

Town & Country Planning (EIA) Regulations 2017

Secretary of State Screening Direction – Written Statement

Application name:	Kimberley-Clark, Northfleet Mill, Northfleet, Gravesham, Kent.
SoS case reference:	PCU/EIA/K2230/3335757
Schedule and category of development:	3(b) Energy Industry
Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects. The Secretary of State ("SoS") has considered whether the proposal for a Green Hydrogen Electrolyser ("GHE") consisting of four containerised electrolyzers (using Proton Exchange Membrane (PEM) technology) rated at 20MWe is likely to have significant environmental effects. He has undertaken this screening considering the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The SoS has screened this proposal having regard to the location, nature, characteristics, and physical scale of this development. The following are considered the main matters relevant to his consideration, use of natural resources, ecology, flood risk and risk of accidents. The site is 2.2ha and is approximately 50m from the southern bank of the Thames Estuary. The site lies within 900m to the west of the main residential area of Gravesham. The site does not fall within a 'sensitive area' as defined by Regulation 2 of the EIA Regulations. However, the proposal is within 2km of the Swanscombe Peninsula SSSI and the Thames Estuary and Ramsar Sites, Thames Estuary and Marshes SPA are nearby. The site also falls within a groundwater protection zone (GSPZ) and is located within Flood Zone 2, and Flood Zone 3. There are no listed buildings within or immediately adjacent to the site. It is however noted from the request that there are some historical assets to the west of the site, namely the Northfleet Tower Lighthouse and Bevan's War Memorial in Northfleet Cement	

Works (both Grade II Listed). Based on the information available, it is concluded that any negative effect is unlikely to be so significant to necessitate an EIA in respect of these designated heritage assets.

Use of Natural Resources

The SoS notes that the GHE will produce electricity, steam, and hot water due to the nature of the electrolyser and it is also understood from the information submitted, that the electrolyser will use water in its processes.

Gravesham Borough Council ("LPA") has stated in its screening opinion that the applicants have advised that the levels of water usage would be unlikely to be significant enough to cause a significant impact on the environment. However, no details were initially provided on the source of the water or the consumption levels to the LPA or the SoS.

The requestor considers that the nature of the proposed development, the GHE, is a technology which is well understood and in operation elsewhere throughout the UK, and therefore would not result in any unusual, complex, or potentially hazardous environmental effects. It is their view that the characteristics of any impacts from this development would not justify the submission of an EIA in terms of the generation of significant effects.

The requestor has advised that a full planning application was submitted in tandem with the Screening request to the LPA on 30th August 2023. The SoS notes that following documents have been submitted to LPA and informed its Screening Opinion:

Preliminary Ecological Appraisal

Acoustic Impact Assessment

Preliminary Ecological Appraisal

Air Quality Details

Emission Rates

Geo-Environmental Desk Study

Design and Access Statement

Transport Statement

Flood Risk Assessment Drainage Management Plan.

Due to the lack of available information, in terms of the source of the water for the development, the SoS requested clarification on this matter from the requestor. The requestor provided additional information on the 15 March 2024.

The requestor has advised that the water demand for commercial or industrial purposes is 1.7 L/S (1.7 litres per second equating to 6.12M3H per hour (Cubic metres). The applicant has also advised and that there is capacity available at its preferred mains connection point.

The applicant has sought permission under the Water Industry Act 1991 for consent to discharge trade effluent. Permission was granted by Southern Water on the 12 February 2024.

Therefore, the development will be connected to the mains water supply and given the additional information it is not considered that the operation of the development will use or impact on natural resources (water) to a disproportionate or excessive extent during the lifetime of the development to the extent that EIA is required.

Ecology

As indicated above, the site does not fall within a 'sensitive area' as defined by Regulation 2 of the EIA Regulations. However, as the proposal is within 2km of the Swanscombe Peninsula SSSI and the Thames Estuary and Ramsar Sites, Thames Estuary and Marshes SPA are nearby the SoS consulted Natural England ("NE").

NE advised, having reviewed the comments made by other consultees, noting that reference is made to the ecological information submitted as part of the London Resort DCO (Development Consent Order), and the identification of functionally linked land associated with the Thames Estuary and Marshes Special Protection Area (SPA). In determining whether NE believe that an EIA is required or not, NE have not been able to compare this information with the proposed application.

Nonetheless, having reviewed the location of the proposed application, it is NE's opinion that the intertidal area directly to the north of the application site – and within sufficient proximity to any potential sources of noise and/or visual disturbance – is unlikely to provide supporting habitat for significant numbers of birds associated with either the Thames Estuary and Marshes SPA and/or Ramsar site; nor be critical to, or necessary for, the ecological or behavioural functions of the features of these sites. As such, NE consider that the proposal will adversely impact upon any functionally linked land associated with the designated sites.

Overall, NE concludes that based on the material supplied with the consultation, that there are no potential significant effects on statutorily designated nature conservation sites or landscapes and an EIA is not required. Based on the available information the SoS is inclined to agree.

The SoS has also considered whether the development will lead to an impact on the any areas on or around the location which are used by protected, important or sensitive species

e.g., for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project. In doing so it is noted that the LPA considers that insufficient information has been submitted to assess whether protected species are likely to be affected.

Based on the information available, and provided that the mitigation set out (in the ecology assessment) is adhered to, it is concluded that any negative effect on any protected, important, or sensitive in the area is unlikely to be so significant to necessitate an EIA.

Flood Risk The site is located on the banks of the River Thames and falls within Flood Zones 2 and 3, it is also within a Groundwater Source Protection Zone.

The SoS notes that the LPA has a concern in relation to Flooding. The SoS also notes from the Flood Risk Assessment ("FRA") and Drainage Strategy that the site is in the EA Flood Warning Area Classified as "Gravesend and Northfleet." It is understood that the overall site is currently defended against a 1-1000 year fluvial/tidal flood event and the landowner is responsible for continuing to maintain and raise existing flood defences.

The SoS consulted with the Environment Agency ("EA") on this matter. However, EA responded that it is content if the FRA was part of the planning application process and did not give an opinion as to whether an EIA is required for this proposal or not.

Based on the information provided the development is unlikely to significantly impact on flood risk to the extent that EIA is required.

Risk of accidents

During the construction, operation, and decommissioning of any development there is an inherent risk of an accident. In this case, any such accident may cause an effect on human health and the environment, due to potential leakage from the GHE.

The project will be subject to regulation in terms of site safety during construction; the requirement to comply with the relevant regulation and certain e.g. EA licences may be required. The project is therefore unlikely that it will have significant effects on human health (or the environment) in this respect. During operation subject to the site operator will similarly comply with relevant legislation and licencing requirements and this is not likely to lead to significant risks of contamination or accidents. During the decommissioning phase, there is again the potential for contractors carrying out the removal of the development to encounter substances that may be harmful to human health.

While there may be some risk, based on the information provided, there are no significant effects regarding human health, or the environment given the nature, scale, and characteristics and due to established industry standard Health and Safety measures. It is concluded that any negative effect on this issue is unlikely to be so significant to necessitate an EIA.

Other matters

The physical changes to the locality, visual impact, potential increase in traffic and emissions, noise generated by the development together with cumulative impact in respect of various issues have all been considered. Based on the available information and given the location, nature, scale, and characteristics of the proposed development, any potential effects from this proposal would not be likely to be significant on any of these topics.

Overall, based on the available information, the Secretary of State has concluded there are no issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being a significant environmental effect from this proposal. EIA is therefore not required.

Is an Environmental Statement required?	No
Name	Michelle Peart
Date	4 April 2024