

Delegated Report

EIA Screening Opinion

Planning Application No: 20211269

Location: Land At Denton Slipways Wharf Road Gravesend Kent

Description: Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 for the proposed redevelopment of the existing industrial premises/estate for mixed classes E(g), B2 and B8 uses.

Applicant: Mr Steve Clarke, Graham Simpkin Planning Ltd

Site Visit Date: Not undertaken for this screening application

Introduction

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

In accordance with part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)(“the Regulations”), the development the subject of this screening request falls within Schedule 2 by reason of Part 10(a) in Column 1 for ‘Industrial estate development projects’ and exceeds the identified threshold for screening in Column 2 as the site area of the development exceeds 0.5 hectares (the site is 0.99 hectares).

It is noted that in accordance with the regulations, the developer can submit to the LPA to take into consideration as part of the screening process mitigation measures, which they consider would prevent any significant adverse effects on the environment. Part 2, point 6.(2)(e) reads: ‘such information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment’.

These have been considered as set out in the discussion below.

Sensitive Areas

In accordance with paragraph 2 of the Regulations, the *Interpretations*, it is necessary to consider whether the development would lie within a statutory “sensitive area”.

The screening site is not within a “sensitive area”, these involve all developments in, or partly in, such areas should be screened, these being are:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

As noted in the supporting document, additional statutory and non-statutory designation have been considered which are considered environmentally sensitive which may, or may not, be entirely relevant, in determining whether EIA is required. Particular regard has also been had as to whether any national or internationally agreed environmental standards are being approached or exceeded within the screening site location.

The details outlined in the supporting document highlights that the proximity of the following sensitive areas;

- Thames Estuary and Marshes Ramsar Site and South Thames and Marshes SSSI (being approximately 1km east of the screening site);
- Thames and Marshes Special Protection Area (SPA) encompasses some of the shoreline and land east of the site (closest point being 2km);
- The junction of Ordnance Road and Milton Road which lies to the eastern of the Gravesend one Way System Air Quality Management Area (approximately 1.8km by road).

Having regard for the screening sites location, the criteria for sensitive areas and the additional details supplied, the LPA still maintains that the location of the site is not environmentally sensitive.

Likely significant environmental effects

Schedule 3 of the Regulations sets out a series of criteria, which are used to identify whether Schedule 2 development is likely to have significant environment effects.

Schedule 3 Screening Criteria

Characteristics of development

The proposed development according to the applicants supporting document supplied, dated 11 October 2021, comprises of the redevelopment of the existing site and replacement with 18 new employment units erected, with mezzanine floors, together with associated internal access roads parking and turning space (referenced on plans SK01 and SK02). The size of the site and the indicative overall design/layout of the whole development is as expected given the site's location, the immediate locality and policy designation within Gravesend Riverside East and North East Gravesend Opportunity Area, subject of policy CS04 (LPCS). The existing development accommodates 2173.7sq.m of employment floorspace and the proposal would increase employment floorspace by approximately 1000sq.m to 3168sq.m. The overall site is approximately 0.99ha in area, which exceeds the identified threshold for screening in schedule 2, although the proposal seeks redevelopment of an existing employment site for specific employment uses defined under E(g), B2 and B8 uses.

In light of the above, the above the Local Planning Authority considers the size/design and type of the whole development is appropriate in this location.

Directly west of the screening site is the approved hybrid application (subject to s106 agreement) for up to 1500 residential units and up to 4,500sq.m (GIA) at Albion Waterside Canal Basin, Gravesend. The submitted screening document supplied discusses the application and maintains that the key impact resulting from the cumulative effects of the approved Canal Basin Hybrid applications and the proposed development at the screening site primarily concern the traffic generated by both sites.

It is noted the applicants traffic consultants has preliminary assessed the likely traffic generation and potential impact from the additional 1000sq.m of employment space generated from the screening site and from the adjacent Canal Basin development site. Of particular relevance, the potential

impact on the Ordnance Road/Milton Road signal controlled junction were noted. The resultant conclusion was that there would be no impact to the relevant junction and that the redevelopment of the site is also likely to result in fewer HGV movements to and from the site. On the cumulative impacts of the proposed development, the Local Planning Authority is of the opinion that given the site is practically operating within similar uses, to what is being proposed at the site, and considers the development proposed is appropriate to the location. With specific regard to the significant cumulative impacts resulting from the development, this will be considered in section three below.

As noted above, the screening site is within the Gravesend Riverside East and North East Gravesend Opportunity Area and already operating with industrial/employment uses at the site. Thus, it is considered that in terms of the pollution/nuisances generated from the site, the redevelopment for additional employment floorspace is considered appropriate to the sites location. Although, significant impacts will be further discussed below.

