

London River House
Royal Pier Road
Gravesend
Kent DA12 2BG
United Kingdom
Tel: +44 (0)1474 562305
Fax: +44 (0)1474 562281
Web: www.pla.co.uk
E-mail: Michael.atkins@pla.co.uk

Katherine Parkin
Planning Team
Planning Department
Civic Centre
Gravesend
Kent
DA12 1AU

27 September 2023

Port of London Authority Response (DC 808) Plan ref: 20221064 Northfleet Harbourside Development – Re-consultation

Dear Katherine

Thank you for consulting the Port of London Authority (PLA) on the re-consultation for the above mentioned application for the mixed use development on land Surrounding Ebbsfleet United Football Club, bounded by Lower Road, Railway Line, Grove Road and the River Thames at 'Northfleet Harbourside', Gravesend. I have now had the opportunity to review the updated documents and can confirm the PLA continues to **strongly object** to the application and have the following comments to make.

As stated in the PLA's previous response dated 6 January 2023 there is strong policy support at national, regional and local levels for the use of the Thames for freight movement which recognises the importance of maintaining and improving exit and entry points to the river to enable freight and cargo transport. The proposed development site continues to include the Safeguarded Robins Wharf, identified as site G in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (2020) and safeguarded through policy CSM 6 (Safeguarded Wharves and Rail Depots). Policy CSM6 specifically states:

"Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised."

The KMWLP also safeguards other infrastructure associated with minerals such as sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate materials through policy CSM 7 (Safeguarding Other Mineral Plant Infrastructure) which states:

“facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use. Where these facilities are situated within a host quarry, wharf or rail depot facility they are safeguarded for the life of the host site”.

As highlighted previously Robins Wharf is operational over 24 hours a day throughout the year in line with tidal movements, and is in use by two operators, Brett Aggregates and Aggregate Industries, who perform a vital function in the region particularly for the house building industry. As in January 2023 the PLA understand the wharf operators have no plans to vacate the site and are committed to the long-term operation of the wharf and associated plant.

As stated in the PLA’s previous response the safeguarded Robins wharf performs an essential function for this area by taking vehicle movements off roads and onto the river with associated emissions savings and environmental benefits and is essential for the ensuring steady and adequate supply of minerals and minerals related products into/out of Kent and London by providing a long-term secure source of marine dredged material that is not depleting at the same speed as land won material. The PLA continues to strongly object to the proposed loss of this important safeguarded site and it is considered that the additional information provided is not sufficient to justify the wharfs potential loss. As noted previously it continues to be a concern that at no point has the applicant made any contact with the PLA with regard to the proposed development.

Policy Context

As part of the PLA’s previous response the PLA set out the planning policy context at national, regional and local levels. This remains valid and has not been replicated as part of this additional response, with the exception of following additional comments.

- Kent Minerals and Waste Local Plan 2013-30 (KMWLP)

To note the KMWLP is currently in an early stage of review with a Regulation 18 consultation having recently been completed in December 2022, and an additional consultation on changes held between June – July

2023. From this it is important to highlight that the draft plan continues to propose no changes to the status of Robins Wharf from that in the existing adopted KMWLP.

The applicant within the amended Minerals Infrastructure Assessment (MIA) states that they have considered the proposals against policy DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities) of the KMWLP, pointing out that only one of the criteria of the policy has to be complied with, and then highlighting the following criterion which state:

“vi: material considerations indicate that the need for development overrides the presumption for safeguarding

Vii: “It has been demonstrated that the capacity of the facility to be lost is not required.”

The MIA then provides further wording with regard to criterion 6 on the ‘significant material benefits that may outweigh the harm’ of the proposed development, to attempt to satisfy the criterion 6. The PLA remain of the view that insufficient evidence has been provided within the application to support the conclusions of the MIA. Significant land is being brought forward for development around the Ebbsfleet Football club and the ‘need’ to include Robins Wharf within that land given the strategic function it serves has not been justified. The report into the Early Partial Review of the KMWLP (dated 23 April 2020) is clear in terms of the capacity that exists at the wharves but there is no suggestion that this correlates with the potential for any of the safeguarded wharves in Kent to be lost. Rather, the report highlights that this identified capacity allows for greater importation via the wharves, and that this flexibility is required to meet a predicted shortfall in land-won material to ensure a steady and adequate supply of aggregates in accordance with the NPPF.

