



Delegated Report

Planning Application

Planning Application No: 20240234

Location: Britannia Refined Metals Ltd Lower Road Northfleet Gravesend

Description: Erection of emissions management building consisting of a baghouse and stack.

Applicant: Mr Nick Haskell

Site Visit Date: 28 August 2024

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. 02 Rev. P0 Red and blue line site boundary plan;
Drawing no. 03 Rev. P0 Existing layout;
Drawing no. 03 Rev. P0 Proposed layout;
Drawing no. 04 Rev. P0 Proposed elevations;
Drawing no. 04 Rev. P0 Proposed layout;
Flood Risk Assessment 23 July 2024;
Piling Risk assessment 12 February 2024;
Air Emissions Risk Assessment 21 May 2024;
Phase One Geotechnical and Environmental Desk Study 11 August 2023;
Ground Investigation Report 19 October 2023;
Planning Supporting Statement 19 February 2024;
Environmental Policy Statement January 2024;
Traffic Management Plan 11 June 2024;
Email from then agent received 26 April 2024.
Emergency Response Plan;
Chapter 9 – Emergency Response;
Emergency Response Checklist in the event of flood or flood warning; and
Drawing no. BRM 08621 Rev. B Flood Gate Location Map.

Procedural Issues

The Piling Risk Assessment (12 February 2024) is a document that forms part of the planning application and as such, was considered during the determination of the application. However, the document would not be included as an approved document in a condition attached to any planning permission granted because concerns have been raised by the Environment Agency regarding its approach to the assessment of the contamination risk.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221064	Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use	Pending	

	redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.		
20231309	KCC Re-consultation - Development of an enclosed electronic waste (E-Scrap) transfer facility.	Observations Sent	12.01.2024
20230770	Application for Lawful Development Certificate for the proposed erection of a sample preparation plant building.	Certificate Granted	29.11.2023
20230376	KCC Re-consultation - Development of an enclosed electronic waste (E-Scrap) transfer facility.	Observations sent	10.05.2023
20221087	KCC Consultation KCC/GR/0168/2022 - Development of an enclosed electronic waste (E-Scrap) transfer facility, involving shredding, sampling, sorting, and bulking up of electronic waste streams for onward transportation to recycling / management facilities. The proposed development includes construction of a new steel framed waste transfer building, firewater storage tank and associated plant, dust extraction unit, office and staff welfare building, new areas of concrete hard standing and footways, upgrade to site drainage, construction of a re-aligned access point off Manor Way and retention of vehicular access to the adjacent wharf	Observations Sent	11.11.2022
20211588	KCC/SCR/GR/0250/2021 - Retrospective Request for a screening opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 as to whether the proposed development of a facility to sample waste electronics material (also known as an E-Scrap facility) requires an Environmental Impact Assessment at Britannia Refined Metals (BRM) site, Botany Road, Northfleet, Kent DA11 9BG.	Permitted	23.12.2021
20170325	Installation an above ground, 1000 cubic meter capacity, cylindrical drainage water storage tank on the BRM site. The proposed location for the tank	Permitted	13.07.2017

	currently comprises three unused storage bays covered in a clad lean-to structure, adjacent to a larger operations building. The existing bays and structure will be demolished in order to provide sufficient space for the tank. The tank will be epoxy or glass fused steel material and will likely be green in colour. The tank will be supported on a reinforced concrete base which will be founded on existing piles. The tank will be 6m high and 17.5m diameter.		
20130580	Construction of roof over existing 10 metres of open steel frame work at the end of No 1 Refinery building.	Permitted	23.08.2013
20000714	Erection of building for use as a general mechanical repair workshop.	Permitted	11.12.2000
20000278	Erection of extension to existing moulding shop to form new slab casting machine shop.	Permitted	30.05.2000
19990370	Erection of single storey office building to replace the existing timber framed building.	Permitted	03.08.1999
19990121	Construction of 2 no. lagoons for storage of surface water.	Permitted	07.05.1999

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS03 - Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 - Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport

- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

Initial response:

The application details have been reviewed. More information is required for certain areas of the application, but the following comments are made in relation to the information submitted so far.

