



Delegated Report

EIA Screening Opinion Application

Application no:	20211383
Location:	Imperial Wharf Clifton Marine Parade Gravesend Kent
Description:	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
Applicant:	F. M Conway Ltd
Site Visit Date:	Desk top only; previous site visits - 31.12.21 and 05.03.21

The Site and Surroundings

Imperial Wharf is located to the north of the adjoining Imperial Business Estate (IBE) an industrial and retail area lying west of Gravesend Town Centre that is set at a low level within a former quarry that was once occupied by the Imperial Paper Mills. The whole Imperial Wharf site is of an irregular shape with an area of 15,616 sq. m (1.5 hectares or 3.85 acres) and it measures a maximum 55.4 metres by 38.1 metres.

The wharf includes the jetty to the river Thames, a yard/compound adjacent to the river on the west side, the White House which is a three storey office building, a two storey brick building used for offices and storage adjacent to the jetty, a series of storage tanks adjacent to the river frontage, a car parking area on the site of the former Hit and Miss Public House, an unused partly surfaced and partly overgrown area adjacent to the car park which contains some trees, and a walkway that runs to the east of the wharf and a road (being the line of the former Clifton Marine Parade). The bell mouth of the road and the sight lines which are shown as being within the site are adopted highway while the service road (Clifton Marine Parade) is not highway land. The service road is part of the riverside walkway.

The Imperial Wharf is owned and operated by FM Conway as a bitumen terminal which was originally commissioned in 2014. A Polymer Modified Bitumen (PMB) plant was added at the terminal in 2017. It is indicated (on the FM Conway website) that the facility has a storage capacity of over 8,000 tonnes of bitumen and an average daily supply of 500 tonnes. The company manufactures a range of aggregates, asphalt and concrete products for use on the UK's highway network as well as for other construction and maintenance projects.

The F M Conway site also includes a vacant and overgrown plot on West Mill which has an area of approx.0.1 hectares. This was the site of business units F2, F3 and F4 in the original master planning for the business estate but the units were never built.

The wharf was originally operated as an ancillary wharf in connection with the use of a much larger site for the manufacture of paper products when it was operated by Imperial Paper Mills (part of the Reed Group) and used until the early 1980's for paper manufacture. This was redeveloped in the late 1980s following the closure of the Mill, when parts of the site were granted Enterprise Zone status. The original cranes on the jetty were removed in 2013.

IBE comprises the West Mill site which is a mixture of large and small Use Class E (Commercial, Business and Service) (formerly B1), some limited B2 (General Industry) and B8 (Storage and Distribution) business units while East Mill comprise large business units on the west side and a retail park on the east side. There are some retail/trade uses within the business units of West Mill away from the retail park. An aerial view of the Imperial Wharf site in relation to the IBE is shown below



The nearest building to the site is a modern single storey partly metal clad building in business use and a brick building in use for retail warehousing to the south of the wharf.

The Imperial Business Estate is overlooked by residential properties which sit above the chalk pit on a chalk spine in Pier Road to the west. Some of those properties are within the Lansdowne Square conservation area. This is largely comprised of large C19th detached and semi-detached villa style properties some in use as flats or still single family dwellings that benefit from views over the River Thames. A riverside walkway along Clifton Marine Parade beyond the retail sheds in the Imperial Retail Park, leads to flats at Baltic Wharf. Further east lie residential properties set at a higher level in Stuart Road and Fairfield Square. There is also a resolution to permit further flattened development at West Street Pier.

The immediate surroundings of the site can therefore be characterised as one where the existing form of development largely comprises relatively low rise industrial and retail sheds set in the base of a former chalk quarry. This is overlooked from a higher level on three sides by a mixture of development that includes a significant residential component. Views to and from the River Thames are important as is the contribution of this setting to the significance of the adjoining Conservation Areas.

The wharf has more recently been refurbished (2013) including the tanks adjacent to the river and the wharf is currently being used for bringing in bitumen by river for distribution by road tanker. A new terminal and loading bay has been created at the eastern end of the wharf although the terminal and works including the refurbishment of the tanks was not as a result of any grant of planning permission, such works and additional plant having been claimed to be permitted development (Part 7 of the 'GPDO' Non-domestic extensions, alterations etc. Class I – development relating to an industrial process).

Four additional bitumen storage tanks were added to the site in 2017 at the eastern end of the site for which a planning permission part retrospective was obtained being granted in June 2018.

The specific sites within the Wharf relating to this pre-application enquiry are a car parking area on the south side of Clifton Marine Parade being the site of the long demolished Hit and Miss Public House and adjacent to a business unit on IBE and an area on the north side of Clifton Marine Parade next to the river. A previous pre-application enquiry in 2020 for the same development showed the proposed tanks within the wharf area next to the jetty at the western end of the site and a site central to the overall site between an existing tank and the existing technology/laboratory building.

The various sites are shown in the photographs from 2021 and Google Earth 3D views below





Planning History

The Imperial Paper Mills operated on this site from the early 1900's until the mid-1980's to process paper pulp into newsprint. Imperial Wharf was used as an ancillary wharf in connection with the paper manufacture although the extent of its use is not known, but it was certainly used for bringing in pulp from the company's timber forests in Newfoundland.

The Imperial Paper Mills site, including the wharf/jetty, was acquired by TBF Thompson following closure of the paper mills, during the 1980's and part of the paper mills site was being used for a few years temporarily for an asphalt plant pending its redevelopment.

Effectively the wharf is a remnant of the redevelopment of the wider area under enterprise zone status in the late 1980's and early 1990's when planning permission was not required under such status subject to conformity with an agreed planning scheme. The quayside and jetty were excluded from the master planning of the site along with the site of the former Hit and Miss Public House (long since demolished).

Planning permission was however granted for three units of offices on the site in 1989 (where the current tanks are located) and details of their siting and design was approved in 1993 (19930609) but this was never implemented and that permission has long since expired.

The White House office building has remained and is used as a suite of various offices for different companies although the wharf had been vacant for several years until more recently being brought back into more active use.

An application was submitted by TBF Thompson (developers of the Imperial Business Estate) (reference GR/2001/906) for continued use of land for the open storage of aggregates in connection with the wharf activities at Imperial Wharf. The actual site was the former car park of the Hit and Miss Public House demolished some years earlier.

The application was refused on 7 March 2002 for the following reasons: -

- 1. The use of the site is detrimental to highway safety having regard to the access being located at the junction of a highway in Clifton Marine Parade and is therefore contrary to policy T5 of the Gravesham Local Plan First Review.*
- 2. The site is within an Air Quality Management Area for Particulates; the use of the site for storage of aggregates is likely to result in wind-blown dust and nuisance to nearby properties and is contrary to the National Air Quality Strategy and policy NE16 (Air Quality) of the Gravesham Local Plan Second Review Deposit Version.*
- 3. The use of the site is seriously detrimental to visual amenity and contrary to policies TC0 of the Gravesham Local Plan Second Review Deposit Version.*
- 4. The development encroaches into an area of landscaping permitted under application reference GR/92/124 and detracts from the appearance and quality of the Imperial Business Estate.*

A further application on the same site was submitted in 2003 by TBF Thompson for temporary use of land for overflow storage of bulk cargo discharged at Imperial Wharf. This was withdrawn. The unauthorised use ceased.

Planning permission was refused and dismissed on appeal for 270 flats plus bar/restaurant etc. by Ravenblack Development Ltd in February 2007. This was a Secretary of State decision following a recommendation by the appointed planning Inspector to recommend that the appeal be dismissed.

The Secretary of State concluded that, as the proposed development did not conform to proposal PM6 of the Local Plan, it was not in accordance with the development plan. Although the proposal would have provided additional housing and removed unsightly silos it would have resulted in the loss of active employment land, displacement of jobs and in addition caused harm to the townscape of Gravesend.

Planning permission had been granted to Janta Fashions for the vacant land at West Mill (the site of units F2, F3 and F4) for a block of three industrial units and then that permission was subsequently renewed in 2010 but that permission has now lapsed.

