applicant: Mr Haskell, Britannia Refined Metals

Site Visit Date: None (desktop assessment only)

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Letter from SLR Consulting Limited dated 29 October 2024;
Construction Management Plan 04 March 2025;
Phase One Geotechnical and Environmental Desk Study 11 August 2023;
Piling Risk Assessment 12 February 2024;
Construction Phase Health and Safety Plan; and
Email from the applicant received 21 May 2025.

Superseded Documents/Plans

~~Construction Management Plan 22 October 2024.~~

Procedural Issues

Following the receipt of initial consultation responses from the Environment Agency and the GBC Environmental Protection Team (Regulatory Services), the applicant submitted additional information and an amended version of the Construction Management Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240234	Erection of emissions management building consisting of a baghouse and stack.	Permitted	27.09.2024

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- None

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- None

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

Initial response:

Condition 3 – contamination

This condition appears to have been requested by the Environment Agency as it refers to 'unacceptable levels of water pollution'. The cover letter refers to the Phase 2 report dated 19 October 2023 to address this condition, but this does not appear to have been submitted (or is missing from the planning information). Having checked the original application, the Phase 2 report was submitted and reviewed prior to determination and apart from short term risk to groundworkers the risk to human health was minimal. Therefore, no remediation was required from our perspective. It is recommended that advice is sought from the EA regarding its discharge as this condition was requested by them.

Condition 4 – Construction Management plan

The hours of work in section 5 are given as 07:00 to 1800 Monday to Friday. This is not in line with part (f) of condition 4 which stipulates hours of work will be 08:00 to 18:00 Mondays to Fridays. The hours proposed on Saturday are fine. This part of the CMP needs to be revised before the condition can be discharged.

Section 6.1 refers to a Construction Site Workers Risk Assessment and this can be found at the end of the CMP. The hours of work in this document also needs to be revised as they differ to those given in condition 4 part (f). In addition, this document needs to provide more information to workers on the risk of contamination (lead, arsenic and asbestos being the contaminants found during the contaminated land investigation). Neither arsenic or asbestos are included in the table dealing with 'Health Hazards'. The cover letter includes information relating to an Asbestos Risk Assessment and this can be replicated but should be included in the H & S document as this forms part of the site induction process for contractors/workers.

Other aspects of the CMP are acceptable, but until the above revisions are included as the documents re-submitted for approval, it is recommended that this condition should not be discharged.

Condition 5 – Asbestos Risk Assessment

The details in the cover letter are acceptable. There is no objection to this condition being discharged.

Condition 9 - Piling

The comments made when the Piling Risk Assessment was submitted with the original application are reiterated:

The Piling Risk Assessment has been reviewed. As advised previously, the Environment Agency (EA) should be consulted on this matter due to possible implications to controlled waters and groundwater (which is their area of expertise), particularly as contaminants are in excess of WQS levels and piling has now been confirmed. Although the Piling Risk Assessment looks acceptable and CFA augured piling is recommended, our expertise in this and implications to groundwater is minimal.

Advice from the EA should be obtained with regards to the discharge of this condition

Second response:

The documents have been appropriately revised to address the information highlighted in my previous response dated 13th February 2025. Based on this, there is now no objection to condition 4 being discharged.

Environment Agency

Initial response:

As part of this application we have reviewed the Phase One Geotechnical and Geo-Environmental Desk Study produced by SLR Consulting Ltd (ref: 402.064683.00001, dated 11th August 2023).

Environment Agency Position

We have reviewed the provided documentation produced by SLR Consultants and consider the proposed piling strategy acceptable in principle, given the data provided. However, we would need to review the Phase II report prior to the approval of conditions 3 and 9.

We would consider the Phase One Geotechnical and Geo-Environmental Desk Study produced by SLR Consulting Ltd (Ref: 402.064683.00001, dated 11th August 2023) to satisfy part 1 of condition 3 only.

