



Delegated Report

Planning Application

Planning Application No: 20230909

Location: Kimberly Clark Ltd Northfleet Mill Crete Hall Road Northfleet

Description: Request for Screening Opinion in Relation to land at Kimberly-Clark Northfleet Mill, Northfleet - Construction of a Green Hydrogen Electrolyser and associated infrastructure.

Applicant: Rebecca Little

Site Visit Date: Not required for a screening opinion application

Proposal

This application comprises a request for a screening opinion in respect of Construction of a Green Hydrogen Electrolyser and associated infrastructure for commercial use at the paper mill.

The proposed Green Hydrogen Electrolyser will consist of four containerized electrolyzers (using Proton Exchange Membrane (PEM) technology) rated at 20MWe.

Electrolyzers are the primary component of green hydrogen production and comprise of several cells' which comprise two electrodes, one positively charged anode and one negatively charged cathode. The two electrodes are separated by an electrolyte, in this case a polymer (PEM). The electrolyte is responsible for transporting the electrical charge between electrodes, whereby hydrogen and oxygen are produced. The oxygen is then either vented into the atmosphere or captured and stored for commercial use.

The electrolyzers incorporate water treatment plant, transformers and AC/DC rectifiers. Additionally, the associated infrastructure will include four storage tanks with two compressors. The proposals will also include a new onsite 33kV DNO substation. The boiler house within the paper mill will be connected to the GHE by a new onsite hydrogen pipeline with gas regulators.

Submitted Documents/Plans

Screening Opinion Letter
05135-RES-LAY-DR-PT-001 Rev 3 SITE LOCATION PLAN
05135-RES-PRO-DR-PT-001 Rev 4 INFRASTRUCTURE LAYOUT
05135-RES-PRO-DR-PT-004 Rev 1 ELEVATION VIEW - SOUTH INFRASTRUCTURE LAYOUT
05135-RES-PRO-DR-PT-005 Rev 1 ELEVATION VIEW - EAST INFRASTRUCTURE LAYOUT
05135-RES-PRO-DR-PT-002 Rev 3 ELEVATION VIEW - NORTH INFRASTRUCTURE LAYOUT
05135-RES-PRO-DR-PT-003 Rev 1 ELEVATION VIEW - WEST INFRASTRUCTURE LAYOUT
Preliminary Ecological Appraisal
Acoustic Impact Assessment
Preliminary Ecological Appraisal
Air Quality Details
Emission Rates
Geo-Environmental Desk Study

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection Team

07/09/23 (First Comment)

It is noted that the applicant recognises that there will potentially be environmental impacts associated with the proposal. Reports on Contamination (Phase 1 GeoEnvironmental Desk Study) and an Acoustic Impact Assessment have been/are being undertaken. This is acceptable from our perspective.

In addition, as the site falls within the Northfleet Industrial Area Air Quality Management Area an air quality impact assessment should be undertaken.

31/10/23 (Second Comment)

The additional information submitted has been reviewed.

Contamination

The Phase 1 Geo-environmental Desk Study dated 09/06/2023 (G-22-049 Rev 2) by GVR Geoservices Ltd has been reviewed. The methodology and findings of the report are accepted. The report concludes that due to past history of contaminative uses on the application site and also the adjacent site and its location in term of the aquifer and shallow water table, the site presents a moderate to high risk of potential mobile contaminants. These include PAHs, TPHs, PBCs and asbestos containing materials. Further intrusive investigation is therefore needed. In addition, gas and groundwater assessment is needed with monitoring for a 3-month period (if required) if there are to be fixed and occupied buildings with confined spaces, due to the risk of ground gases from made ground and organic alluvium.

Unexploded Ordnance (UXO)

In addition, a detailed Unexploded Ordnance (UXO) risk assessment has been commissioned (Appendix D of the Desk Study). This places the site as Low to Medium risk of UXO and therefore a UXO Risk Management Plan is recommended and should be undertaken prior to any intrusive groundworks taking place.

Air quality

It is noted that the requested Air Quality Assessment (AQA) has not been submitted, but emissions rates to air have been. Based on this, I think the applicant/their agent may have mis-understood the reasons for requesting an Air Quality Assessment. This is to review and assess the impact of the proposed development on the Northfleet Industrial Area Air Quality Management Area (AQMA) and air quality in the area generally. Impacts on air quality are assessed in terms of construction impacts and operational impacts, and the development should not adversely impact levels of pollution in the AQMA/area or result in any worsening of or further exceedances of Air Quality Objectives.