There were two pre-application enquiries in 2014 and 2015 (PRE20140231 and PRE20150017) for cement silos (30m and then 17.5m) and a cement terminal on the Imperial Wharf car parking area which the response was that refusal would have been recommended.

A pre-application enquiry (PRE20160160) was submitted for four additional bitumen tanks. The overall conclusions sent on 10 June 2016 stated:

Notwithstanding the benefits of creating some employment opportunities on this site, the continued support for the operation of the wharf and the apparent lack of conflict with development plan policy in principle to the use of the wharf for river based uses there remain some concerns about the specific proposals and whether appropriate to context and there are still concerns about visual impact, and amenity impacts. A convincing case will need to be submitted if a planning application is to be supported. It is noted that to date there has been no community consultation or involvement.

A subsequent planning application (20160800) was submitted in August 2016 for the proposed installation of four additional bitumen storage tanks at Imperial Wharf. The site of the application had an area of 180 sq. m. and was previously an unused hard standing within an existing bitumen storage area of the site at the eastern end of the Wharf. The site was screened by palisade fencing.

The development was implemented (May 2017) before the application was determined and therefore was subsequently treated as a retrospective application for the retention of four additional bitumen storage tanks and ancillary equipment including activated carbon filter unit and enclosed by retaining bund wall. The delay in concluding and determining the application was due to the delay in the applicants responding to various questions in respect of how they would have been able to comply with requirements of a number of consultees and pending response to some concerns relating to noise and odour issues.

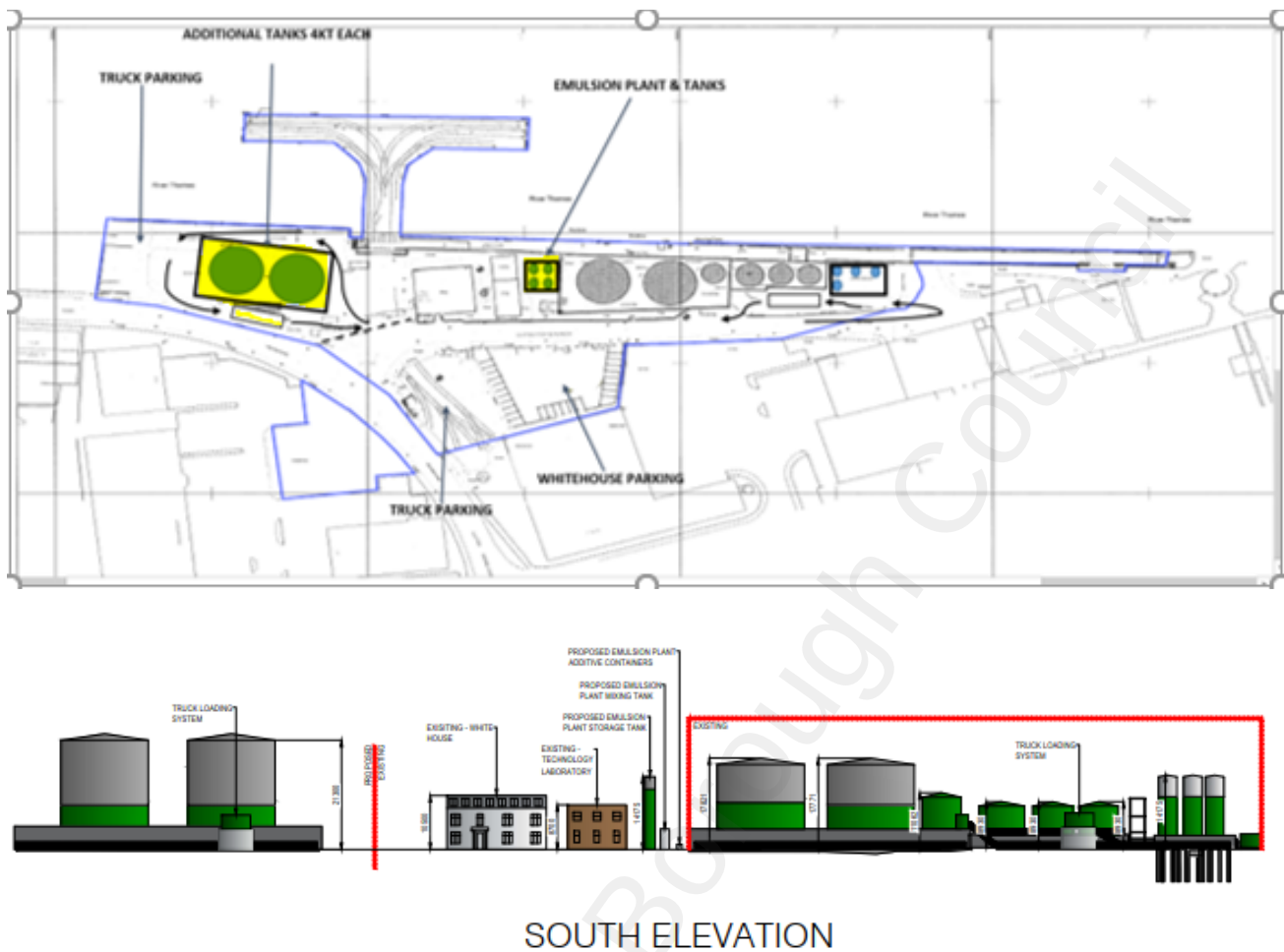
Note: A separate application (20160412) for a screening for Environmental Impact Assessment (EIA) for the development was submitted in April 2016. It was determined on 24 May 2015 that an Environmental Impact Assessment was not required and a negative screening opinion was issued as the development was not likely to have significant environmental effects on the environment.

Although there remained some concern at the development in respect of environmental impact it was not considered that there were any overriding reasons to withhold planning permission and the application was eventually determined on 29 June 2018 by way of planning permission subject to various conditions.

The tanks as now built are 15.5m high with a capacity each of 75 tonnes and an overall storage capacity of 300 tonnes. They are shown in the photograph below.



A pre-application enquiry (ref PRE20200077) was submitted in February 2020 and revised on 13 May 2020 for installation of two additional bitumen tanks & load out gantry (matching size to the largest tanks already on site, to the east of The White House) and a small bitumen emulsion plant, located between the Pump House and existing tank farm. The plan below shows the siting of the proposed tanks and other development and a street elevation with their location to the west of the White House on the wharf area.



A response was issued on 15 July 2020 which concluded:

- On the matter of the principle of the development it is concluded that there is not a policy objection per se overall to the use of the wharf for what is clearly a river based use, albeit that it is not a “clean” type industrial use that exists elsewhere on the Imperial Business Park. However, there needs to be more convincing evidence as to why this additional storage is necessary and how the proposed development fits in with the overall uses on the site, the long term strategy for the future of the site, the impact of increased employment on the site and whether the extent of the site has the capacity to contain all the activities on the site and the parking and other storage demands without impacting beyond the confines of the site.
- However, there are nevertheless real concerns in relation to the environmental impact of the tanks both in terms of odours and noise and also the visual impact of the development and the potential impact on the conservation areas nearby.
- There is also no information presented at this stage in relation to the highway implications of the development. A Transport Assessment (TA) should be submitted with any planning application.
- The health and safety aspects of the development are a material planning consideration.
- A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 will be required as the proposed development exceeds the thresholds under Schedule 2 of the EIA Regulations, under Part 6 ‘Chemical Industry’ (c) ‘Storage facilities for petroleum, petrochemical and chemical products’ and therefore an EIA may well be required to accompany a future planning application.

A further pre-application enquiry (PRE20210011) was submitted in early 2021 for the installation of two additional bitumen storage tanks and an emulsion plant and a load-out gantry on land at Imperial Wharf, Clifton Marine Parade.

The proposal was similar to the previous pre-application enquiry involving the installation of two bitumen storage tanks, an emulsion plant and load out gantry at the site but there were fundamental changes as to where the respective items of equipment are proposed to be installed.

The submitted plans showed the newly proposed location of the two tanks together with associated bund walling moved from their former proposed location on the wharf area west of the White House to the parcel of land to the south of the main operational area and their alignment has been altered.

