

Application: 20211383

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 2011**

SCREENING OPINION UNDER REGULATION 15

To: **F. M Conway Ltd
C/O Mr George Massingham, PDE Consulting Ltd
6 Forbes Business Centre
Kempson Way
Bury St Edmunds
Suffolk
IP32 7AR**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, as Local Planning Authority, under the Town and Country Planning Act hereby determines that the development referred to in the letter received on 8th November 2021 does not constitute EIA development and therefore and Environmental Statement. The notice relates to land situated at

**Imperial Wharf
Clifton Marine Parade
Gravesend
Kent
DA11 0DY**

and being **Screening and Scoping Request** in respect of a proposed planning application for the installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking on land at Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY

GRAVESHAM BOROUGH COUNCIL MAKES THE FOLLOWING COMMENTS:-

1 The development as proposed is for the installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking.

The analysis and assessment of the development has shown that the proposed development would in this case not be of such a significantly greater scale, or is markedly different in nature or likely to result in a high degree of contamination such that an Environmental Impact Assessment (EIA) would be required.

It is concluded that **EIA is not required and a negative screening opinion be issued as the development is not likely to have significant environmental effects on the environment.**

The development does not constitute EIA development for the following reasons:

The proposal does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017, as amended, (referred to as "the Regulations") that would require mandatory Environmental Impact Assessment (EIA).

The development the subject of this screening request constitutes a 'Schedule 2 development' by reason of paragraph 6 (c) of Schedule 2 of the EIA Regulations 2011 as being storage facilities for petroleum, petrochemical and chemical products (in this case

bitumen) and where more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.

The specific development is for storage facilities for 6000 tonnes of bitumen in addition to the existing 7,360 tonnes capacity of existing storage facilities. The development therefore exceeds the exclusion thresholds and criteria and therefore needs to be screened by the Local Planning Authority to determine whether significant effects are likely.

This Schedule 2 development is a major development proposal but based on the scope and type of the development as proposed it is considered that it is not of more than local importance and the scale of development would not therefore have wide-ranging environmental effects that would justify EIA.

The site is not a site which had not previously been intensively developed. The development of this currently brownfield site would not have strategic or regional significance.

In visual terms the location would be likely to be more visible to the wider public as a result of the development than it is now although it is acknowledged that the additional tanks would no higher in comparison to the existing tanks.

It is considered that the types of impact in terms of traffic generated, noise, and lighting would not be of a markedly different nature. These matters will be the subject of various reports to fully assess the impacts at the application stage.

There are apparently no waste products arising from the development and the proposal is for the importation, storage and distribution of bitumen.

The site is not subject to a high level of contamination and although a brownfield site and previously developed land it is not been the subject of highly contaminative industrial processes previously, as far as is known. Ground investigations and consultations with the Environment Agency will take place and standard investigation would be required pre-commencement of any development on the site to ensure protection to the underlying groundwater, if permission were to be granted.

Whilst it is acknowledged that the development would not have unusually complex and potentially hazardous environmental effects the storage and containment of bitumen requires special consideration. The development would not release particularly hazardous pollutants to the air but there have been some concerns about fumes and odours from bitumen from the current operation.

The development site is not designated as a 'sensitive area' as defined in Regulation 2 (1) of the EIA Regulations 2017 or is development in an environmentally sensitive or vulnerable location as indicated in the National Planning Practice Guidance, nor is the site in close proximity to such a sensitive area such as to have significant effects on the special character of any of the types of 'sensitive area'.

It is not considered that the development is likely to have cumulative effects with any existing or approved development, as indicated in the National Planning Practice Guidance, such as to have a significant effect.

Having regard to Regulation 5 (4) of the Regulations, the indicative thresholds and selection criteria for identification of and screening of Schedule 2 development requiring EIA as set out in paragraphs 1, 2 and 3 of Schedule 3 of the Regulations, and the advice in National Planning Practice Guidance, the proposed development is not considered to have significant environmental effects on the environment by reason of its characteristics and nature, scale and size, location or impact.

Under the circumstances the proposed development does need to be the subject of a planning application but **does not** need to be accompanied by an Environmental Impact Assessment (EIA)

as defined in the above Regulations. It is therefore not necessary to scope out the topics needed for an EIA.

This screening opinion is based on the current regulatory framework and on the information and description of development as set out in the covering letter from PDE Consulting dated 05 November 2021, and the report to accompany request for screening/scoping opinions by PDE Consulting on behalf of FM Conway Ltd dated November 2021, and which includes the following drawings:

Drawing Number KD.IMP.D.001 Location Plan;
Drawing Number KD.IMP.D.003 Current Situation;
Drawing Number KD.IMP.D.004 Proposed Development;
Drawing Number KD.IMP.D.005 Elevations - Proposed Silos, Bund Wall & Oil Heater;
Drawing Number KD.IMP.D.010 Emulsion Plant Layout;
Drawing Number KD.IMP.D.011 Truck Loading System.

This screening opinion does not prejudice any further screening assessment which the Borough Council may require or be asked to provide relating to this site or adjoining sites in the context of any other storage proposals for petroleum, petrochemical and chemical products or other similar proposals.

The applicants are asked to take into account the comments of the various consultees as set out in the Local Planning Authority's delegated officer report, in the event that a planning application for this development is submitted.

Under 5(5)b of the regulations (general provisions relating to screening) it is also necessary to state in cases where it is concluded that development is not EIA development any features of the development or measures proposed that the LPA consider would help to avoid what might otherwise have been significant effects on the environment.

Without the implementation of the various further assessments and mitigation measures, as set out in the report above and within the report to accompany request for screening/scoping opinions by PDE Consulting on behalf of FM Conway Ltd dated November 2021, it would be considered that the proposal would lead to result in significant adverse effects on the environments.

In light of this, the Local Planning Authority considers the following assessments/reports being relevant to the proposal in terms of mitigating significant environmental impacts;

- Transport Assessment;
- Travel Plan;
- Acoustic Assessment/Noise Impact Assessment;
- Flood Risk Assessment;
- Surface Water Drainage Assessment;
- Drainage Strategy;
- Phase 1 Contamination report;
- Phase 2 Investigation/Remediation assessments;
- Air Quality report;
- A Preliminary Ecological Appraisal;
- Planning Statement;
- Archaeology/Cultural Heritage Assessment;
- Landscape and Visual Assessment;
- Accidents and Hazards/Safety and Security.

Note: This assessment has considered the issue of whether such a development would require to be accompanied by an Environmental Impact Assessment and not whether such a development would be acceptable in planning terms and is made without prejudice to the future determination of any associated planning application for this development as proposed.

Dated: 20 December 2021

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Gravesham Borough Council