Furthermore to highlight the applicant is reminded that the strategic safeguarded use is awarded to the land and the wharf not just the operator, so the notion that the operator could potentially move their operation to other wharves does not validate or justify the loss of the strategic infrastructure and the importance or need for the land use. The applicant has not provided sufficient evidence that the wharf or the operational land around it is surplus to requirements for the foreseeable future.

- The South East England Aggregate Working Party (SEEAWP) Annual Report 2021

The SEEAWP report expresses concern as to the likely increase in reliance on importing aggregates into the area to meet future demand (some of which is likely to result from either regionally or nationally important infrastructure projects) and the capacity of wharves to handle this. Page 10 of the report states:

“Moreover, if aggregates growth is skewed towards imported crushed rock and marine dredged aggregate this may place pressure on wharf and rail depot capacity. Overall, the AM data and LAAs suggest there is additional capacity, but if imports by sea of crushed rock and landings on marine dredged aggregates continue to grow it places more pressure on the Medway and Kent wharves and the associated distribution network (p 23 Table 4), which will become increasingly important and critical to regional aggregates supply. The pressure can be compounded by any loss of wharf or rail depot capacity, to non-minerals development associated with regeneration schemes frequently supported in local plans. Even apparent minor losses can have untoward impacts on an increasingly fragile supply system.”

The PLA also agrees with the Kent County Council assessment of the application and objection in relation to Minerals and Waste as set out on pages 12 and 13, and Appendix 4 of their response, including their remarks on the importance of commercial wharves.

- Marine Management Organisation (MMO): South East Marine Plan (2021)

Policy SE-INF-2 (Infrastructure) of the MMOs South East Marine Plan (2021) has now been referred to in section 7.4 of the amended MIA, recognising that the proposed development would result in a significant adverse impact on an existing safeguarded facility through the loss of the functionality of Robins Wharf but then referring to other material considerations outweighing this. There is also no consideration of any potential river related use of the wharf itself within the application documents, it is just situated outside of the red line boundary. The PLA considers that insufficient justification has been provided in the additional information and the development continues to be contrary to policy SE-INF-2.

- Gravesham Local Plan (2014)

As stated previously the PLA consider that the Local Plan is clear in that there is no direct expectation in policy CS03 or the supporting text that Robins wharf would need to be lost in order to achieve a successful development. Rather the Local Plan is clear that the boroughs safeguarded wharves should be protected and nearby development must take the wharf into consideration, which would be in line with the Agent of Change principle, referenced in paragraph 187 of the NPPF. This is emphasised in supporting paragraph 4.3.10 specifically with regard to the opportunity areas which border the River Thames, where it is stated that there will be a need to:

“Safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway”

This has not been highlighted by the applicant and justification has not been provided to override the strong safeguarding policies for the wharf contained in the Local Plan. Furthermore, it is noted in the amended MIA

(para 6.6.1) that the applicant considers that whilst Robins Wharf safeguarding appears to have a level of protection in the KMWLP, that this is in conflict with the Gravesham Local Plan which promotes significant development. This section is considered quite misleading, as noted in this response and the Jan 2023 response there is strong safeguarding policies in both the Local Plan and KMWLP on wharf safeguarding.

Furthermore paragraph 7.2.2 of the amended MIA also attempts to suggest that any development would be appropriate across sub area 1.3 (Land East of Grove Road and Robin's Creek Key Site.) including on Robins Wharf, again discounting that the area considered appropriate for residential led regeneration in this area is identified as a key site and does not include Robins Wharf. Policy CS03 specifically states that the Council will support the regeneration for residential and employment uses of the Grove Road and Lower Ebbsfleet Area taking into account the ground conditions and existing uses. Given that the Local Plan in policy CS07 (Economy, Employment and Skills) specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported, and the fact that all other safeguarded wharves are contained in opportunity areas but are not highlighted for redevelopment it is clear the redevelopment of Robins wharf is not considered appropriate in the Local Plan.