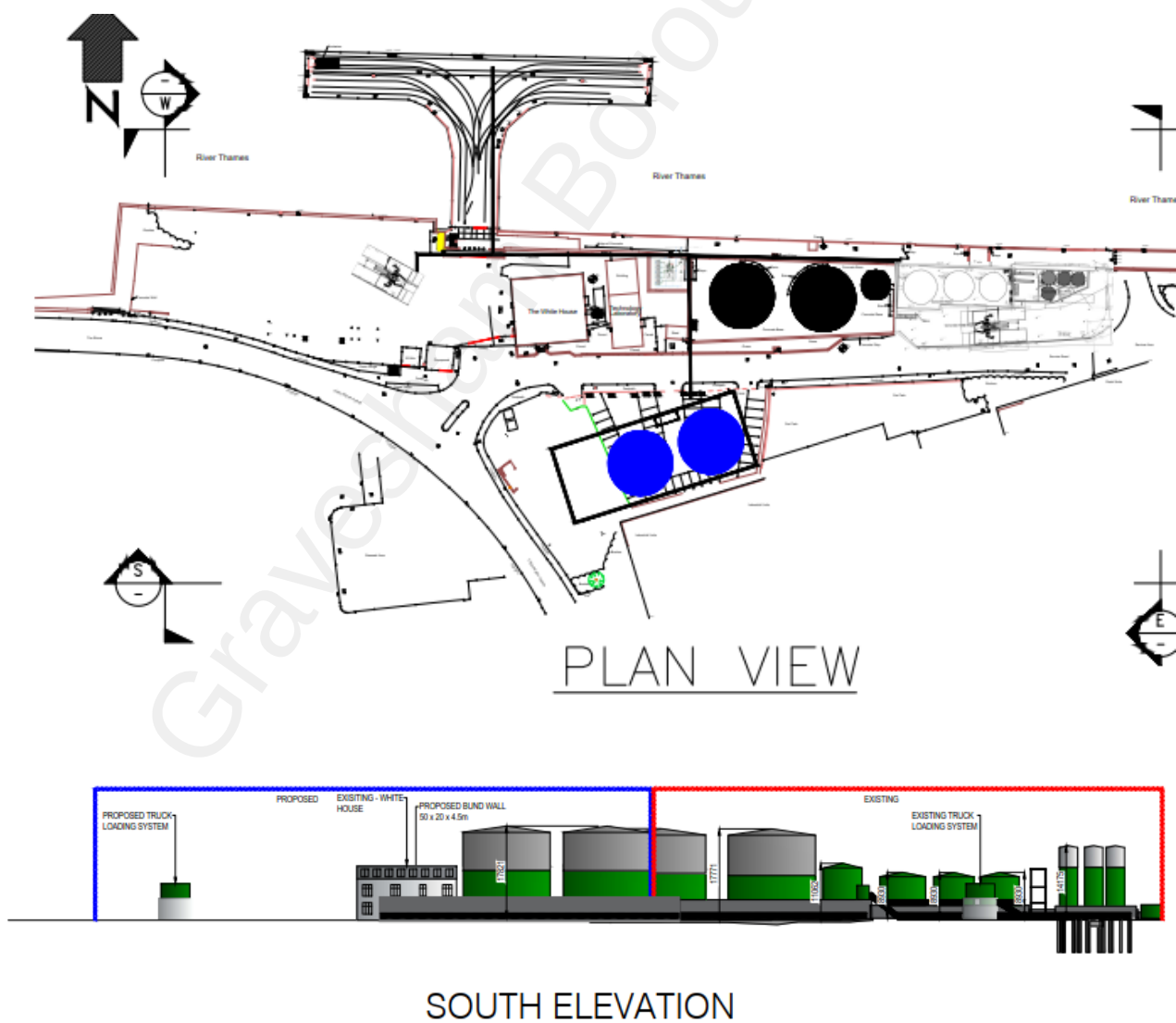
The bitumen emulsion plant was proposed to be located adjacent to the east of the Technology Laboratory.

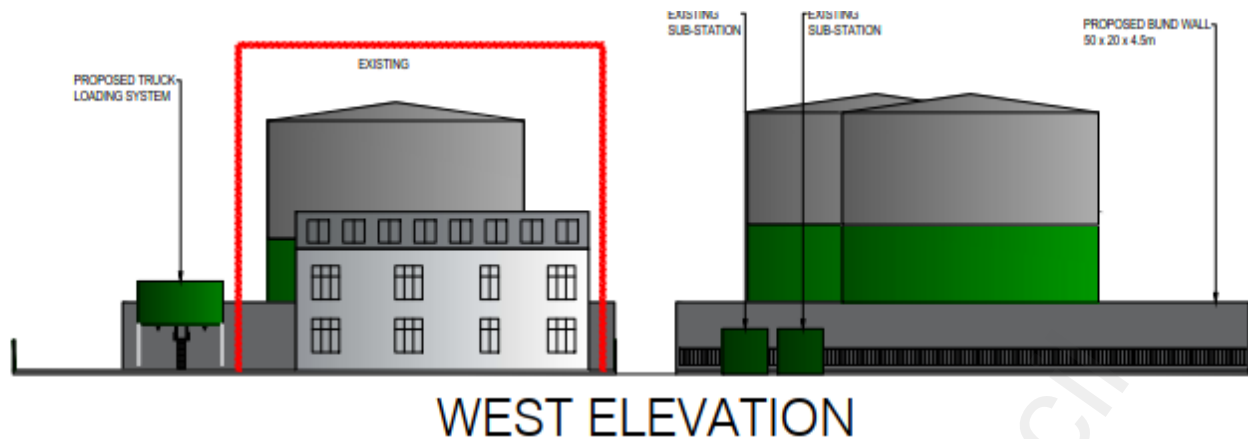
The plans indicated an overhead gantry linking the tanks to the main operation area on the north side of Clifton Marine Parade although the effect of this is not clearly shown on the elevations provided.

A truck loading system was indicated as being within the wharf area next to the jetty and White House building

The new tanks would be each approx. 17.8m high. Their volume each would be 4045m³. The emulsion plant storage tank would be 14.175m high with a smaller mixing tank and additive container. The size of the main tanks is therefore smaller in height by 5m and lesser capacity than as shown in the previous pre-application enquiry. The bund wall will however be 4.5m high.

The following drawing extracts show the siting and elevations





The covering letter submitted with the pre-application enquiry stated:

By locating the tanks here, they are to an extent screened by existing built development immediately to the south reducing impacts and distant views from the conservation area to the south...

...Much visual mitigation will be afforded by the existing development which surrounds the development footprint and I recognise that there will be a need to submit visual representations / photomontages of the development with any planning application.

...We are of the opinion that the proposed alternative location of the bitumen tanks provides a more compact and contained urban design location and visual setting, when compared to the originally proposed location, set on the River Thames wharfage embankment. The new location protects the river frontage, being set back away from the immediate waterfront, and visually adjacent to the existing facility.

The setting and character of the new location is one of medium to large scale industrial, commercial and retail structures of both individual form and adjacent / linked buildings. The proposed bitumen tanks will reflect the existing built form, materials and mass experienced / present within this area. The area also having the capacity to accommodate its successful integration.

Visually, given a combination of the revised location, away from the more prominent river frontage with local topography and landform, and the bulk and density of existing built forms, it is considered that the proposed development would not be a discordant new element / feature, and is capable of assimilation, without resulting in the deterioration or adverse significant change to localised visual receptors or designated assets / areas.

Views from the Lansdown Square Conservation Area are highly filtered or blocked by modern commercial development that abuts the Conservation Area boundary. This additional development will not cause an adverse cumulative effect. The views northwards from Overcliffe Conservation Area are dominated by infrastructure, and commercial and industrial development. The proposed development would be absorbed into this existing backdrop.

No additional supporting information had been submitted to justify the development but reference was made to the fact that the previous supporting information submitted in connection with an earlier pre-application enquiry (PRE20200077) would still apply

The Council's response dated 12 March 2021 commented:

The proposals have been assessed against the relevant adopted Development Plan policies and national policies in the NPPF, highlighting those issues that you will need to address should you wish to submit a planning application.