Contaminated Land:

A 'Ground Investigation Report' by SLT Consulting Ltd has been submitted. The aim of this was to determine ground condition for foundation design but also to assess any risk to construction workers and end users. Soil sampling, groundwater sampling and ground gas analysis was undertaken. Results found elevated levels of contaminants (arsenic, lead and asbestos fibres). Although the risk to future/end users will be minimised by the hard cover surface (therefore breaking the source-pathway linkage), there is a short-term risk to construction workers due to direct contact with the soils. Risk to groundworkers from contaminated soils can be dealt with by the use of appropriate PPE. However, the presence of asbestos fibres requires a specific risk assessment to ensure there is no on-site or off-site dispersal of fibres during groundworks.

With regards to the risk to controlled waters and groundwater, The Environment Agency should be consulted for advice as levels of contaminants are in excess of WQS levels. Also, depending on foundation design (if piling is to be undertaken) contamination could migrate to aquifers.

Ground gas analysis did not reveal any concerns.

Although remediation measures as such are not required, a risk assessment is needed for site workers in relation to the contaminated soil. An asbestos risk assessment is also needed. These matters can be addressed by a comprehensive Construction Environmental Management Plan.

In addition, the Environment Agency (EA) may well impose conditions relating to groundwater. Advice should be sought from the EA before any decision is made on the application. As advised above, if piling is to take place, the EA may well recommend a condition relating to piling to ensure that any contamination is not drawn into the groundwater/aquifer.

Air Quality:

An Air Emissions Risk Assessment (AERA) is being undertaken to assess any air quality impacts as result of the proposal. It would be useful to see this assessment before any final advice on air quality is given.

It should however be noted that the Northfleet Industrial Area Air Quality Management Area has recently been revoked.

An Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 is required in order for the incinerator to operate and we have been advised that an application will be submitted to Environmental Protection. Under this, there will be requirements for dust/air emissions abatement and conditions will be attached that relate these. As part of this, the height of the stack will be considered in order to address the emissions to air and amenity of any surrounding premises. It's noted that a 20 metre high stack is proposed on the plans and a stack of this height may be required under the Permit. However, until the Permit has been submitted along with the appropriate chimney height calculation, the

final height will not be known.

Noise is not considered to be an issue with this proposal, and this is agreed with.

In order to address some of the above matters (where additional information is not needed), the following conditions and informatives are recommended.

Code of Practice on Construction and Demolition Condition:

i. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval to address the following requirements:

- o The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- o No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- o Prior to the commencement of works a Dust Management Plan shall be submitted for approval. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the 'Assessment of Dust from Demolition and Construction' (IAQM) or an acceptable equivalent. This must include asbestos investigation and handling.
- o Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- o A Construction Site Workers Risk Assessment to address working with potentially contaminated soils.
- o Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors, Gravesham Borough Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

ii. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

iii. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

iv. Where there is a requirement for any dewatering of the site the relevant consent must be sought from the Environment Agency

v. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.

vi. All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings

vii. Construction and Demolition shall also be done in accordance with relevant guidance including BS5228 Noise Vibration and Control on Construction and Open Sites,

viii. Please note that where there is any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements.

The applicant should take note that:

- Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018)(or 'WM3').
- Representative samples of soils must undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.
- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency
- Prior to the commencement of work a method statement must be provided to the Environment Agency and the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.]

Asbestos condition:

An Asbestos Risk Assessment under the Control of Asbestos Regulations 2012 shall be undertaken and submitted for approval prior to any excavation works commencing on site. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during the groundworks stage, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Lighting condition:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new development in order to assist in preventing a nuisance from occurring.

Second response:

The submitted 'Air Emission Risk Assessment' by SLR Consulting dated 21 May 2024 has been reviewed.

In terms of impact on local air quality and the area that was formerly the Northfleet Industrial Area AQMA, the report demonstrates that the proposal is not going to result in any adverse impact. There is therefore no objection in terms of air quality.