As stated previously Robins Wharf is safeguarded via the Gravesham Local Plan policies map, and associated policy CS07 of the Local Plan which specifically states that the loss of existing commercial wharves shown 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 reasonable cost. Robins Wharf, as described above is a viable active wharf and in respect of identifying appropriate alternative provision that is available as required by Policy CS07. The amended MIA continues to state in broad terms that there is capacity across all the wharves in Kent, discounting the different market areas that these serve concluding that:

“that the loss of the individual site capacity of Robins Wharf (c.304,000 tonnes) can be accommodated by the other safeguarded wharves.”

This continues to fail to identify if appropriate alternative provision is available in line with policy CS07. This is emphasised by the fact that surrounding safeguarded wharves in the north west Kent area identified in the KMWLP are all operational under various operators and other than one site (Site Q: Old Sun Wharf) all utilise the River Thames as part of their operations. It is not the case that the operators at Robins Wharf could just vacate the wharf and continue works at another site in close proximity. Therefore it is clear that the MIA has not met the requirement to deal with 'the area' the existing infrastructure serves, rather it deals in general terms with capacity across the entirety of the Kent region and does not evidence that the capacity to be lost is insignificant both in terms of quantities and geographical positioning in the area. It also fails to recognise the implications of the location of the existing wharf to other regions including London, and the impact the loss of this wharf would have in terms of serving these market areas. The PLA understand that the wharf operators in their additional response will cover these points in more detail.

The amended MIA therefore does not provide evidence that the capacity to be lost would be insignificant in terms of quantities and geographical positioning of Robins Wharf and there appears to be a lack of understanding of the relationship between the Kent and London market areas and the strategic location of Robins Wharf. The amended MIA has also not considered mineral product production (as required by the Kent Safeguarding SPD) and the significant impact the loss of the various plant on site (asphalt, concrete batching, and dry mortar) would have in this context to the supply of building materials to the area.

The PLA is aware that, given the fundamental issues identified in the planning submission and in particular the amended MIA, the Wharf operators are currently preparing further information in this respect for submission. This is to assist in considering the important function that Robins Wharf currently serves in terms of mineral supply and supply of mineral products, the area/regions it serves, specific logistical and locational benefits it offers, and the likelihood that this could reasonably be accommodated elsewhere within the area.

Further Comments

- **Amended Minerals Impact Assessment. (MIA)**

The amended MIA continues to attempt to justify the proposed loss of the safeguarded Robins Wharf and seeks to demonstrate the overall benefits of the development. However it is considered that insufficient evidence has been provided to demonstrate why these benefits could not be achieved without the loss of Robins Wharf.

Within the amended MIA, the applicant has quoted Kent County Councils Local Aggregate Assessment 2022, (LAA) which makes clear in paragraph 7.27 that the loss of any wharf site will be, largely, irreplaceable and that the safeguarding of the existing wharf infrastructure will remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant which highlights the strategic importance of Robins Wharf for the importation of marine dredged material to ensure the future security of supply for Kent and the wider south east. The PLA is also concerned with paragraph 5.4.4 of the MIA with regard to sustainability. The PLA's previous comment on this was that the existing infrastructure at the safeguarded Robins Wharf is considered essential for the transport of minerals into Kent as well as for the processing and manufacture of mineral products in a sustainable way through the use of the Tidal Thames rather than via road. Where this is landed is also very relevant - as highlighted above the application has not recognised the scale of the Kent market area and the strategic location of Robins Wharf, or given any robust consideration that its potential loss would have on this market area in terms of sustainable movements via waterways rather than by road, which the loss of this site would exacerbate.

The amended MIA includes a number of references that Robins wharf is “relatively limited in size at around 100 metres”. To confirm the suggestion that the wharf is relatively limited in size is incorrect. As stated in the PLA’s January 2023 response in the Northfleet area itself there are two other wharves (Northfleet Wharf & Clubbs Marine Terminal) with a length of 100m, and there are also very few wharves in the south east region on the Tidal Thames that have a berth greater than 150m. The fact that the wharf is in efficient operation reiterates that there are no current issues with regard to navigational access and a 100m berth itself is very good in navigational terms, with no issues reported by the wharf operators. The application documents also does not give any robust consideration to the potential to conduct works to expand operations at the wharf if required in the future, such as dredging to allow deeper vessels in, or an extension to the existing jetty to allow larger vessels to access the site to overcome this perceived constraint.