In the absence of an AQA and to help move forwards towards a determination of the application, I have reviewed the Transport Assessment and undertaken a basic Air Quality screening assessment. In terms of construction impact on the AQMA, there will be some additional traffic to/from the site for deliveries and construction. Large components will be delivered by barge via the Thames with other materials coming by road via various routes. Information has been provided regarding total trips for various vehicles over the

expected 12-month construction period with maximum daily trip data also being supplied. Based on this, in terms of expected Annual Average Daily Traffic (AADT) movements, the proposal falls just within the criteria where an AQA is required in terms of both LDV and HDV daily movements. This is based on criteria within LAQM TG16 and the IAQM Air Quality and Planning Guidance. In this respect, construction impact from vehicle movements are not anticipated to give rise to air quality concerns.

Any issues from fugitive during the construction phase can be addressed by a suitably worded Construction Environmental Management Plan (CEMP) condition.

Once operational, the Transport Assessment advises that very little traffic will be involved with the plant's operation apart from c. monthly inspections/maintenance visits and visit to deliver consumable such as nitrogen bottles over few months. The process itself is not polluting in terms of particulate emission (the pollutant the AQMA was declared for) or other pollutants covered by the Local Air Quality Management regime we are responsible for. Once operational, there is likely to be minimal impact on air quality locally.

Based on the above, I am happy to withdraw my request for an Air Quality Assessment to be submitted for evaluation.

KCC Biodiversity

14/09/23 (First Comment)

The following is provided by Kent County Council's Ecological Advice Service (KCC EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the county council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application and if sufficient/appropriate ecological information has been provided.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the planning officer, who will seek input from the EAS where appropriate and necessary.

We have reviewed the submitted information in regard to determining if an environmental impact assessment (EIA) will need to be carried out and advise we are unable to conclude that there will not be a likely significant impacts upon the designated sites Therefore, an EIA for ecology may be required.

Schedule 1

Under the Town and Country Planning (EIA) Regulations 2017, developments falling within Schedule 1 always require an EIA and are referred to as 'Schedule 1' developments.

EIA Screening

If the development falls within the selection criteria for a 'schedule 2' development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, then it needs to be determined whether the proposal is situated within a 'sensitive area' and/or whether it is likely to have significant effects on the environment. Sensitive areas (as identified under Section 2(1), include the following ecologically designated sites: Site of Special Scientific Interest (SSSI), European Sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar Sites)). If the proposed development is located in, partly in, or has the potential to have any negative effect on these sites, then an assessment will be required. The regulations also include World Heritage Sites, schedule monuments, Areas of Outstanding Natural Beauty (AONB) and National Parks, which are not dealt with in these comments.

To consider if the development will have significant effect on the environment, we have considered the selection criteria under 'Schedule 3' (EIA Regulations 2017).

The proposal is within 2km of the Swanscombe Peninsula SSSI and the ecological information submitted

as part of the London Resort DCO identified that the site included functionally linked land associated with the Thames Estuary & Marshes SPA.

No information has been submitted as part of this application to enable us to understand if the proposal will result in an increase in noise, vibration, disturbance which may impact the designated sites.

We advise that if GBC is satisfied that there will be no noise / disturbance as a result of the operational phase of the proposal we are satisfied that the proposal is unlikely to have a significant impact on the designated sites.

Please note that we are not water experts and therefore have not considered the impact of the proposal on the Thames which is associated with any discharge/surface water run off associated with the proposal.

We advise that we are satisfied that as the footprint of the proposed development is hard standing and surrounded by roads/buildings it is currently unlikely to support protected/notable species.

After assessing the selection criteria outlined in Schedule 3 (EIA Regulations 2017) we advise that due to the lack of information we are unable to assess if the development is likely to have a significant impact on biodiversity.

31/10/23 (Second Comment)

We have reviewed the submitted information in regard to determining if an environmental impact assessment (EIA) will need to be carried out and advise we are unable to conclude that there will not be a likely significant impacts upon the designated sites Therefore, an EIA for ecology may be required

Schedule 1

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To consider if the development will have significant effect on the environment, we have considered the selection criteria under 'Schedule 3' (EIA Regulations 2017).

The proposal is within 2km of the Swanscombe Peninsula SSSI and the ecological information submitted as part of the London Resort DCO identified that the site included functionally linked land associated with the Thames Estuary & Marshes SPA.