The application for an Environmental Permit is being dealt with by a consultant on our behalf and the consultant has already had sight of this report in respect of the Permit application process (although the application has not yet been formally submitted).

Third response:

The Piling Risk Assessment has been reviewed. As advised previously, the Environment Agency (EA) should be consulted on this matter due to possible implications to controlled waters and groundwater (which is their area of expertise), particularly as contaminants are in excess of WQS levels and piling has now been confirmed. Although the Piling Risk Assessment looks acceptable and CFA augured piling is recommended, our expertise in this and implications to groundwater is minimal. Advice from the EA should be obtained.

GBC – Commercial Team (Regulatory Services)

No comments or objections as no enforcement responsibility.

Health and Safety:

In these premises the Health and Safety Executive (HSE) will be the enforcing Authority for all health and safety matters. Should you require further advice and information check out the HSE website

www.hse.gov.uk

GBC Waste and Recycling Manager

No response received.

GBC - Licensing Team (Regulatory Services)

No comment.

KCC - Biodiversity Officer

Initial response:

We advise that we are satisfied that no ecological surveys required as part of this application.

We have taken this view as the site is within the footprint of an active industrial area and located entirely on hard standing.

The site is adjacent to the Swanscombe Peninsula SSSI however there is a risk that the building may have a negative impact on the SSSI due to increase in noise and air quality and limited information has been provided to address this matter.

Noise:

The planning statement which states the following regarding noise and the operational impact:

The proposed emissions management building is not anticipated to give rise to significant adverse noise and vibration impacts. The Site is located within a much larger, operational industrial estate and noise from the emissions management building would not be audible in the context of background noise from the wider site.

No information has been provided on how the building will be constructed for example will piling be used to create the foundations.

We acknowledge that there are existing buildings between the development site and the SSSI which is likely to minimise noise associated with the construction and operational phase on the SSSI. In addition we do acknowledge that any birds recorded within the area directly next to the wider site are likely to be habituated to existing noise levels within the area.

We advise that if GBC are satisfied that the noise associated with the construction and operational phase is not likely to result in an increase in noise levels within the site as a whole we are satisfied that no further information is required.

We advise that if the construction is likely to result in significant increase in noise levels the works must commence outside of the breeding bird season to avoid disturbing any breeding birds associated with the SSSI.

This conclusion is supported by the planning statement which states the following regarding noise:

The proposed emissions management building is not anticipated to give rise to significant adverse noise and vibration impacts. The Site is located within a much larger, operational industrial estate and noise from the emissions management building would not be audible in the context of background noise from the wider site.

Air Quality:

The planning statement states the following: An Air Emissions Risk Assessment (AERA) is being undertaken to assess potential air quality impacts as a result of process emissions from the emission stack. The assessment is being undertaken using atmospheric dispersion modelling to dispersion of a suitable range of pollutants. The assessment will assess the significance of potential changes in air quality as a result of emissions to air from the Proposed Development, considering both human and ecological receptors.

We note that the Air Emissions Risk Assessment has not been provided and therefore it is not clear if the proposal will have a negative impact on the SSSI.

We recommend that the air quality emissions risk assessment is submitted as part of this application.

Second Response:

Reiterates the above comments except in relation to Air Quality.

Air Quality:

An Air Emissions Risk Assessment (AERA) has been undertaken to assess potential air quality impacts as a result of process emissions from the emission stack. The assessment has concluded there will be no likely damage on the Swanscombe Peninsula SSSI and no likely significant effect on the Thames Estuary and Marshes SPA

We advise that we are not air quality experts and as long as GBC are satisfied that the methodology used to carry out the assessment is correct we are satisfied that the results of the assessment are valid and require no further information.

KCC - Flood & Water Management

Initial response:

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Second Response:

Kent County Council as Lead Local Flood Authority have reviewed the application (despite it being outside of our remit being a minor development) and regard the development as low risk with the following advisory comments:

With the site being situated within Flood Zone 2 and 3, consultation with the Environment Agency early in the planning process is recommended to identify any constraints or specific requirements in this area that may impact the proposals, particularly compensatory requirements.