On the matter of the principle of the development it is concluded that there is not a policy objection per se overall to the use of the wharf for what is clearly a river based use, albeit that it is not a "clean" type industrial use that exists elsewhere on the Imperial Business Park. However, there needs to be more convincing evidence as to why this additional storage is necessary and how the proposed development fits in with the overall uses on the site, the long term strategy for the future of the site, the impact of increased

employment on the site and whether the extent of the site has the capacity to contain all the activities on the site and the parking and other storage demands without impacting beyond the confines of the site.

However, there are real concerns in relation to the environmental impact of the tanks both in terms of odours and noise and also the visual impact of the development and the potential impact on the conservation areas nearby.

Whilst it is noted that the proposed tanks have been re-sited in this pre-application enquiry away from the open wharf area at the western end of the wharf where they were previously proposed which was a much more open and visually exposed site and thus not as close to the Lansdowne Square conservation area, nevertheless, arguably they are even more prominent being sited so close to the modern and well-designed business unit buildings on IBE and away from their associated riverside location that might fundamentally justify their siting and prominence at this location.

The height and location of the bund wall is a fundamental concern being so close to a public walkway.

There is also no information presented at this stage in relation to the highway implications of the development. A Transport Assessment (TA) should be submitted with any planning application. There needs to be information about car parking provision on the site if the existing car parking areas are to be lost.

The health and safety aspects of the development are a material planning consideration.

A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 will be required as the proposed development exceeds the thresholds under Schedule 2 of the EIA Regulations, under Part 6 'Chemical Industry' (c) 'Storage facilities for petroleum, petrochemical and chemical products' and therefore an EIA may well be required to accompany a future planning application.

EIA Screening Proposal

Following on from the recent pre-application enquiry this application seeks an EIA screening opinion in respect of a proposed future planning application for the installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking.

Submitted Plans/Documents

Covering letter from PDE Consulting dated 05 November 2021;

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;

Details of the Development

The applicant's site extends to approximately 0.7 hectares.

It is stated that:

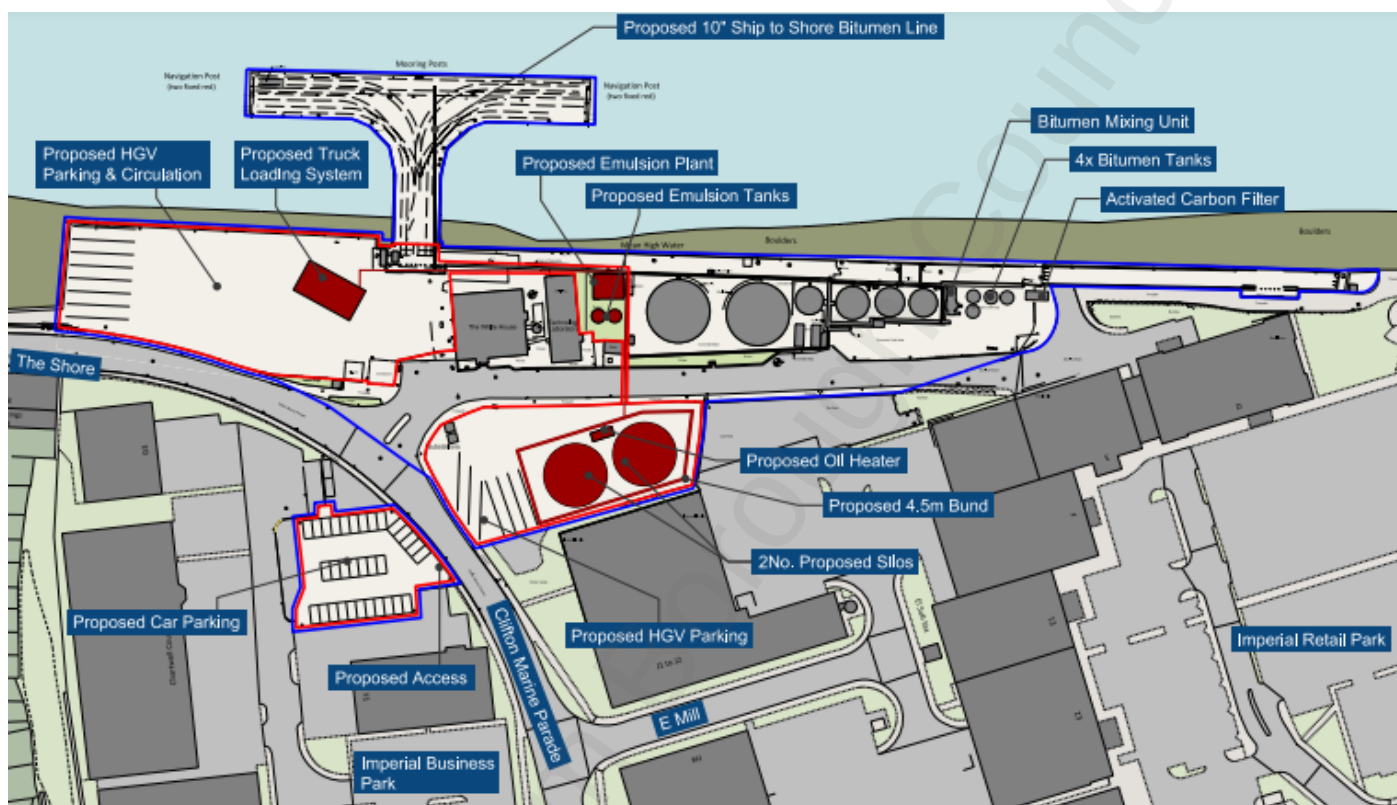
The purpose of the Proposed Development is, in essence, to increase the wider facility's resilience through the provision of additional bitumen storage capacity. This will safeguard against delays in bitumen shipments and ensure a consistent supply of bitumen which is required as part of asphalt production, meeting the region's needs for road building and maintenance.

The proposed scale and nature of the development at the Site is such that a formal assessment of its environmental effects may be required in pursuance of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Due to the nature and scale of the development outlined above, it is likely that an Environmental Impact Assessment will be required and we invite Gravesham Borough Council (GBC) to confirm that this is the case.

The purpose of this submission is, therefore, to invite GBC to confirm that the Proposed Development is caught by the regulations and to confirm this in accordance with Regulation 5. It is further required that GBC provide a Scoping Opinion in accordance with Regulation 15.

The site is shown in the plan below.



It is stated:

The two additional bitumen storage tanks will be located on an area of land currently used for car parking, located to the south of Clifton Marine Parade. The emulsion plant will be located adjacent to the east of the Technology Centre, contained within the matrix of the already built development, with the load out gantry located to the west of The White House. Alternative car parking provision will be made on land to the west of the proposed bitumen storage tanks, on the opposite side of Clifton Marine Parade. New dedicated HGV parking is also proposed on land immediately west of the proposed bitumen storage tanks and on land to the west of the new load out gantry.

Bitumen leaves the facility in dedicated road tankers with an average payload of 26 tonnes. The bitumen is consumed both by the Applicant, at its existing asphalt operations and also offered to the wider market. This could be anywhere up to 50 radial miles from Imperial Wharf.

Although the UK demand for bitumen remains relatively constant at around 1.4 -1.6 million tonnes per year, the need for additional storage capacity stems from the fact that there are only two UK refineries that produce bitumen, these are located at Eastham in Ellesmere Port and Lindsay in Humberside, with the rest of the demand met by importation from mainland Europe. However there have also been significant numbers of European refinery closures between 2009-2015, meaning that the supply of bitumen is less reliable.