No information has been submitted as part of this application to enable us to understand if the proposal will result in an increase in noise, vibration, disturbance which may impact the designated sites. We advise that if GBC is satisfied that there will be no noise / disturbance as a result of the operational phase of the proposal we are satisfied that the proposal is unlikely to have a significant impact on the designated sites.

Please note that we are not water experts and therefore have not considered the impact of the proposal on the Thames which is associated with any discharge/surface water run off associated with the proposal.

We advise that we are satisfied that as the footprint of the proposed development is hardstanding and surrounded by roads/buildings it is currently unlikely to support protected/notable species.

After assessing the selection criteria outlined in Schedule 3 (EIA Regulations 2017) we advise that due to the lack of information, regarding noise, vibration, disturbance, we are unable to assess if the development is likely to have a significant impact on biodiversity. However as detailed above if GBC are satisfied that the noise or vibration associated with the proposal will not impact the designated sites we are satisfied that a EIA is not required.

If you have any queries regarding our comments, please do not hesitate to get in touch.

KCC Flood Risk Officer

21/09/23 (First Comment)

Kent County Council as Lead Local Flood Authority have reviewed the information provided and we note that only drawings have been provided and no reference towards flood risk or drainage has been made within the documents.

That being said we have no preference as to whether a Flood Risk Assessment forms part of an Environmental Statement or is submitted as a standalone document, any identified flood risk or surface water management issues should be appropriately considered within the application documentation (with appropriate mitigation recommended wherever necessary).

We will expect for the drainage strategy to encompass a detailed drainage impact assessment or surface water management strategy and take into account the latest climate change guidance for peak rainfall allowances.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

14/11/23 (Second Comment)

We acknowledge that a Flood Risk Assessment and Drainage Strategy report has been submitted as part of this EIA Screening Opinion request. We would view this to fall outside of this application as an EIA screening request and will consider this as part of any future formal planning application.

This response has been provided using the aibest knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Natural England

15/11/23

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

It is Natural England's advice, on the basis of the material supplied with the consultation, that there are potential likely significant effects on statutorily designated nature conservation sites or landscapes and further assessment is required.

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 located within or has the potential for adverse effects on the following designated site:

- Swanscombe Peninsula Site of Special Scientific Interest (SSSI)

Natural England has not assessed the significance of any impacts on these designated sites or landscapes. The proposed development may therefore be likely to have significant effects on the interest features for which these sites are notified or the purposes of designation and we advise you to consider further whether an Environmental Impact Assessment (EIA) is required.

Should you decide that an EIA is not required, Natural England advises that sufficient information on the potential impacts of this proposal upon these designated sites/areas is submitted with any subsequent planning application. We would be pleased to discuss this further with the applicant through our Discretionary Advice Service.

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 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.

Health and Safety Executive

18/09/23 (First Comment)

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.

Please note that HSE's response is limited to our role in the land use planning system for the control of major industrial hazards involving hazardous substances, and that HSE is not responding in our regulatory role in the health and safety system.

We have the following comments:

1. Hazardous Substance Consent legislation

The presence on land of a hazardous substance in a quantity exceeding the controlled quantity specified in the Planning (Hazardous Substances) Regulations 2015 requires the consent of the hazardous substances Authority (usually the local planning authority). For hydrogen the controlled quantity of hydrogen listed in Schedule 1 of the 2015 Regulations is 2 tonnes. In this case an express application or an application to vary an existing hazardous substances consent may be required.

HSE is a statutory consultee for consent applications and its role is to advise the hazardous substances authority on the risks to people at existing developments from introducing hazardous substances at the site applying for consent. The decision as to whether the risks from hazardous substances are acceptable in the context of existing and potential uses of neighbouring land is made by the hazardous substances authority.

2. 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. The development is not located within HSE's land-use-planning consultation zones for major-accident-hazard pipelines and hazardous substances consented sites

4. Pipelines legislation

Pipelines carrying hydrogen may be classed as major accident hazard pipelines as defined in Schedule 2 of the 1996 Pipeline Safety Regulations. If this is the case, the provisions in Regulations 19 to 27 of the 1996 Regulations, including a requirement to notify HSE of a pipeline route before construction, will apply. There is further information at <https://www.hse.gov.uk/pubns/books/l82.htm>.