With regard to the use of natural resources, production of waste major accidents/disasters and risk to human health, the LPA are aware these would need to be considered within the application stage and, as result, would expect some impact from the development. Nonetheless, the consultation comments have been received and significant impacts resulting from the development will be addressed in section three below.

Location of Development

The nature of the proposal is consistent with the existing uses at the site, although, it could be argued that, to some degree, there could be an intensification of the use of the site, since the scheme proposes 18 separate units, with mezzanine floors, for employment uses. Notwithstanding this, the proposed employment uses and employment units to be erected are unlikely to have any significantly greater effects on the environment than the existing development.

In terms of the environmental sensitivity of geographical areas likely to be affected by the development, as noted above, the proposed development at the screening site is not too dissimilar to the existing uses, i.e. those being to provide a new mixed Class E(g) B2 and B8 uses. Furthermore, with regard to sensitive areas, it has been established that the site is not within, or partly within, a sensitive area, and therefore the LPA are of the view that the proposed development is appropriate.

Type and Characteristic of the Potential Impact

In terms of the magnitude and spatial extent of the impact of the proposed development, the proposed development would be 0.99ha in area but exceeds the identified threshold for screening in in schedule 2, column 2. Notwithstanding this, the screening site is already in similar use, i.e. employment/industrial use, and the potential impact to the immediate locality/populations are not considered significant (a). In terms of the nature of the impact (b), the transboundary nature of the impact (c), anticipated onset/duration/frequency and reversibility of the impact (f) resulting from the proposed development, the LPA does not consider that the scale of the development to be significant. Even with the site area exceeding the stated thresholds in column 2, schedule 2, the disparities between the existing development and what is proposed at the site would not be considered significant.

Having regard to the intensity and complexity of the impact (d), the probability of the impact (e), the cumulative impacts (g) and the possibility of reducing impacts (h) of the proposed development will be considered below in the following consultation responses, summarised below;

Highways and Traffic

To reiterate, the proposed development would result in 1000sq.m of additional floor space compared to the existing development which, comprises of 2173.7sq.m of existing employment

floorspace. The supporting documents concludes that there would be no impact to the Ordnance Road/Milton Road signal junction and the redevelopment of the site would involve fewer HGV movements to/from the proposed development. The LPA does not necessarily agree with this assertion as additional floorspace of 1000sq.m generated within buildings would generally amount to a major development as defined under the Development Management Procedure Order (2015)(as amended).

Furthermore, the details contained within the application do not make explicit what the net increase in employment units would be at the site, although the supporting statement indicates that mezzanine floors would be created within the employment/industrial units. Therefore, for instance, if there are 5 existing employment units, then the redevelopment of the site to include 18 units would see an increase in 13 additional employment uses at the site. Therefore, the LPA does not entirely agree with that the development would have no impact to the local highway network. In any case, the criteria of a scoping opinion is not about the degrees of impact, but rather the significance the impact.

In order to appreciate whether there would be significant highway impact, Gravesham Borough Council (GBC) Highways has been consulted on the application. GBC not raised any significant concern with the proposed development, subject to Kent County Council (KCC) Highways agreeing the scope and detail of a prospective Transport Assessment.

In their comments, KCC Highways maintains a full Transport Assessment would need to be submitted to support any planning application and advised you liaise with KCC directly to agree the details of a scoping report. The scoping details of a Transport Assessment are not within the remit of this screening opinion, but the LPA advise you liaise with KCC to minimise the possibility of delays in the application process.

With particular regard to highways and traffic generation, the no specific comments have been raised in relation to intensity, complexity or probability of the impact resulting from the development. Both GBC and KCC Highway are of the view the highways/traffic impacts could be managed by the submission of a *full* Transport Assessment.

As noted above, the screening site is adjacent to the recently approved application site (subject to s106 obligations) at Albion Waterside Canal Basin, Gravesend, for up to 1500 residential units and up to 4,500sq.m (GIA). Evidently, the recently consented schemes and the proposal put forward as part of this application cumulatively, and combined, would generate a greater number of traffic within this location particularly with regard to additional employment floorspace generated. It is acknowledged the Highways consultees have not specifically mentioned that there would be a significant impact resulting from the scheme. However, in the context of a planning application the LPA would still expect explicit reference of the number of employment units currently at the site (including their current uses) and what the proposed uses are likely to include (particularly the proportion of B8 uses anticipated). This would help appreciate the traffic impacts of the additional 1000sq.m of employment floorspace generated by the proposal.