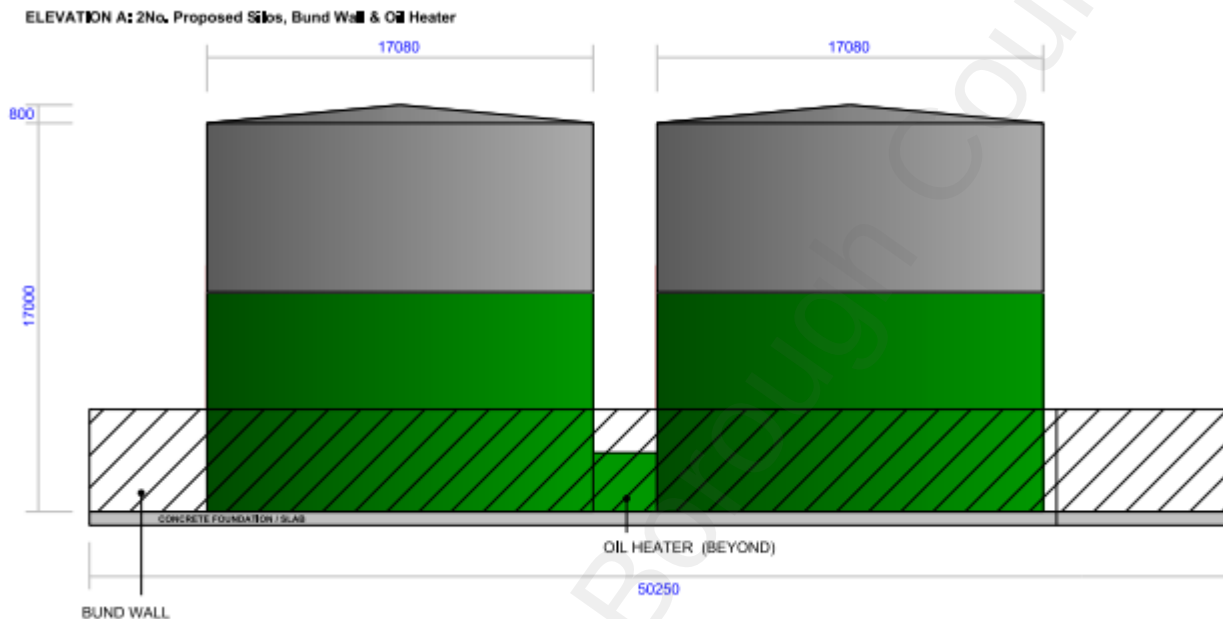
With respect to HGV movements, extant planning consent places no restriction on HGV movements to and from the Site. Based upon the existing levels of trading, there are approximately 15 to 20 loads out per day

(i.e. 30 to 40 HGV movements in total). These movements are spread across the 24-hour operation of the Site.

The Proposed Development is likely to generate a modest increase in the numbers of HGVs, averaging 5 additional loads out per day (i.e. 10 total movements). This increase stems from forecast growth in bitumen demand, with additional asphalt plants to supply.

It is not proposed to alter the existing access arrangements at the Site. HGVs associated with the Proposed Development will continue to access the Site in a similar manner in which they do so at present. It is considered that the small increase in daily HGV movements can be safely accommodated within the local highway network and will not result in any adverse impact.

The proposed additional storage tanks shall be equal in size to the largest tanks already consented at the facility and the additional storage capacity equates to approximately 3,000 tonnes of bitumen per tank. The elevations of the new tanks are shown below.



Development Plan and other related Planning Policies and Guidance

Although the application is for a screening opinion and is not a development proposal to be judged against the policies in the adopted development plan and other material considerations it is nevertheless appropriate to set out the development plan policy background including national planning guidance as this has some relevance to the assessment of whether a development is EIA development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham currently comprises:

- The Gravesham Local Plan Core Strategy (September 2014)
- Remaining Saved Policies of the Local Plan First Review (1994)

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

Note: Kent County Council previously agreed that similar proposals would not constitute a minerals application and that it could be determined by the District Council such that the saved policies of the Kent Minerals and Waste Local Plans are therefore not considered in this assessment.

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown being within the **Northfleet Embankment and Swanscombe Peninsula Opportunity Area** (Core Strategy Policy CS03) in the Gravesham Local Plan Core Strategy Policies Map and the wharf is indicated as being subject to **wharves safeguarding** (Core Strategy Policy CS07 and CS11). The wharf site **adjoins a conservation area** to the west (Core Strategy Policy CS20). The Imperial Retail Park immediately to the east is within the **Gravesend Town Centre Opportunity Area** (Core Strategy Policy CS05).

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to the consideration of this application:

Core Strategy Policy CS01: Sustainable Development
 Core Strategy Policy CS02: Scale and Distribution of Development
 Core Strategy Policy CS03: Northfleet Embankment and Swanscombe Peninsula Opportunity Area
 Core Strategy Policy CS07: Economy, Employment and Skills
 Core Strategy Policy CS11: Transport
 Core Strategy Policy CS18: Climate Change
 Core Strategy Policy CS19: Development and Design Principles
 Core Strategy Policy CS20: Heritage and the Historic Environment

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

Policy CS02 (Scale and Distribution of Development) prioritises development in the urban area as a sustainable location for development.

In Core Strategy Policy CS03 it is indicated that Imperial Business Estate comprises sub-area 1.10 that is expected to remain in employment uses over plan period (2011- 28). Small undeveloped areas to the western end of the former Clifton Marine Parade are noted. Subject to the need for planning permission, the Council will support proposals for bringing Imperial Wharf back into a river-based use that is **appropriate** to context. Paragraph 4.4.27 of the supporting text applies.

Policy CS07 (Economy, Employment and Skills), sets out a target of delivering around 186,490 sq. m gross new employment floorspace over the plan period focusing on:

- A major new B1/office employment centre as part of a wider mixed use sustainable development of Ebbsfleet;

- Office, industrial and warehousing facilities on Key Sites in the Swanscombe Peninsula and Northfleet Embankment Opportunity Area;
- Office development in Gravesend Town Centre as well as retail, culture and leisure;
- Office, industrial and warehousing development on Key Sites in the Gravesend Riverside East and North East Gravesend Opportunity Area; and
- Office and light industrial development in the form of an enterprise centre/ incubation space on greenfield land South of Coldharbour Road, Northfleet.

The loss of existing commercial wharves and other landside supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at a reasonable cost, and it has been shown there is no demand for them through an appropriate marketing exercise.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 (Green Infrastructure) indicates that all green spaces contribute to the green infrastructure network and that the multifunctional network of green spaces will be created, protected, enhanced and maintained.

There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought,

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability or otherwise of proposed development will be evaluated. In particular, it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene and to the character of the area.

It requires account to be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings and of the wider context including features of townscape and landscape value, which contribute to local character and sense of place.

It requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution.

Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

Policy CS20 (Heritage and the Historic Environment) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

In addition, strategic objectives SO1, SO3, SO10, SO11, SO13, SO14 and SO18 are relevant.

Strategic Objective SO18 indicates that:

As a minimum safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

Policy TC3: Development affecting Conservation Areas

Policy T1: Impact of Development on Highway Network

Policy T2: Channelling Traffic onto the Primary and District Distributor Network

Policy T3: Development not well related to the Primary and District Distributor Network

Policy T5: New Accesses onto Highway Network

Policy P3: Policy for Vehicle Parking Standards

Saved Policy TC3 sets out approach that will be adopted when considering proposals that have the potential to affect Conservation Areas.

Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

Note: Proposal PM6 of the Local Plan First Review which set out the policies for the Imperial Business and Retail Park and which was a saved policy at the time of a previous pre-application enquiry in 2014 has not been saved since the adoption of the Core Strategy.

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 the review 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 a sufficient land supply exists to

meet this need. Whilst saved policies from the Local Plan First Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application, albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles;
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;
Proposed Policy INF 4: New Accesses and Junctions;
Proposed Policy INF 5: Electric Vehicle Charging Points;
Proposed Policy FW 3: Managing Flood Risk;
Proposed Policy AM 1: Air Quality;
Proposed Policy AM 2: Contaminated Land;
Proposed Policy AM 4: Sunlight and Daylight within New Development;
Proposed Policy AM 5: Noise and Vibration;
Proposed Policy DES 3: Tall and Bulky Buildings;
Proposed Policy DES 4: Designing for a High Quality and Accessible Riverside;
Proposed Policy HER 3: Conservation Areas;

Proposed Policy AM 1: Air Quality states:

10.1.9. Development proposals which may individually or cumulatively increase levels of air pollution in the Borough and/or are located in areas of poor air quality will be required to submit an air quality assessment. Such an assessment will be required to consider, as appropriate:

- impacts upon areas with existing poor air quality;
- impacts upon the amenity and health and wellbeing of existing and future occupiers;
- adverse impacts upon the implementation of local and/or national air quality strategies and action plans;
- impacts on designated nature conservation sites, biodiversity and wildlife, along with appropriate avoidance and mitigation measures where impacts are likely to occur; and
- breaches of EU and/or national legislation including that applicable to biodiversity and wildlife.

