

Alison Webster
Gravesham Borough Council

Our ref: KT/2025/132365/01-L01
Your ref: 20250161

Sent by email.

Date: 19 March 2025

Dear Alison,

Request for a Scoping Opinion in accordance with the Town and Country Planning Act (Environmental Impact Assessment) regulations 2017 in respect of an EIA Scoping Opinion in respect of the proposed construction of 3x wind turbines at Britannia Refined Metals Ltd, Botany Road, Gravesend. Kent.

Britannia Refined Metals Ltd, Botany Road, Northfleet, Gravesend, Kent, DA11 9BG

Thank you for consulting us on the above Environmental Impact Assessment (EIA) scoping opinion on 26 February 2025.

We note that the proposed development site is:

- Located within 16m of tidal flood defences
- Within Flood Zone 3 (tidal)
- Located atop a Principal Aquifer
- Within Source Protection Zone 3
- Active waste recycling facility (COMAH site)
- Located on potentially contaminated land
- In the presence of a Site of Special Scientific Interest (SSSI)

We are a statutory consultee for EIA scoping opinions and have the following comments to make for the environmental issues and opportunities that fall within our remit.

Environment Agency position

Having reviewed the submitted EIA scoping report, we **agree** with the topics recommended to be scoped in and out of the Environmental Statement (ES).

Groundwater & Contaminated land

We understand that a suitable Ground Investigation is to be conducted on site to assess the potential risks to the Underlying gravel and chalk aquifers. The underlying aquifers include the Kempton Park Gravel Member (Secondary A) and Chalk (Principal Aquifer), which are likely to be in hydraulic conductivity.

We welcome that any assessments of ground and groundwater conditions will be

carried out under the following guidance and legislation:

- Land contamination risk management (LCRM), Environment Agency, 2023;
- Contaminated land exposure assessment (CLEA) tool, Environment Agency, 2014 (updated 2019);
- Environment Agency Groundwater Protection Guides, March 2017²²;
- The Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015; and
- Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2015.

Fisheries, Biology & Geomorphology

With reference to chapter 7 (Terrestrial and aquatic ecology) It is our opinion that the majority of sensitive receptors have been documented. Proposal to ensure Bat and bird species are protected during operation, will be required.

The proposal will require a Biodiversity Net Gain (BNG) assessment, a Construction Environmental Management Plan (CEMP) and Environmental Management Plan (EMP) during and post works. Potential flood defence investigations which may require flood defence reparation or replacement. If the latter is necessary, we would require the applicant to submit proposals to fulfil a set-back flood defence with a vegetated intertidal terrace as per the Port of London Authority [Estuary Edges guidance](#).

There is some evidence to suggest that coastal erosion may be a risk at this location for the northern most turbine (point C) which is placed close to the water's edge, and seaward of the flood defence. Mapping since 1915 shows a movement of the high tide line and a loss of saltmarsh and mudflat. Later erosion protection to the turbine, if this continues to be the case, would need to be at the expense of the applicant. It can also not be guaranteed to be permitted at the time due to the implications to other coastal processes.

Flood Risk

As detailed within the EIA scoping report, the planning application for the proposed development will require a Flood Risk Assessment (FRA) to be submitted. The FRA should demonstrate that the development is able to remain operational at times of flooding. The FRA should demonstrate that the flood defences in the surrounding area are at a suitable condition and provide a sufficient standard of protection to facilitate this development.

Due to the nature of the wind turbines, in terms of size, and associated infrastructure, there is a high risk that the installation of the turbines within close proximity of the flood defence, the proposed development is likely to adversely affect the construction and stability of the flood defence wall, and any underground flood defence elements/ground anchors, which will compromise its function.

We normally require a buffer zone of 8 metres (fluvial) and 16 metres (tidal) between

any new development and the top of the bank of the river. The permanent retention of a continuous unobstructed area is an essential requirement for emergency access to the river for repairs to the bank and for future maintenance and/or improvement works. A buffer between new development and the river wall is also required to ensure no adverse loading which could impact the stability of the channel wall.

Where development is proposed next to the river we recommend that it includes a green buffer strip alongside the watercourse. Where such a buffer strip does not currently exist, we normally seek that it is established. This is a key way in which we carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have often been degraded by past development, and we expect that any new development should go some way to redress the balance.

Installations

As part of the permit application the impact of the emission points will have been modelled. Consideration should be given to the impacts the 3 wind turbines could have on the dispersion of the stack emissions, and on fugitive emissions.

Water Quality

The applicant should follow Environment Agency's standard advice regarding water quality and pollution prevention. The applicant should implement this advice to ensure all potential risks are reduced.

Advice to Applicant and Local Planning Authority

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Requirement for an Environmental Permit

This development may require a new permit or a variation to the existing permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Planning advice service

Should you wish us to review any technical documents or want further advice to address the environmental issues raised, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.

Closing comments

Please note that the view expressed in this letter is a response to an EIA scoping opinion enquiry and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application. You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Connor Bowman

Sustainable Places Planning Specialist

E-mail kslplanning@environment-agency.gov.uk