With regards to the items that pertains to emergency response and preparation, it falls outside surface water drainage matters, and therefore falls outside of our remit as statutory consultee. Here is a link to the ADEPT/ Environment Agency guidance for LPAs in relation to emergency refuge in association with surface water and new developments:

<https://www.adeptnet.org.uk/documents/adeptea-flood-risk-emergency-plans-new-development>

Those matters which you may feel have not been addressed above we would suggest could be answered

by your building regulations team (e.g. Building level resistance).

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.

KCC - Highways & Transportation

Initial response:

The application has been submitted with an accompanying Planning Supporting Statement, dated 19th February 2024 and an email to the planning officer providing additional information.

It is noted, from the response to the email by the applicant, that there will be a maximum of 4 additional staff across two shifts and I am satisfied that any additional parking, as a result of these proposals, can be accommodated within the existing car park.

I am also satisfied that the proposals will result in minimal traffic generation and the likely impact on the local highway network is very low.

It should be noted that section 5.5 Traffic and Transport states that there would be significant impact resulting from the proposed development, which should be corrected.

Consequently, I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County

Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Second response:

It is noted that the applicant has submitted a Traffic Management Plan. It should be noted that if any signage or works are proposed with the highway, the KCC Streetworks team would need to be informed of this and any relevant permits obtained.

Subject to the above, our previous comments dated 24th May 2024 still stand.

(It should be noted that the wording of the informative has been amended since the original consultation response. The following response includes the amended wording).

Third response:

I note that since my previous comments there do not appear to be any significant changes which would affect the highway aspects of this proposal.

Consequently, my previous comments dated 4th July 2024 still stand and the suggested conditions are considered appropriate.

Informative:

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

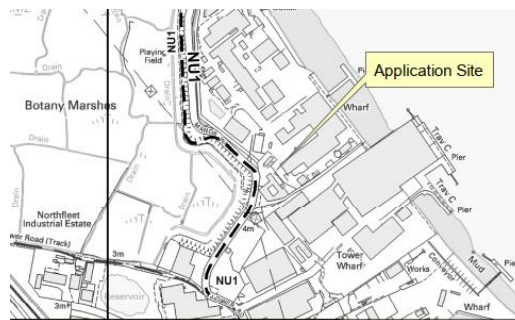
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

KCC - West Kent Public Rights Of Way Officer

Access to the site is via Public Right of Way Footpath NU1 (Lower Road/Manor Road). The Footpath then leads up the side of a bank to the West of the site and should be unaffected by the application. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.



The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

KCC Heritage Conservation (E & W) (Archaeology)

The site lies within an area of multi-period archaeological and palaeo-environmental potential and the wider site in which this proposed work is situated is currently the subject of a programme of geoarchaeological evaluation, post-excavation assessment, analysis, and reporting. Due to the deep nature of the underlying deposits at this site and considering the scale and location of this particular proposal, I am of the opinion that the ongoing geoarchaeological mitigation for the wider site, provides for the mitigation of this part of the site and therefore I have no further comments to make in this case.

KCC Planning Applications Group
No response received.

KCC Minerals & Waste Planning Policy

The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this particular application.

Environment Agency

Initial response:

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 173, footnote 59) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

For us to consider this application the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. The Environment Agency can provide site-specific flood modelling information. The applicant can request our most up to date flood data by contacting our Customers and Engagement Team at KSLE@environment-agency.gov.uk for further details.

If this cannot be achieved, we are likely to maintain our objection.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Second Response:

We have reviewed the below documents and have the following comments.

- Flood Risk Assessment, by SLR (ref: 402.064683.00001, dated: July 2024)
- Phase One Geotechnical and Environmental Desk Study, by SLR (ref: 402.064683.00001, dated: August 2023)
- Ground Investigation Report, by SLR (ref: 402.064683.00001, dated: October 2023)

We wish to remove our previous objection dated June 2024. Following the review of additional information, we have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with paragraph 180 of the National Planning Policy Framework (NPPF) and policy CS19 of the Gravesham Local Plan.