10.1.10. All major developments likely to result in unacceptable air quality impacts will require an emissions mitigation assessment. These assessments should be carried out by a suitably qualified air quality consultant in accordance with the latest guidance. Where development has the potential to worsen air quality either alone or in combination with other proposals, it will only be permitted if appropriate mitigation measures can be implemented to ensure that there is no unacceptable deterioration in air quality, having regard to the sensitivity of affected receptors and it will not prevent air quality objectives being met in a timely manner.

10.1.11. Where unacceptable adverse impacts are identified and where such impacts cannot be adequately mitigated development proposals will not be permitted.

Proposed Policy DES 3: Tall and Bulky Buildings states, amongst other things:

11.3.10. Proposals for tall and bulky buildings will need to be accompanied by a statement which includes a proportionate analysis and justification for the proposal; as a minimum, this should include (as appropriate) a consideration of:

- a. The context within which the proposed development will take place, including those elements that contribute toward existing local character and distinctiveness.
- b. A consideration of the positive and negative effects of the proposal in relation to its context, including where such development will serve to enhance townscape and secure regeneration benefits.

11.3.11. In addition to the above, the design of any tall buildings should consider how they relate to the public realm at ground level in order to contribute positively to the creation of a sense of place and urban vitality.

Proposed Policy DES 4: Designing for a High Quality and Accessible Riverside states, amongst other things:

11.4.14. A high quality of design both sensitive to and appropriate to context and function will be expected on all sites fronting the River Thames.

Proposed Policy HER 3: Conservation Areas states, amongst other things:

12.1.25. Development, in or adjoining a Conservation Area, which would enhance its character, appearance, or the contribution made to its significance by its setting will normally be permitted subject to other policies within the Development Plan. In evaluating proposals, the Council will have regard to its adopted Conservation Area Appraisals and Management Plans as a material consideration.

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Section 4, Paragraphs 38 - 59: Decision Making

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Paragraph 8, advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The social objective is to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Section 4, Paragraphs 38 - 59: Decision Making

Paragraph 47 indicates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs 55-58 of the NPPF contain advice on planning conditions and obligations. Paragraph 56 indicates that conditions should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Section 9, Paragraphs 104-113: Promoting Sustainable Transport

Paragraph 110 indicates that in assessing specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and
- d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112, requires applications to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, amongst other things.

Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment.

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Paragraph 126 advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It regards the effective engagement between applicants, communities, local planning authorities and other interested parties as essential for achieving good design and the creation of high quality beautiful and sustainable buildings and places.

Paragraph 130 indicates that, amongst other things, planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Paragraph 132, requires applicants to work closely with those affected by their proposals to evolve designs that take account of the views of the community. It states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 129, requires local authorities to ensure that they have access to and make appropriate use of tools and processes for assessing and approving the design of development. They should have regard to the outcome of these processes, including any recommendations made by design review panels.

Paragraph 134, states that permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design.

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

This sets out (amongst other things) national policy in relation to flood risk. This should be read in conjunction with the relevant sections of National Planning Practice Guidance (NPPG 2014) and the Environment Agency Flood Risk Standing Advice available on line via <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Paragraph 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Paragraph 194 of the NPPF indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

It contains advice on Environmental Impact Assessment including screening schedule 2 projects, Paragraph 017 (ID reference 4-017-20170728)

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95).

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this proposal:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006);
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006);
- Vehicle Accesses on Classified Highways (SPG 6 November 1992);
- Lansdowne Square Conservation Area Character Appraisal (2009);
- Management Plan Northfleet Conservation Areas (2009);

The Lansdowne Square Conservation Area Character Appraisal notes that the industrial buildings and surface car parking to the east form part of the setting to the conservation area.

Consultations, Publicity and Representations

Internal Consultations

GBC Planning Policy

No comments received

GBC Environmental Protection Team, Regulatory Services

This Service considers that the proposal would meet the criteria for a Schedule 2 Development under description 6c of that Schedule to the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017.

We have therefore given consideration to whether the proposal is likely to have significant effects on the environment to establish whether we feel an Environmental Impact Assessment is required, having regard to the Schedule 3 selection criteria relevant to this services remit.

This Service's primary concerns relate to the potential for widespread odour nuisance arising from the cumulative impact of additional bitumen tanks and the introduction of a bitumen emulsion plant. Noise and contaminated land are also relevant considerations.

Whilst we acknowledge the odour control measures/mitigation in place at the existing site, and that they are proposed to be replicated for the proposed additional tanks, a strong smell of bitumen arising from the existing site does occur and so these measures are, like most odour control methods, not 100% effective.

It is difficult however to predict the potential significance of such impacts in terms of frequency, intensity, geographical reach, etc. and therefore difficult to gauge whether they could be considered as significant environmental impacts under the EIA Regulations. In any case, we would need to be assured that sufficient control measures were in place to ensure that best practicable means are employed.

We note however the report from PDE Consulting Ltd on behalf of FM Conway Ltd dated Nov 2021 recognises that odour, noise and contaminated land are likely to be of concern to this service and they confirm that appropriate reports would be forthcoming with any subsequent application, which we would welcome and expect, and seek to require by way of condition should an application be forthcoming and permitted.

GBC Highways Development Management Officer

This is an interesting proposal, extra tanks to provide additional storage to ensure continuity when there may be supply issues is understandable, as is the provision of an additional load out gantry to provide resilience in case of mechanical breakdown. However, by providing the two together and acknowledging there will be an increase of lorry movements, does mean there will be an intensification in use of the site, and whilst this may be minimal with all the other development in the area a Transport Assessment should be completed.

In terms of car parking the applicant should also submit a parking survey that demonstrates that adequate

provision will be made for the site.

GBC Conservation Officer

No comments received

GBC Ward Councillors - Pelham Ward

No comments received

External Consultations

Natural England

It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely. Schedule 3(2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 requires consideration of the selection criteria for Schedule 2 EIA development and identification of 'environmental sensitivity'.

The proposed development is not located within or partly within any Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar Site and is not likely to significantly affect the notified interest features of such sites. The proposal is not located within or partly within a National Park, Area of Outstanding Natural Beauty or Heritage Coast and is unlikely to impact upon the purposes for which these areas are designated or defined.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect protected species to such an extent as to require an Environmental Impact Assessment (EIA). The developer must provide sufficient information for your authority to assess whether protected species are likely to be affected and, if so, whether appropriate avoidance, mitigation, or compensation measures can be put in place. Further information is included in Natural England's standing advice on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. This development proposal may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an EIA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the proposed development before determining whether an EIA is necessary.

Should you determine that an EIA is not required in this case, you should still ensure that the application is supported by sufficient biodiversity, landscape and other environmental information in order for you to assess the weight to give these material considerations when determining the planning application. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that this response relates only to the EIA screening consultation. Natural England may wish to provide advice should your authority consult us on any subsequent planning application.

Kent County Council (Heritage and Conservation)

I agree with the proposal to scope in archaeology and cultural heritage and would only add that under Section 7.6 it should note that the assessment process will need to be supported by an archaeological

desk-based assessment (using up-to-date information from the Kent Historic Environment Record) and an impact assessment for the proposed works.

If ground investigation/geotechnical survey is to be undertaken I recommend that this work is subject to an archaeological watching brief. If available, the results of the GI work should be incorporated into the archaeological desk-based assessment and impact assessment and in the subsequent environmental statement.

Your Conservation Officer may wish to comment on the consideration of the site's context with regards neighbouring heritage assets and their settings.

