

Rebecca Harrison
Gravesham Borough Council
Sent via email

Our ref: KT/2024/131375/03-L01
Your ref: 20231313
Date: 24 September 2024

Dear Rebecca Harrison

Proposed construction of a new cable tunnel beneath the River Thames between Gravesend and Tilbury to provide additional transmission capacity. above-ground infrastructure in the form of a new cable sealing end compound and a new head house building along with associated electricity infrastructure, access, parking, boundary treatment and two overhead gantry structures for future overhead lines. temporary compound for the duration of the project to provide parking, staff welfare facilities, delivery vehicle parking, and equipment and machinery storage, including boundary treatment and lighting.

Eastcourt Marshes Electricity Distribution Site, Mark Lane, Gravesend, Kent, DA12 2HN

Thank you for consulting us on the above application.

Environment Agency Position

Following the submission of our previous letter, dated 3 September 2024, referenced KT/2024/131375, we have undertaken further meetings with National Grid, as well as a series of internal discussions, concerning the proposed development and our flood risk objection. As a result of these discussions we are now in a position to **remove the previous objection** detailed in that response, on the basis the following **planning conditions** are included in any future planning permission.

The proposed development will only be acceptable if the following conditions are included.

Flood Risk Condition

Prior to commencing operation, the applicant will submit a scheme to show that the development is appropriately resilient to flooding. The scheme should be agreed in writing by the local planning authority, in consultation with the Environment Agency. The submitted scheme shall include:-

- Details and drawings of the proposed headhouses showing all openings through which flood water could flow including threshold levels, dimensions and any closures at such openings.
- Plans and drawings should be based on the 1:1000-year breach flood event, using the latest data available from the Environment Agency

- A technical assessment detailing the flood risk reduction measures including the freeboard applied relative to the modelled flood level for each opening. Justification for the inclusion and adequacy of any active flood measures such as flood doors should be provided together with explanation why it is not possible to achieve full passive flood protection.
- An operation and maintenance plan for any active flood risk reduction features such as flood doors. This should include details of when and how the active measures will be triggered.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure the power supply infrastructure remains operational and safe for users in times of flood including in the event of a breach failure of the Thames Tidal Flood Defences.

Advice to Local Planning Authority

Whilst we are willing to remove our objection to this application, we would still request that the conditions detailed in our response of 20 February 2024, referenced KT/2024/131375/01-L01 are included on any future planning permission (repeated below for ease of reference).

Condition 1

Pre and post development surveys are undertaken in regards to the flood defences on the northern shore of the development site.

Reason for condition 1

To ensure that the structure of the flood defences are not impacted upon by the proposed work and the level of flood defence protection they provide is maintained. Any damage caused by the development should be repaired at the developers cost.

Condition 2

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 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 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 detailed risk assessment referred to in (2) 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.

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.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Advice to LPA

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the Local Planning Authority decide to obtain the necessary information under condition we would request that this condition is applied.

Condition 3

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 4

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final

report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 5

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons for conditions 2, 3, 4 and 5

To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) and Principal aquifers) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2023; paragraphs 180, 189 and 190), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

Condition 6

The development hereby permitted may not commence until such time as a Detailed Construction Environmental Management Plan (CEMP) and all associated appendices has been submitted to, and approved in writing by, the Environment Agency and Local Authority.

Reasons for condition 6

To ensure that the proposed development, including tunnel shafts and the boring of the tunnel, does not harm the water environment in line with National Planning Policy Framework (NPPF 2023; paragraphs 180).

Condition 7

Piling and tunnel shaft construction 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 that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Reasons for condition 7

Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination, where aquifer units are connected or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

Condition 8

The development hereby permitted shall not commence until a groundwater monitoring and maintenance plan in respect of contamination, including a timetable of monitoring (pre-, during and post-construction) and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason for condition 8

To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 180 of the National Planning Policy Framework.

Condition 9

No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

Reason for condition 9

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 180 of the National Planning Policy Framework.

The CEMP appears to satisfactorily cover the main pollution prevention points we'd expect to see identified. General guidance can be found at Pollution prevention for businesses - GOV.UK (www.gov.uk).

Condition 10

No development shall take place until a Landscape Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all wetland and ditch habitats has been submitted to, and approved in writing by, the local planning authority.

The Landscape Ecological Management Plan (LEMP) shall be carried out as

approved and any subsequent variations shall be agreed in writing by the local planning authority.

The LEMP shall include the following:

- details of treatment of site boundaries and/or buffers around water bodies; we request for an adequate buffer zone extent (i.e. to provide good forage and shelter for water voles) to be identified and demarked on a scaled map.
- details demonstrating how the buffer zone will be protected during development.
- Details of how any proposed footpaths, fencing, lighting, and other aspects of the development may interact with the wetland or ditch habitats; The applicant should note that artificial light spill should be directed away from ecological receptors, sensitive lighting design guidance can be accessed via the Bat Conservation Trust.
- no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 8/5 metres of the top of bank of the watercourse are maintained at background levels. We considers background levels to be a Lux level of 0-2.
- details of maintenance regimes; including specific treatment of the ditch buffer zone and new wetland habitats.
- details of any new wetland and ditch habitat created on-site, including any proposed planting scheme should be provided. Planting schemes should use native species, suited to the catchment character. Management responsibilities should be provided.

Reason for condition 10

To ensure the protection of wildlife and the supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy, promoting positive conservation status for water vole in the area and to complement achievement of the proposed BNG ambition.

Informative: Environmental Permitting Regulations – Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please do not hesitate to contact us should you require any further information.

Yours faithfully

Pat Abbott

Planning Advisor

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