Condition 1: Contamination investigation

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based

on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and policy CS19 of the Gravesham Local Plan.

Condition 2: Contamination verification

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework and policy CS19 of the Gravesham Local Plan.

Condition 3: Unsuspected 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 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, or 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 in line with paragraph 180 of the National Planning Policy Framework and policy CS19 of the Gravesham Local Plan.

Condition 4: Surface water drainage

No drainage systems for the infiltration of surface water drain age into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework and policy CS19 of the Gravesham Local Plan.

Condition 5: Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework and policy CS19 of the Gravesham Local Plan.

Informative

Surface water drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Natural England

Summary:

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest:

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones:

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Marine Management Organisation

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation:

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing:

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.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence <https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment:

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning:

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

If you require further guidance on the Marine Licencing process, please follow the link

<https://www.gov.uk/topic/planning-development/marine-licences>

Health And Safety Executive - Hazardous Substance

This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of Major Hazard Sites and Major Accident Hazard Pipelines.

When potential development sites are identified, if any of them lie within the Consultation Distances for either a Major Hazard Site or Major Accident Hazard Pipeline Council can use Web App which is HSE's on-line decision support software tool, to see how HSE would advise on any proposed development - <https://pa.hsl.gov.uk>.

HSE has no comment to make.

Ebbfleet Development Corporation

Given that there are buildings in between the EDC boundary and the proposed building, which belong to Britannia refined metal, I would say there would be limited additional impacts to the marshes as there is a large physical barrier and a separating road between. Considering the site is already used for industrial purposes, potential additional noise would not be extensive compared to the existing levels.

The potential environmental impacts of the emissions building have been considered and no significant adverse effects have been identified. The dust and emissions from the building are being managed in accordance with an environmental permit. Considering these points, the EDC raises no objection to this proposal.

Dartford Borough Council

The Borough Council would wish to raise no objection to the proposals.

Swanscombe & Greenhithe Town Council

No observations, please ensure all neighbouring properties are consulted prior to the decision of the application.

Port of London Authority

The PLA has no objection to the proposed development but would highlight that the dispersion modelling results only identified the effects on inland receptors, which does not include dispersion over the river, which is where most of the pollution would travel because of the prevailing wind direction. However, because of the effects of building downforce and limited exposure to river users in this area the PLA has no concerns that this modelling was not undertaken. In the unlikely (emergency) event that something goes wrong at the plant that might elevate the pollutant concentrations released from the stack and any emergency response plans should reflect this and include consideration of the implications for the river and river users.

Kent Wildlife Trust

No response received.

Neighbouring properties

The application was publicised by a site notice and to eight neighbouring properties by letter. No representations have been received.

Officer's Analysis

Proposal

The wider Britannia Refined Metals (BRM) site is a lead and silver refinery. Lead is processed and refined to produce refined lead, refined silver, lead alloys and by products.

The proposed development comprises of the erection of an emissions management building, incorporating a baghouse and chimney stack. The total site area is 185m² and the building would be located in the south-western corner of the wider BRM site, adjacent to a sample preparation building that is currently under construction (pursuant to Lawful Development Certificate application 20230770). The sample preparation building would be used to support BRM's existing industrial operations.

The sample preparation building will accommodate four furnaces and grinding and milling equipment, which require dust extraction via the proposed emissions management building. The proposed emissions management building would be 13.5m long by 8.1m wide (109m² in area). A 750mm duct would link the emissions management building to the sample preparation building and the proposed chimney stack would be approximately 20 metres high.

The applicant has confirmed that incoming material to the sample preparation building would be transported on land and roads owned and maintained by BRM and that outgoing material to a third party laboratory would equate to one 10kg shipment per week. The facility would require a maximum of four additional staff and the usual operating hours would be 7am to 7pm Mondays to Sundays.