Groundwater and Contaminated Land Further Comments

We understand that intrusive investigation is recommended to further identify potential risks associated with the proposed development. We welcome the recommendation for further assessment.

Second response:

As part of this application, we have reviewed the following reports:

- Ground Investigation Report produced by SLR Consulting Limited (ref: 402.064683.00001, dated 19th October 2023)
- Piling Risk Assessment produced by SLR Consulting Limited (ref: 402.064683.00001, dated 12th February 2024)

Environment Agency Position

We have no objections to the discharge of conditions 3 and 9.

Groundwater and Contaminated Land Technical Comments

We have reviewed the Ground Investigation Report produced by SLR Consulting Limited (ref: 402.064683.00001, dated 19th October 2023) and understand that limited concentrations of contaminants have been identified underlying the site. Contaminants identified to exceed the Generic Assessment Criteria for commercial end use include arsenic and lead, with Lead being identified in particularly high concentrations of 52000mg/kg. It is understood that the site is covered in hardstanding and is proposed to remain so, the potential pathway to the underlying groundwater is broken and as such no remedial measures are recommended at the site.

We would consider this acceptable in principle, however we would recommend that a Discovery Strategy

be implemented on site and that all boreholes are suitably decommissioned.

We have reviewed the Piling Risk Assessment produced by SLR Consulting Limited (ref: 402.064683.00001, dated 12th February 2024) and understand that Continuous Flight Auger piles are recommended to prevent the production of potential pathways between the deeper chalk and shallower Boyn Hill Gravel Aquifers. The risk to controlled waters is considered to be low given the proposed piling techniques outlined and the limited concentrations identified in the overlying made ground and shallow groundwater.

Therefore, we would consider the reports provided to satisfy conditions 3 and 9 for this application.

Officer's Analysis

Planning permission reference 20240234 was granted for the erection of an emissions management building, consisting of a baghouse and stack at the application site. This application seeks to discharge conditions 3, 4, 5 and 9 of that permission.

Condition 3 reads as follows;

3. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - a) A site investigation scheme, based on the findings of the Phase 1 Geotechnical and Environmental Desk Study 11 August 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) 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.
 - c) 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 (b) 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 approved details shall be implemented.

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 Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide relevant information.

Condition 4 reads as follows;

4. No development approved by this planning permission shall commence until a construction management plan has been submitted to, and approved in writing by, the Local Planning Authority. The document will address the following requirements:
- a) The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - b) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - c) Prior to the commencement of works a Dust Management Plan shall be submitted for approval. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the 'Assessment of Dust from Demolition and Construction' (IAQM) or an acceptable equivalent. This must include asbestos investigation and handling.
 - d) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
 - e) A Construction Site Workers Risk Assessment to address working with potentially contaminated soils.
 - f) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

The development shall be implemented in accordance with the approved construction management plan.

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 ground contamination in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide relevant information.

Condition 5 reads as follows;

5. An Asbestos Risk Assessment under the Control of Asbestos Regulations 2012 shall be undertaken and submitted to, and approved in writing, by the Local Planning Authority prior to any excavation works commencing on site. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during the groundworks stage, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

The development shall be implemented in accordance with the approved asbestos risk assessment.

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 ground contamination in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide relevant information.

Condition 9 reads as follows;

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide relevant information.

Contamination Impacts

The Environment Agency and the GBC Environmental Protection Team (Regulatory Services) are satisfied with the information that has been provided and raise no objection to the discharge of conditions 3, 4, 5 and 9 of planning permission 20240234. It is noted that the applicant has acknowledged the comments from the Environment Agency and has confirmed that the boreholes will be properly decommissioned.

Overall, there would be no adverse contamination impacts and the proposed development would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

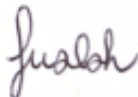
Conclusion

The details submitted in relation to planning permission reference 20240234 are acceptable.

Recommendation

Conditions 3, 4, 5 and 9 of planning permission reference 20240234 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	27th May 2025	Dated:	28 May 2025