5. COMAH legislation

If the amount of a hazardous substance being stored at an establishment exceeds the qualifying quantity specified in the Control of Major Accident Hazard (COMAH) Regulations 2015, that legislation will apply.

30/09/23 (Second Comment)

Having reviewed the new information, our view is that this does not affect HSE's previous assessment of the planning application.

Therefore the response in our previous advice letter of 18 September 2023 (attached) still applies.

Port of London Authority

21/09/23

Thank you for consulting the Port of London Authority (PLA) on the Screening Opinion in relation to the construction of a Green Hydrogen Electrolyser and associated infrastructure at Kimberly-Clark Northfleet Mill. We have now had the opportunity to review the submitted report and have the following comments to make.

As the PLA is interested in the health of the river, including water quality and the riverbed, we note that there is a lack of detail on the potential use of the river for extraction or outfall. Any new or amended outfall into or from the River Thames will require a River Works Licence with the PLA and the PLA's Statutory Consents and Compliance team should be contacted at lic.app@pla.co.uk to discuss further.

The proposed development is in a ground water source protection zone, therefore the PLA would like to see further assessment to consider impacts of the proposed construction and the longer term operation of the Hydrogen Electrolyser on ground water.

As shown in the Gravesham Local Plan Core Strategy and Policies Map (Map 1), the site (sub-area 1.7) is located in close proximity to safeguarded wharves. The proposal must consider Policies CS07 Economy, Employment and Skills and Policy CS11 Transport of the Local Plan, to support the continued use of the River Thames for commercial and passenger transport, whilst safeguarding and maximising the use of the

existing commercial wharves. Details should be reflected in associated Construction Logistics Plans (CLP) and/or Construction Environment Management Plans (CEMP). Consideration should also be given to Policy DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities) of the Kent Minerals and Waste Local Plan.

As noted in the response from the Biodiversity Officer from the Kent CC Ecological Advice Service (KCC EAS), there is insufficient information to conclude that the proposals will not have a significant effect on biodiversity. This is also the case for other environmental factors such as air and water quality. The PLA are in agreement with the conclusions of the KCC EAS, that it is not possible to rule out significant effects on the environment from the proposals. Any future planning application should consider the environmental effects of the proposals, regardless of the need for an EIA.

I hope these comments are of assistance.

KCC Fire Safety Officer

20/09/23 - Following my assessment of Fire and Rescue Service emergency access provisions for a screening opinion application number 20230909 I would like to make the following observations. It appears that the emergency access requirements for the Fire and Rescue Service, under the above 1981 Act, would be met.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