In addition, as highlighted previously a key advantage of the location of this wharf is that it is situated in a cluster of safeguarded wharves and other industrial uses which allows for a continued successful industrial and cargo-handling ‘core’ for the borough where similar uses are located together, with associated benefits in terms of access and being a clear location where noise sensitive developments in close proximity would need to take full account of existing operations, in line with the Agent of Change principle. The application does not recognise this or the significant risk that other wharves in this region will also be negatively affected as a result of this application - in terms of increasing the risk of noise complaint as a result of the close proximity of the proposed residential uses as well as access to from these sites, including the seacon facility at Tower Wharf, safeguarded through the Gravesham Local Plan. The submitted design code gives some reference in page 15 and 23 to Tower Wharf but much further detail would be required with regard to this as well as Robins Wharf.

- **Phasing:**

With regard to phasing it is noted that the ‘Applicant Responses to Comments on Proposal (Additional information)’ document on page 9 states that:

“Phase 1 is intended to be built out whilst businesses in Phase 2 remain operational. The ES advises that existing wharf areas in Phase 1 will be utilised as a construction compound during the construction of that phase. However, Phase 1 is not adjacent to the river and whilst businesses remain operational in the area designated as Phase 2, it will not be realistically possible for Robins Wharf which is not currently within the ownership of the applicant to be used for construction purposes. As such this discrepancy needs to be reconciled.”

As noted previously if there is any prospect that wharf could continue in operation whilst phase 1 is under construction then it is key that appropriate road access is maintained during this period in line with policy

DM8 of the KMWLP which states that vehicle access to and from the safeguarded wharf would not be constrained by the proposed development.

In addition, if there is a likelihood that phase 1 can progress without phase 2 then regard must be given to ensuring that the interrelationship between the phase 1 development and retained operations at the safeguarded Robins Wharf are fully assessed and if required mitigated against. This is to ensure that the proposals do not prejudice the future operation of the wharf in line with the Agent of Change principle as required by NPPF, KMWLP and the Local Plan particularly to demonstrate that all impacts including noise, dust, light and air emissions, that may arise from the activities taking place at Robins Wharf as well as the adjacent safeguarded Tower Wharf would not be experienced to an unacceptable level by future occupants. This currently has not been taken into account in the current version of the Construction Transport Management Plan (CTMP).

Furthermore whilst the CTMP in paragraph 5.19 includes a short sentence on potential river use as part of the construction phase, no recognition or consideration has been given to the fact that Robins Wharf could greatly assist in this for the transportation of construction materials to the site and is one of the reasons why the wharf is strongly safeguarded in planning policy.

Conclusion:

As part of the re-consultation of this planning application a significant amount of land is being brought forward for development around the Ebbsfleet Football club area and the PLA considers that the 'need' to include the safeguarded Robins Wharf within that land given the strategic function it serves has not been justified within the application.

As noted in the PLA's previous response the Gravesham Local Plan is clear that there is no direct expectation in policy CS03 or the supporting text that the wharf would need to be lost in order to achieve successful development in the area. The Local Plan instead is clear that the boroughs safeguarded wharves should be protected and nearby development must take any nearby safeguarded wharves into consideration. In addition, as highlighted above just because there is capacity across the entirety of Kent's existing safeguarded this does not mean that that means existing and operational wharf capacity can be lost. In fact as identified in the KMWLP and LAA existing wharf operations are irreplaceable and wharf capacity will become increasingly important due to diminishing land-won reserves over the plan period. The loss of any wharf site will be extremely detrimental to the region and existing capacity must be maintained for the future and is why the PLA objects to the proposed development and considers that the proposed use of criterion 6 or 7 of policy DM8 of the KMWLP has not been justified and the development is contrary to policy CS07 of the Local Plan.

There does not appear to be any realistic options for the current wharf operators in terms of alternative wharves they could reasonably operate from and therefore the loss of Robins Wharf would have significant implications in the context of mineral supply and supply of mineral products for Gravesham and the wider area in London and Kent both now and into the future. As noted above the PLA are aware that the wharf operators at Robins Wharf are preparing further information for submission to the Local Authority. This is to assist in considering the important function that Robins Wharf serves in terms of mineral supply and supply of mineral products, the areas/regions it serves, and the specific logistical and locational benefits it offers, as well the likelihood that this could reasonably be accommodated elsewhere within the area.

I hope these comments are of assistance

Yours Sincerely



Michael Atkins
Senior Planner
Port of London Authority