Health and Safety Executive

Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Regulation 4 (4)

– the vulnerability of the proposed development to major accidents relevant to the development

- HSE's response is limited to our role in the land use planning system on the control of major industrial hazards involving dangerous substances.
- HSE is not responding in our regulatory role in the health and safety system

1. Consideration of whether the development will store or use hazardous substances in quantities relevant to industrial major accidents

The proposed development does not appear to be of a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to Directive 2012/18/EU [see The Planning (Hazardous Substances) Regulations 2015 and The Control of Major Accident Hazard (COMAH) regulations 2015].

2. Consideration of whether the development is in an HSE Explosives safeguarding zone.

The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016.

3. Consideration of whether the development is in an HSE land-use-planning consultation zone and therefore vulnerable to major accidents

The development is not located within HSE's land-use-planning consultation zones for major accident hazard pipelines and hazardous substances consented sites (licensed explosives sites are covered in the previous paragraph).

Due to the above 3 points, there was no need to consult HSE.

4. General health and safety at work

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

Port of London Authority

The PLA has no in principle objection to the additional tanks and load out gantry development which is in line with part 5.1.35 of policy CS07 (Economy, Employment and Skills) of the adopted Core Strategy which states that development proposals facilitating the expansion of river-related employment will be supported, particularly where these involve the use of the river for transport and provide facilities intended to support the continued use of the River Thames as a major commercial waterway.

Within the submitted report it is noted in paragraph 4.9 that a Transport Assessment will be undertaken. As part of this it is considered that information should be provided on any potential changes to vessel size of vessels visiting the wharf and if it is to change from that which currently moors at the wharf, confirm

whether any amendments to the berth and/or mooring arrangements would be required as a result. In addition, as part of the forthcoming planning application consideration should also be given to the potential use of the river for the transportation of construction materials to the site, either directly to the site or via the supply chain as part of the proposed development.

Environment Agency

Based on the submitted information we would not object to the proposal in principle, however we would require further information to determine that the proposed installation of tanks, plant, parking and loading gantry would not detrimentally impact the Tidal Thames Flood Defence.

The site is bordered to the north by the Tidal Thames Flood Defence. The defence is predominantly formed of a sheet pile wall with a capping beam and ground anchors in addition to two flood gates, one of which has been temporarily decommissioned.

A previous inspection of the river wall discovered minor cracks and impact damage in the capping beam plus missing mastic sealant. There is a hole in the concrete wall that sits in front of the flood defence located at the splash zone and if water gets through this to the sheet pile it could cause erosion/corrosion of the sheet pile and erosion of the promenade material.

We require a confirmation of the design life of the development. Any submitted Flood Risk Assessment should then consider what works will be required to provide a flood defence which will protect the development for at least this period.

It is currently not known what the construction is underneath the existing walkway. As part of this application, we would require further inspection and investigation to determine how this may affect the overall stability and the impact to the steel sheet pile wall.

In 2019 the residual life was predicted as 10 years. The applicant must also demonstrate how the Tidal Flood Defence may be raised by 2040 as per the requirements of the Thames Estuary 2100 plan.

In addition to the current condition and residual service life of the Tidal Defence, we require any application to consider the following:

The site features existing tanks and other structures within close proximity to the flood defence. We would still seek setback from the defence line to avoid a worsening of the current situation which would further restrict access to the defence for maintenance and future raising.

Typically, we would require setback of 16 metres from a tidal flood defence (including buried elements such as tie rods). The application must provide offset distances with a consideration for buried elements such as ground anchors.

We would also require a consideration for the increased loading to the river wall and resulting from the new tanks.

There is a risk of vehicles, including HGVs, hitting the flood defence. Please provide details of measures which will be installed to reduce this risk.

We require details for how the new bitumen line will be installed and how this will interact with the flood defence.

Please be aware that much of the site, where it borders the tidal defence, is considered Flood Zone 3 although the site currently benefits from the Tidal Thames Flood Defences.

Flood Risk Activity Permit (FRAP)

In preparation for the required FRAP, we would require the application to be supported by a method statement. This must detail what construction activities would be carried out within 16 metres of the tidal flood defences.

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.

Please be aware that the Tidal Thames Defences are likely to incorporate buried elements which may extend further inland than the above ground river wall.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. 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.

We have reviewed the screening report compiled by PDE consulting, especially with respect to ecology.

We feel that the ecological impact of the proposed works is low and therefore any considerations should be adequately covered within the PEA.

With particular reference to Chapter 4 (Environmental Effects) we agree that any application should be accompanied by a preliminary ecological assessment and would go further to impress upon the applicant the need to address some form of net environmental gain.

This can be achieved with the inclusion of green walls, permeable paving, SuDS schemes and enhancement of the river wall with timber fenders or intertidal planters to create viable aquatic substrate and habitat. Enhancements can be carried out in unison to any works deemed necessary to the river wall.

We feel that the ecological impact of the proposed works is low and therefore any considerations should be adequately covered within the PEA.

Kent Highways and Transportation

From the submitted report by PDE Consulting dated November 2021 it would appear that there is likely to be a minor increase in HGV generation from the plant estimated at 5 additional loads per day (10 movements) on top of the existing 15 - 20 loads per day. Whilst this is relatively insignificant given the capacity of the local highway network, it is requested that a full Transport Assessment be submitted to support any planning application to assess the likely impact of this increase so that it can be fully considered.

It is noted that the access to the plant remains as existing and the modest increase in traffic movements should not affect this access usage.

It is also noted that an alternative car park is proposed but this is to accommodate the same number of vehicles as the existing parking area and therefore should not be of concern to the Highway Authority.

In conclusion, therefore, it is recommended that the applicant is requested to provide a Transport Assessment (possibly as part of an Environmental Impact Assessment) covering the impact of the increase in HGV movements local and wider highway network to be considered by the Highway Authority before any planning consent is granted.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Marine Management Organisation (MMO)

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Publicity

No statutory or discretionary publicity is necessary for this type of application.

Planning Assessment and Analysis for the Environmental Impact Assessment (EIA)

The Legislative Background

The relevant legislation to consider this screening request against is The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and these should be read in conjunction with the National Planning Practice Guidance (NPPG) that has replaced the advice originally in Circular 02/99: Environmental Impact Assessment.

A link to the current Regulations is as follows:

http://www.legislation.gov.uk/ukxi/2017/571/pdfs/ukxi_20170571_en.pdf

Under Part 2, Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 ('the Regulations'), a person who is minded to carry out development may request the relevant planning authority to adopt a Screening Opinion as to whether the proposed development requires an EIA.

The Borough Council needs to consider if the proposed development comprising:

The installation of two additional bitumen tanks, load out gantry, the installation of a bitumen emulsion plant and alternative car parking,

is either Schedule 1 or Schedule 2 development and if so whether the development is likely to have significant effects on the environment.

Schedule 1

The proposed development does not fall within the definition of 'Schedule 1 Development' which include, amongst other things, airports, express roads, nuclear power stations and other nuclear reactor, quarries, refineries etc. at prescribed thresholds.

For Schedule 1 projects an EIA must always be carried out.

Schedule 2

Schedule 2 includes 13 types of development including agriculture, extractive industry, energy industry, chemical industry, mineral industry, tourism and leisure, amongst others.

“Schedule 2 development” means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where -

- (a) Any part of that development is to be carried out in a sensitive area; or
- (b) Any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;

“Sensitive Area” as defined in Regulation 2(1) of the 2017 Regulations means any of the following:

- (a) A site of special scientific interest - SSSI;
- (b) A National Park;
- (c) The Broads;
- (d) A property appearing on the World Heritage List;
- (e) A scheduled monument;
- (f) An area of outstanding natural beauty;
- (g) A European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010.

The site is not located in a ‘sensitive area’ as defined by regulation 2(1).

If a proposed project is listed in the first column in Schedule 2 of the Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as ‘exclusion thresholds and criteria’) the proposal needs to be screened by the LPA with reference to the criteria set out in Schedule 3 as are relevant to the development to determine whether significant effects on the environment are likely and hence whether an EIA is required.

Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

EIA Screening Required

It is considered that the development falls within Part 6 ‘Chemical Industry’ (c) ‘Storage facilities for petroleum, petrochemical and chemical products’ as the proposal is for 2 x 3000 tonnes storage tanks and which under 6(c) (ii) the threshold is 200 tonnes and therefore should be screened for EIA as it exceeds the threshold.

It is therefore necessary to consider whether the proposed development is likely to have significant effects on the environment, taking account of the selection criteria in Schedule 3 of the Regulations as per Regulation 5(4)(c) such as are relevant, together with any information provided by the applicant as per Regulation 5(4)(a).

The Tests in Determining Significant Effects

The tests, however, in determining whether an EIA is required are whether the development is likely to have significant environmental effects on the environment because of factors such as its nature, size or location.

The Selection Criteria

In making this determination the Local Planning Authority must take into account the relevant ‘selection criteria’ in Schedule 3 to the Regulations.

Schedule 3 to the Regulations identifies three broad criteria which should be considered:

- the characteristics of the development (e.g. its size, use of natural resources, quantities of pollution and waste generated);
- the environmental sensitivity of the location; and
- the characteristics of the potential impact (e.g. its magnitude and duration).

The selection criteria for screening Schedule 2 development in the 2017 Regulations are:

1. *Characteristics of development*

The characteristics of development must be considered having regard, in particular, to

- the size of the development;*
- the cumulation with other development;*
- the use of natural resources;*
- the production of waste;*
- pollution and nuisances;*
- the risk of accidents, having regard in particular to substances or technologies used; and*
- the risks to human health.*

2. *Location of development*

The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to

- the existing land use;*
- the relative abundance, quality and regenerative capacity of natural resources in the area;*
- the absorption capacity of the natural environment, paying particular attention to the following areas*
 - wetlands;*
 - coastal zones;*
 - mountain and forest areas;*
 - nature reserves and parks;*
 - European sites;*
 - areas in which there is a failure to meet the environmental quality standards laid down in EU legislation;*
 - densely populated areas;*
 - landscapes of historical, cultural or archaeological significance.*

3. *Characteristics of the potential impact*

The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to -

- the magnitude and spatial extent of the impact (geographical area and size of the affected population);*
- the nature of the impact;*
- the transboundary nature of the impact;*
- the intensity and complexity of the impact;*
- the probability of the impact;*
- the expected onset, duration, frequency and reversibility of the impact.*
- the cumulation of the impact with the impact of other existing and/or approved development;*
- the possibility of effectively reducing the impact.*

The National Planning Practice Guidance (NPPG) indicates that not all of the criteria will be relevant to the particular case.

It indicates that only a very small proportion of Schedule 2 development will require an assessment but suggests that it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It advises that it is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary.

The NPPG provides a set of indicative thresholds and criteria to determine whether a project is likely to have significant environmental effects but noting that each development will need to be considered on its merits.

Conversely the NPPG advises that it should not be presumed that developments above the indicative thresholds should always be subject to assessment or that those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location.

Assessment in Relation to Schedule 3 of the Regulations

The starting point in assessing the potential impact of the development on the environment and assessing need for EIA is in relation to the three broad criteria under Schedule 3 indicated above namely (i) the characteristics of development - size, use of natural resources, quantities of pollution and waste generated, (ii) the environmental sensitivity of geographical areas likely to be affected by development, and (iii) the characteristics of the potential impact having regard to its extent, magnitude and duration including cumulative impacts.

(i) Characteristics of the Development

In this case the development is not considered to be of a significantly greater scale than the current use of the site. There are existing tanks in use for the storage of bitumen which are cumulatively of a slightly greater capacity in terms of storage and the height of the proposed additional tanks would not be dissimilar to those existing.

The development is taking place within the confines of the existing site and not extending beyond the current operational wharf although it is proposed that the tanks would be away from the main waterside location and merging into the lower scale of development adjacent to the modern Imperial Business Estate.

Nevertheless the development of this currently brownfield site would not have strategic or regional significance.

Although the development of this site would be a major development per se it is not considered that the scale of development would have wide-ranging environmental effects that would justify EIA and be of more than local importance.

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.

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 has 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.

(ii) Environmental Sensitivity

The site of the development is adjacent to an existing operating wharf and within a mixed business area of commercial development (light industry) and a retail park.

The development site is not within an environmentally sensitive location as defined in the Regulations (not SSSI, AoNB, world heritage site etc.), 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'.

There are no sites in and around the location that are protected under international or national or local legislation for their ecological or landscape value that would be affected by the development.

It should be noted that Natural England were consulted on the screening opinion and have determined that, in so far as statutory designated sites, landscapes and protected species are concerned, an Environmental Impact Assessment (EIA) is not required for this application as significant effects are unlikely.

(iii) Characteristics of Potential Impact/Cumulative Impacts

The National Planning Practice Guidance (NPPG) advises that each application (or request for a screening opinion) should be considered on its own merits but that there are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together. For example, where the applications in question are not directly in competition with one another, so that both or all of them might be approved, and where the overall combined environmental impact of the proposals might be greater or have different effects than the sum of their separate parts.

In this case there are no developments proposed that adjoins the site such that there could be an environmental impact cumulatively that would justify the submission of an EIA.

Thresholds and Criteria under Part 6 of Schedule 2 – Chemical Industry

The criteria and thresholds under Part 6 of Schedule 2 of the EIA Regulations in relation to the storage facilities for petroleum, petrochemical and chemical products are:

- (i) The area of any new building or structure exceeds 0.05 hectare; or**
- (ii) More than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.**

However the NPPG also includes Indicative Screening Criteria and Thresholds as being:

Operational development covers a site of more than 10 hectares. Smaller developments expected to give rise to significant discharges of waste, emission of pollutants or operational noise.

In this case the site area is well below the 10 hectare threshold and although there have been some concerns relating to smells and pollutants for the existing operation it is considered that the proposed development would not give rise to significant discharges of pollutants, subject to mitigation.

The NPPG also indicates that the **key issues to consider** are

- (i) Development involves a process designated as a 'scheduled process' for the purpose of air pollution control;*
- (ii) The process involves discharges to water which require the consent of the Environment Agency;*
- (iii) The installation would give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances;*
- (iv) The process would give rise to radioactive or other hazardous waste; or*
- (v) The development would fall under Council Directive 96182/EC on the control of major accident hazards involving dangerous substances (COMAH).*

The NPPG advises that the need for a consent under other legislation is not itself a justification for Environmental Impact Assessment.

It is understood that the development involves storage of the bitumen product, that as far as are known there are no discharges to water and there is no hazardous waste involved. It is not known whether the

development would fall under the Council Directive 96182/EC on the control of major accident hazards involving dangerous substances but potentially it could do and similarly the type of product to be stored could be potentially hazardous.

However as the NPPG indicates consent under other legislation does not mean that an EIA is required. Moreover in the event of a planning application being submitted it would be for the controlling bodies such as the HSE, Fire Authority etc. to advise on the appropriateness of the development and the particular site.

EIA Screening Checklist

In the assessment of this screening opinion application regard has been had to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Screening Matrix.

Consultation Responses

It should be noted that as a result of the various consultation responses it has not been suggested in them that the development necessarily requires an EIA because of potentially wide ranging environmental impacts. However many of the consultation responses consider that any planning application that might be submitted for the extent of development as proposed should be supported by a range of detailed technical documents that fully assess the impacts of the development.

Conclusions and Recommendation

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;

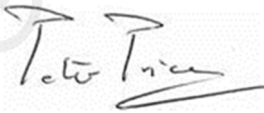
- Transport Assessment;
- Travel Plan;
- Acoustic Assessment/Noise Impact Assessment;
- Flood Risk Assessment;
- Surface Water Drainage Assessment;
- Drainage Strategy;
- Phase 1 Contamination report;
- Phase 2 Investigation/Remediation assessments;
- Air Quality report;
- A Preliminary Ecological Appraisal;
- 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.

Recommendation:

EIA is not required ('a negative screening opinion').

See draft decision

Case Officer:	Mr Peter Price	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	20 th December 2021	Dated:	20 th December 2021