Principle of the Development

Policy CS03 of the Gravesham Local Plan Core Strategy (2014) sets out that the Riverside Industrial Area of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area (where the application is located) will be retained in employment use and that the Council will support proposals which expand and support its operation.

Policy CS07 of the Gravesham Local Plan Core Strategy (2014) sets out that proposals for the refurbishment and upgrading of existing industrial and commercial premises will be supported.

The proposed development would support an existing industrial operation and as such, would be in line with Policies CS03 and CS07 of the Gravesham Local Plan Core Strategy (2014) and would be acceptable in principle.

Design, Character and Appearance

The proposed development would be located within an existing industrial site and the design and proposed facing materials would be in keeping with the industrial surroundings. Therefore, the proposal would be appropriately designed and in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

There are no residential properties in close proximity to the application site and as such, there would be no adverse impacts to residential amenity. It is noted that outline planning permission will be granted at Northfleet Harbourside (under reference 20221064) for a mixed use development including residential units. However, the approved illustrative masterplans for this proposal do not show any residential development closer than +50 metres from the application site and as such, there would be no adverse residential amenity impacts to future occupiers.

The proposed development would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Parking and Highways

The proposed development would not involve any alterations to the existing parking arrangements at the application site and there would be no significant increase in the numbers of staff or vehicle movements. KCC Highways and Transportation has raised no objection to the proposal but provide some information, which can be brought to the attention of the applicant by way of an informative attached to any planning permission granted.

Overall, the proposal would not have any adverse highways or parking impacts and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Flood Risk

Paragraph 165 of the National Planning Policy Framework (NPPF 2023) states that inappropriate development in areas at risk of flooding should be avoided and where development is necessary in such areas, it should be made safe for its lifetime, without increasing flood risk elsewhere. Paragraphs 167-172 set out the requirements for a sequential approach to development (steering proposals to areas at lowest risk of flooding) and an exception test (which is applied where it is not possible for development to be located in a lower flood risk area). To meet the exception test, the development should demonstrate that its sustainability benefits to the community outweigh the flood risk and that it will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible, reducing flood risk overall. Paragraph 173 requires development in areas at risk of flooding, where appropriate, to be supported by a site specific, flood risk assessment and paragraph 174 states that some minor developments and changes of use should not be subject to the sequential or exception tests but should still meet the requirements of paragraph 173.

The application site is located adjacent to the River Thames, in various flood zones (including Flood Zone 3, which has a high probability of flooding) and within Groundwater Source Protection Zone 2 (which has medium-high groundwater vulnerability), therefore potential flooding impacts and impacts on groundwater must be carefully considered.

The application site is also located in sub-area 1.2 (Riverside Industrial Area) of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, where existing industrial and port related uses sit behind existing flood defences. Policy CS03 of the Gravesham Local Plan Core Strategy (2014) sets out that the Riverside Industrial Area of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area will be retained in employment use and that the Council will support proposals which expand and support its operation.

With the exception of previously developed sites along the Thames Riverside (including sites within the area covered by Policy CS03) and other regeneration sites which have already been evaluated in

accordance with the sequential and exception tests, Policy CS18 of the Gravesham Local Plan Core Strategy (2014) directs development sequentially to those areas at least risk of flooding. The policy requires proposals in areas at risk of flooding, to be accompanied by a flood risk assessment and a flood risk management plan (if required) to demonstrate that they are adequately defended and safe over their lifetime.

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires the design and layout of new development to take advantage of opportunities to build in resilience to the effects of climate change, including protection against flood risk.

As the application site is within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, it has already passed the sequential and exception tests. A Flood Risk Assessment has been submitted which concludes that the primary flood risk is from the tidally influenced reach of the River Thames and that the site benefits from tidal flood defences protecting against events up to an 1 in 1000-year (0.1% AEP) event. Site-specific modelling indicates that, although infrastructure failure could pose significant risks to personnel, established early flood warning systems and Evacuation Plans effectively mitigate these risks. The document also states that flood defence assets are routinely monitored and maintained by the Environment Agency and BRM and are considered unlikely to fail. Overall, the document demonstrates that the proposed development would be safe from all flood risks, with no adverse off-site impacts.

