

Lisa Fisher
Gravesham Borough Council

Our ref: PA-0003314/01
Your ref: 20260415

Sent by email

Date: 30 April 2026

Dear Lisa

Construction of a new boiler house with associated infrastructure / pipework and related works.

Kimberly Clark Ltd, Northfleet Mill, Crete Hall Road, Northfleet Gravesend

Thank you for consulting us on the above application which we received on 29 April 2026. As part of this consultation, we have reviewed the available documents via the planning portal and specifically the following documents:

- Application Form (PP-14784927, 10/04/2026)
- Flood Risk Assessment & Drainage Strategy (682039-R1(1)-FRA, April 2026, Hyro Energy Ltd)
- Site Plan – Proposed (3001954-AME-NF-ZZ-DR-PL-6052, 26/03/2026, Ameresco)

Environment Agency position

We have **no objection to the proposed application subject to the following planning conditions** being included in any permission granted.

The proposed development will be acceptable, if a planning condition is included requiring the submission and validation of a detailed land contamination management strategy for unsuspected contamination during the enabling, construction and/or development works

Please refer to the following sections for our full response and informatives for the development:

- Section 1: Technical Comments
- Section 2: Conditions and Informative
- Section 3: Advice to Local Planning Authority / Applicant

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Decision notice

In accordance with the planning practice guidance ([determining a planning application, paragraph 019](#)), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Carly Morrison

Sustainable Places Planning Advisor

E-mail kslplanning@environment-agency.gov.uk

Section 1: Technical Comments

Land contamination

The current or previous use(s) of the development site suggests that the land may be affected by contamination. Land contamination can harm human health, soils, ecosystems, property, drinking waters supplies, groundwater and surface water.

Land contamination is a material planning consideration. The planning decision should ensure that the site is suitable for its proposed use, considering any risks from contamination and any proposed land remediation. The planning application should therefore be supported by adequate site investigation information, prepared by a competent person. After remediation is carried out, as a minimum, the land should not be capable of being determined as contaminated land under [Part IIA of the Environmental Protection Act 1990](#). This approach is supported by paragraph 196 of the National Planning Policy Framework.

The current or previous use(s) of the site may present an unacceptable risk of contamination that could be mobilised during site works and construction, potentially leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- within source protection zone 2
- located upon a principal aquifer

The proposed development will be acceptable, if a planning condition is included requiring the submission and validation of a detailed land contamination management strategy for unsuspected contamination during the enabling, construction and/or development works. By cleaning up land contamination, it will be helping to protect and improve the groundwater quality that supports existing drinking water supply, future supply of drinking water and other environmental uses.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Section 2: Conditions and Informatives

Land Contamination

Condition

Universal condition for development on land affected by contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

This is in line with paragraphs 187 and 196 of the National Planning Policy Framework.

- To prevent deterioration of a water quality element to a lower status class
- To prevent the recovery of a protected area
- To prevent deterioration of a protected area

Informative

Risk management and good practice

Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner. Developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination.
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Surface Water

Informative

Development involving the discharge of trade effluent

Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent.

If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.

If proposing to discharge to non-mains:

If you wish to discharge effluent after appropriately treating it to groundwater or surface water a permit under the Environmental Permitting Regulations will be required. Further guidance on this is available at [Discharges to surface water and groundwater: environmental permits](https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits) - GOV.UK (www.gov.uk). If proposing to discharge to mains:

A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer. Further guidance is available at: [Pollution prevention for businesses](https://www.gov.uk/guidance/pollution-prevention-for-businesses)

Section 3: Advice to the Applicant / Local Planning Authority

Advice to LPA

Sequential test

In accordance with the National Planning Policy Framework (paragraphs 172 - 175), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Flood risk standing advice

The proposed development falls within Flood Zone 2, which is land defined in the [planning practice guidance](#) as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

We recommend that you view our standing advice in full before making a decision on this application.

Flood mitigation

The development lies within Flood Zone 2 and falls under our FRSA (as above). The developer may wish to include additional measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Permit Application

We acknowledge the applicants intention apply for a permit variation for the site. 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.