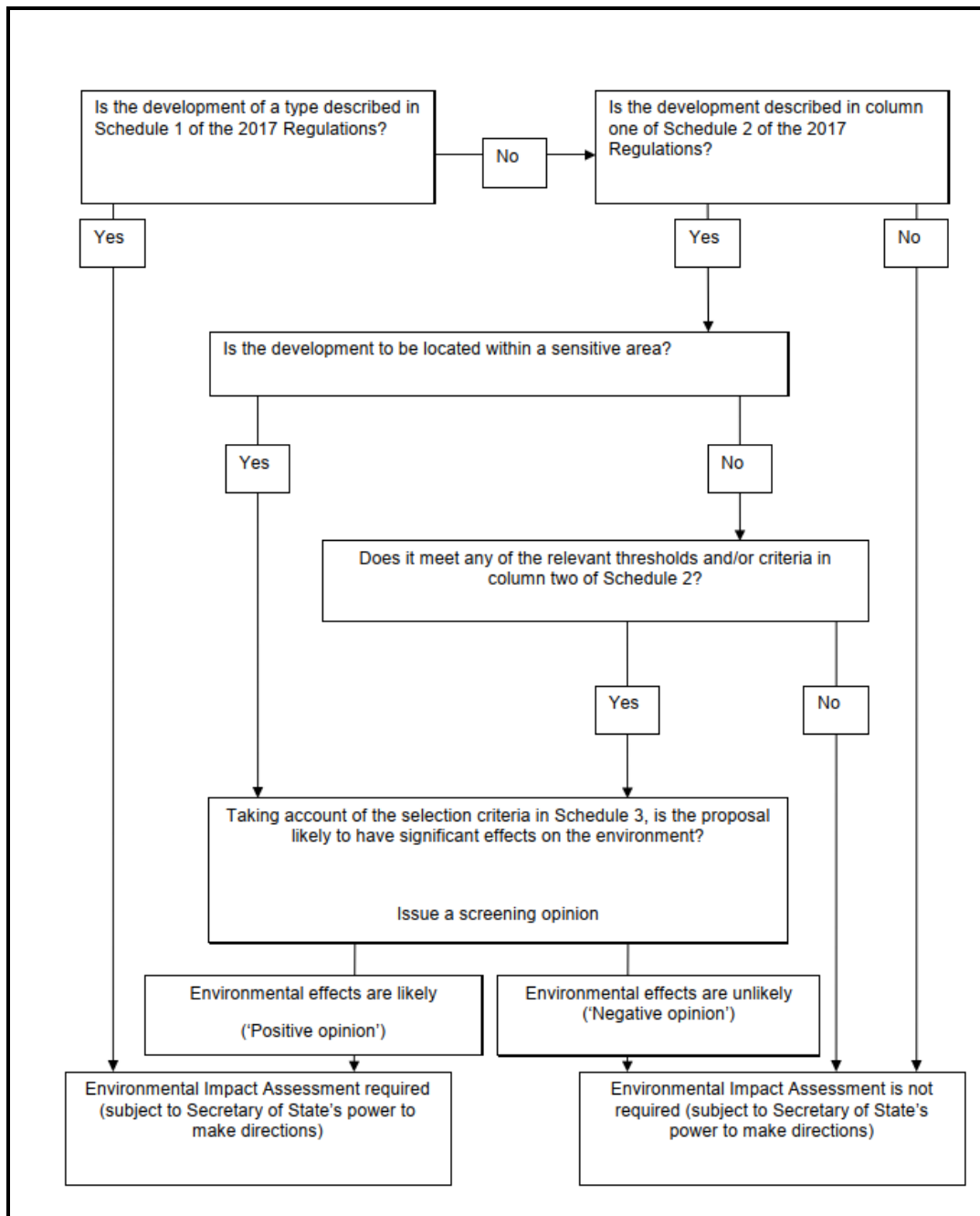
If you require any further advice, please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

Neighbouring properties

Not required for a screening opinion.

Procedure

The below flowchart shows how Environmental Screening opinions should be assessed:



Officer's Analysis

The relevant regulations to consider the screening request against is the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein after referred to as the Regulations, 2017).

The Council needs to consider if the proposed development is either Schedule 1 or Schedule 2 development and if so whether the development is likely to have a significant effect on the environment and therefore requires an assessment.

Schedule 1

The proposal does not fall within Schedule 1 of the Regulations (2017) that would require mandatory Environmental Impact Assessment (EIA).

Schedule 2

Schedule 2 development” as defined in the Regulations (2017) is 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 this case, the proposed development subject of this screening request falls within part 3(b) of schedule 2 'Industrial installations for carrying gas, steam and hot water and is within the applicant threshold/criteria of exceeding 1 hectare (2.2 hectares total).

The proposal therefore needs to be screened to determine whether significant effects on the environment are likely and whether an EIA is required.

Sensitive areas are defined in Regulation 2 of the 2011 Regulations as 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.

Schedule 3 Screening Criteria

Schedule 3 of the Regulations (2017) sets out the selection criteria for screening which are:

Characteristics of development

1. The characteristics of development must be considered with particular regard to—
 - (a) the size and design of the whole development;
 - (b) cumulation with other existing development and/or approved development;
 - (c) the use of natural resources, in particular land, soil, water and biodiversity;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
 - (g) the risks to human health (for example, due to water contamination or air pollution).

Location of development

2.—(1) The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following
- (d) areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;

- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

To ensure this is all carefully considered, where relevant, the Government provide an Environmental impact assessment screening checklist which they state can be used when screening for EIA although there is no obligation. This has been completed and is included as Appendix 1.

Conclusion

Having assessed the available evidence it is the Local Planning Authority's opinion that the proposal is EIA development and that accordingly an Environmental Statement is required to accompany a planning application, please refer to the Screening Matrix in Appendix 1 for full details.

Given the nature of the development, the location and sensitivity of the area and the likely potential impact outlined in respect of natural water resources, risks of land contamination, risks of major accidents, Flood Risk, Biodiversity and cumulative impacts, it is considered that the proposal would be likely to have a significant impact on the environment. Gravesham Borough Council therefore concludes that the development is EIA development and that an EIA is therefore required.

Conclusion & Recommendation

Environmental Impact Assessment is required.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5 th December 2023	Dated:	06 December 2023