The Environment Agency does not raise a flood risk objection to the proposed development but recommends the use of flood resistance and resilience measures, such as physical barriers, raised electrical fittings and special construction materials as part of the proposal. This issue can be brought to the attention of the applicant by an informative attached to any planning permission granted.

Four flood risk mitigation documents have been submitted (which are already in use at the application site). It is noted that the Building Regulations process would also cover building level resistance to flooding. Therefore, provided that a condition requiring the development to be undertaken in accordance with these documents, is attached to any planning permission granted, then the proposal would adequately mitigate the potential flood risk.

The application site is located within an operational industrial site, which is protected by existing flood defences and benefits from a Flood Risk Management Plan and Evacuation Plan for staff. The proposed development would be built on existing hardstanding and would drain into the established surface water drainage system. It would not include any offices, accommodation or staff facilities, would not lead to additional surface water run-off and would not take land out of the floodplain. Therefore, the proposal would mitigate any potential flood risk and as such, would be in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 14 of the NPPF 2023.

Ecological impacts and biodiversity

The application site is located in close proximity to the Swanscombe Peninsula Site of Special Scientific Interest (SSSI), the Botany Marshes Landscape Character Area (LCA), the Botany Marshes Local Wildlife Site (LWS) and a Biodiversity Opportunity Area (BOA).

The applicant has highlighted that the purpose of the proposed emissions abatement system is to ensure that emissions to air would not cause harm to sensitive receptors and the abatement system would be controlled by an Environmental Permit, which would not be approved until it was shown that emissions would not be harmful.

The KCC Biodiversity Officer has set out that no ecological surveys required as part of this proposal because the application site is within the footprint of an active industrial area and located entirely on land that is covered by hard standing.

The KCC Biodiversity Officer has also highlighted that the application site is adjacent to the Swanscombe Peninsula SSSI and that the proposal may have a negative impact on the SSSI, due to adverse noise and

air quality impacts. However, she does not raise an objection and refers to the expertise of the GBC Environmental Protection Team (Regulatory Services) with regard to these matters. As set out in the sections below, there would be no adverse noise or air quality impacts above the existing industrial operation and as such, there would be no adverse impacts on the SSSI.

Due to the design of the proposal and its industrial location, there would also be no adverse impacts on the Botany Marshes LCA, the Botany Marshes LWS or the BOA.

External lighting can have adverse impacts on wildlife and biodiversity. Therefore, in order to ensure that this does not occur, a condition can be attached to any planning permission granted, to control the extent of the illumination of the proposed development.

Overall, the proposed development would not be detrimental to ecology or biodiversity and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

Noise Impacts

The proposed development is in close proximity to the Swanscombe Peninsula SSSI but would be located within a large, operational industrial site and the application details demonstrate that the noise from the proposed building would not be audible in the context of existing background noise from the wider site. It is noted that the GBC Environmental Protection Team (Regulatory Services) has not raised an objection to the proposal.

Overall, the proposed development would not result in any increased noise disturbance over and above the current activities at the application site. As such, the proposal would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

Air Quality Impacts

The application site is located within the area that was formerly the Northfleet Industrial Area Air Quality Management Area and is in close proximity to the Swanscombe Peninsula SSSI. However, the application details demonstrate that the proposal would not result in any adverse air quality impacts. It is noted that the GBC Environmental Protection Team (Regulatory Services) has not raised an objection to the proposal.

Overall, the proposed development would have no adverse impacts on air quality and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

Contamination Impacts

The application site is located within Groundwater Source Protection Zone 2 (which has medium-high groundwater vulnerability). The application site is also located within the buffer zone for the Botany Road historic landfill site and the site is known to be contaminated due to its historical and current uses. As such, a Ground Investigation Report has been submitted.