GBC - Environmental Protection Team (Regulatory Services)

In relation to noise, air quality and contaminated land, the Environmental Protection Officer agrees with the primary concerns identified within the screening document supplied. Therefore, he is of the opinion that these elements of the application could be dealt within the application process, subject to appropriate conditions and a noise impact assessment that considers the impact to the adjacent Albion Waterside Canal Basin development. At this stage, the Environment Agency provided a no comment response. While there are significant impacts identified, in relation to air quality, given the comments about the potential impacts resulting from potential cumulative impacts, the LPA does consider that as the site is less than 2km from nearest AQMA, an appropriate air quality assessment should be submitted given the potential cumulative impacts arising from the adjacent site.

Notwithstanding the above, under the criteria of schedule 3, part 3, characteristics of potential impact, the LPA considers there would not be a significant impact in terms of Environmental Protection.

KCC Biodiversity and Natural England

KCC Biodiversity has been consulted on the application and maintains there are no statutory designated sites within or adjacent to the boundary of the screening site and, concluded the site does not fall within an ecologically designated 'sensitive area, as defined by the EIA regulations (2017).

Furthermore, KCC biodiversity mentioned that as the site is largely comprised of hardstanding/storage, they were satisfied that, with regard to Schedule 3 (EIA Regulations 2017), the development is unlikely to have significant populations of protected species present within the site.

Natural England

Natural England have been consulted on the screening opinion, however, no comments have been received. Additional efforts to obtain comments from Natural England have been made, however, should we receive these they will be forwarded on. Although, given the general tone of this screening opinion, it is not anticipated there to be adverse comments suggesting there would be significant impact to biodiversity.

Port of London Authority (PLA)

The Port of London Authority has also been consulted on the screening opinion and concluded that 'the proposed development would not have any significant environmental impact above and beyond those impacts experienced from the existing operations on site and has no objections or comments to make on the screening assessment provided...'. With this in mind, in terms of a supporting Transport Assessment with a forthcoming application, PLA are of the view that given the sites proximity to the River Thames the Transport Assessment should also explore potential use of the river for transportation of construction materials/waste in accordance with Policy CS11 (LPCS).

Marine Management Organisation (MMO)

No specific comments were received from MMO regarding the screening opinion, other than the general informative obtaining a marine licence and that any 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.

Flood Risk and Site Drainage

The Environment Agency Flood maps indicate that the application site is within Flood Risk Zone 2/3. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) has been consulted on the application, although, no comments have been received from either parties. Notwithstanding this, having considered the details supplied with the current screening opinion, it is noted the applicant is already engaging with the EA/LLFA on matters relating to flooding/site drainage. It is also understood that the applicant has already prepared Flood Risk/Site Drainage assessments for the site. These approaches are welcomed considering the flood risk zones the site is within and sites proximity to the river. In light of the above, considering the existing uses at the site, the LPA does not consider the development to create significant flood risk and site drainage impacts.

Conclusions

Having assessed the available evidence it is the LPA's view that the proposal is not EIA development and accordingly, that an Environmental Statement is not required to accompany a planning application.

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 supporting document provided dated 11 October 2021 (ref PR3396/SC), it would be considered that the proposal would lead to result in significant adverse effects on the environments.

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

- Transport Assessment;
- Acoustic Assessment/Noise Impact Assessment;
- Flood Risk Assessment;
- Surface Water Drainage Assessment;
- Drainage Strategy;
- Phase 1 Contamination report;
- Phase 2 Investigation/Remediation assessments;
- AQMA report;
- A Preliminary Ecological Appraisal;
- Planning Statement distinguishing between the number of existing employment units (including their current uses) and the proposed uses;

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 statement as defined by the above regulations.

This Screening Opinion does not prejudice any further screening assessment which the Local Planning Authority may require or be asked to provide relating to this site or adjoining sites in the context of any other urban development project or similar proposals.

Informative(s)

Natural England

- 1 As noted in this Screening Opinion, the Natural England has been consulted and no response has been received. The Local Planning Authority advises that the applicant liaises with Natural England directly and potentially engage in their pre-application service to explicitly request if the proposal is deemed to create significant impacts. This approach is advised in order to minimise the potential for delays within the application process.

Kent County Council - Highways

- 2 No adverse comments have been received from KCC Highways, however, in addressing details that should be scoped in a Transport Assessment in any forthcoming application, the applicant would be advised to liaise directly with the Highway Authority. This approach is advised in order to minimise the potential for delays within the application process.

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	18th November 2021	Dated:	18th November 2021

Gravesham Borough Council