GBC Environmental Protection Team (Regulatory Services) advise that soil sampling, groundwater sampling and ground gas analysis have been undertaken and that the results found elevated levels of various contaminants (arsenic, lead and asbestos fibres). They advise that there would be a short-term risk to construction workers due to direct contact with contaminated soils and therefore a risk assessment is required. They also advise that the presence of asbestos fibres requires a specific risk assessment to ensure there is no on-site or off-site dispersal of fibres during groundworks. They suggest that these matters can be addressed by a comprehensive Construction Environmental Management Plan and an asbestos risk assessment, which can be the subject of conditions attached to any planning permission granted.

The Environment Agency raise no contamination objection to the proposal subject to the imposition of various contamination conditions and informatives.

The foundations for the proposed development include piling, which could cause adverse contamination impacts in themselves. A piling risk assessment has been submitted, which concludes that CFA piles are

the most appropriate for the site and that it will be important to ensure that the works are carried out appropriately.

With regards to piling risk assessment, the Environment Agency highlights that the Phase 1 Geotechnical and Environmental Desk Study recommends that further investigations should be completed and as such, they raise concerns that an appropriate Piling Risk Assessment cannot be completed without first understanding the potential risks (i.e. levels of contamination) at the site. In order to address this issue, they recommend that a piling condition is attached to any planning permission granted. This would allow a Phase 2 Contaminated Land report to be completed (following the Phase 1 guidance) prior to the submission and approval of an appropriate Piling Risk Assessment.

Overall, subject to the imposition of appropriate conditions and informatives, the proposed development would have no adverse contamination impacts and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Archaeological Impacts

The application site is located in an area of multi-period archaeological and palaeo-environmental potential. The KCC Heritage Conservation Officer does not raise an objection to the proposal, due to the deep nature of the underlying deposits at this site and taking into account the scale and location of the development.

Overall, the proposed development would not have any adverse archaeological impact and would be in line with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

Public Right of Way

The application site is located in close proximity to a footpath (reference NU1), however due to the location of the proposed development, there would be no adverse impacts to the alignment or to the use of the Public Right of Way. The KCC West Kent Public Rights of Way Officer has not raised an objection to the proposal but provides some information which can be brought to the attention of the applicant by way of an informative attached to any planning permission granted.

Any Other Material Planning Considerations

It should be noted that the proposed development would operate under an environmental permit but would not require a screening option under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is because it would not be a Schedule 1 or 2 development, due to the small size of the proposal. Notwithstanding this, the close proximity of the Swanscombe Peninsula SSSI and other ecological designations has been taken into consideration. However, reference to the above sections highlights that no adverse ecological, contamination, noise or air quality impacts have been identified. Therefore, the proposed development would have no significant environmental impacts.

The Port of London Authority (PLA) has no objection to the proposed development but highlights that the submitted dispersion modelling results only identified the effects on inland receptors, which does not include dispersion over the river, which is where most of the pollution would travel. However, the PLA has raised no concerns that this modelling was not undertaken. It states that the applicant should be advised that, in the event of an emergency, the proposed plant might elevate the pollutant concentrations released from the stack and any emergency response plans should reflect this and include consideration of the implications for the river and river users. This can be brought to the attention of the applicant by way of an informative attached to any planning permission granted.

The comments of the Marine Management Organisation, set out in the consultees section above, can be brought to the attention of the applicant by way of an informative attached to any planning permission granted.

It is noted that the Ebbsfleet Development Corporation, Dartford Borough Council and the Swanscombe and Greenhithe Town Council do not raise any objections to the proposed development.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Contamination strategy pre-commencement

Construction Management Plan pre-commencement

Asbestos risk assessment prior to excavation works

Contamination verification report prior to first use

Watching brief for previously unidentified contamination

No surface water infiltration drainage systems

No piling or other penetrative foundation designs

Materials to match existing

No external lighting

Operation in accordance with flood risk mitigation documents

Conclusion & Recommendation

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	26 September 2024	Dated:	27th September 2024