

SUPPLEMENTARY REPORT

Application Ref:	20240149
Site Address:	Lighthouse Vessel 21, St Andrews Quay, Royal Pier Road, Gravesend, Kent, DA12 2BD
Application Description:	Change of use of river to Use Class F1 - Learning and non-residential institutions to facilitate the permanent mooring of a vessel.
Applicant:	Gravesham Borough Council
Agent:	Mrs Hannah Young, Icen Projects
Ward:	Town
Parish:	Non-Parish Area
Decision due date:	28 June 2024
Publicity expiry date:	14 June 2024
Decision Level:	Committee Decision
Reason for referral:	Gravesham Borough Council planning application
Recommendation:	That the Head of Planning in consultation with the Chair and Vice Chair is given delegated authority to issue the planning permission and impose conditions and informatives, subject to: • The submission of an ecological impact assessment and consideration of associated ecological matters • Consideration of any comments received from outstanding consultees, representations from the public • Finalisation of planning conditions and informatives, including taking into consideration the outcome of the ecological impact assessment That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee. Should the Head of Planning consider that a different decision could have been reached by the Committee (having considered any further consultation responses or representations received) the application is to be reported back to the next meeting of Planning Committee.

Summary of Reasons for Supplementary Report and Recommendations

This supplementary report sets out all new consultation responses received since the publication of the agenda and as of 07 June 2024. The deadline for consultee comments was 06 June 2024.

The report includes a discussion of any new issues raised by consultees and an assessment of the flood risk and biodiversity impacts of the proposed development.

The deadline for representations from the public is 14 June 2024. No new representations have been received since the publication of the agenda.

The proposed development seeks a change of use of the application site to allow for the permanent mooring of the LV21 and its use as a cultural hub incorporating a heritage facility, art space and performance space.

The proposal would improve cultural and tourism facilities in the town centre by facilitating the retention of the LV21 in its current location.

It would be an appropriate feature, which preserves the character and appearance of the High Street & Queen Street Conservation Area and the Riverside Conservation Area and would not harm the setting of the surrounding listed buildings.

There would be no adverse privacy, sunlight, daylight, noise or disturbance impacts to any existing or future neighbouring occupiers.

The application site is situated in a highly accessible, town centre location, where a range of public transport links and public car parks are available. Therefore, the proposed development would not be detrimental to highway safety.

Provided that a flood risk evacuation plan and a foul discharge there would be no adverse flood risk.

There would be no adverse impact to the King Charles III England Coast Path.

The proposal would be a sustainable form of development that accords with national and local planning policy. However, due to the identification of priority habitat an ecological impact assessment needs to be undertaken. As this is awaited, the recommendation to Planning Committee is:

That the Head of Planning in consultation with the Chair and Vice Chair is given delegated authority to issue the planning permission and impose conditions and informatives, subject to:

- The submission of an ecological impact assessment and consideration of associated ecological matters
- Consideration of any comments received from outstanding consultees, representations from the public
- Finalisation of planning conditions and informatives, including taking into consideration the outcome of the ecological impact assessment

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Should the Head of Planning consider that a different decision could have been reached by the Committee (having considered any further consultation responses or representations received) the application is to be reported back to the next meeting of Planning Committee.

MAIN REPORT

1. Introduction

Following completion of the final Committee Report to Members, additional consultation responses have been received. This Supplementary Report sets out all new consultation responses received up to 07 June 2024. The issues raised by the new consultation responses are set out and commented upon in the following sections. In addition, there are assessments of the flood risk and biodiversity impacts of the proposed development.

2. Consultations, Publicity and Representations

Consultees

Following the publishing of the final Committee Report, two consultation responses have been received as of 07 June 2024. These are as follows;

Port of London Authority (PLA)

Second comments:

The scope of the application has been reduced so that it relates to the mooring of a single vessel and a separate application would be required for any second vessel. The PLA notes that whilst the letter dated 14 May 2024 makes reference to LV21, the description of the development that is sought “permanent mooring of a vessel” is not specific to LV21. The Council may wish to consider whether a planning condition is required so that if LV21 was to be removed from the site, details would need to be submitted and approved prior to any alternative vessel being moored at the site. This point is of specific interest to the PLA because LV21 can take the ground at low water – alternative vessels may not be able to. The PLA would look to condition this in any RWL.

The red line box has been re-drawn which is welcomed. Whilst the red line as drawn would allow some latitude in the movement of the vessel upstream and downstream, the change in the description of the development coupled with the re drawing of the red line boundary to 1.5m from the outside edge of LV21 would prohibit a second vessel being moored at the site without a further application being submitted to the Council. This overcomes many of the PLA’s concerns set out in its response dated 26 April 2024.

The use class that is proposed continues to be Class F1 – Learning and non-residential institutions. The use of the vessel could therefore extend outside of its current cultural and heritage offer and no assessment has been undertaken of the implication of this. The Council may wish to consider the acceptability of this or whether the use of a condition is required. The PLA would look to condition the use of the vessel in any RWL to the current use of LV21.

In addition, as previously raised by the Harbour Master if LV21 is moved along the wall safe ship-shore access will need to be considered. Again this is something we will deal with in the RWL but the Council may wish to consider whether any conditions are required relating to the submission and approval of details should LV21 be moved within the red line boundary

Environment Agency

No objection subject to the following planning condition and informative being applied to any planning permission granted.

Fisheries, Biodiversity and Geomorphology:

We have no objections on biodiversity grounds, however, would recommend the following planning condition. Without this condition we would object to the proposal because it cannot be

guaranteed that the development will not result in significant harm to ecological balance of the watercourse.

Condition 1

No development shall take place until a plan for the protection from foul discharge and biodiversity enhancement of the vessel, has been submitted to and approved in writing by the local planning authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:

- Details to be submitted to describe how foul water/ sewage will be precluded from entering the watercourse with a management and disposal plan.
- Enhancement strategy and management plan to include biodiversity enhancement of the vessel. This could include (Magnetically affixed) hanging reef structures for fish, and/or opportunities for birds.

Reason

To protect the Thames and avoid damaging the site's nature conservation fisheries value.

This approach is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Flood Risk:

We do not object to the principle of the mooring changes and the placement of the historic steam tug. However, it should be noted that any works to the formal tidal flood defence would require a Flood Risk Activities Permit (FRAP).

The tidal Thames frontage features a flood defence line which should provide a 1 in 1000 year level of protection to much of the neighbouring land. At St Andrews Gardens, much of the flood defence line is formed by high ground and a low wall which both run inland of the river wall, where the moorings are located.

As much of the river wall is not a formal tidal flood defence, we would not object to the change in moorings along this length. However, directly west of St Andrew's Garden the formal tidal flood defence is formed by the river wall which features a higher crest level where it fronts the pub garden.

From the submitted drawings, it would appear that the proposed moorings do not interact with the tidal flood defence. Were any of the proposed construction activities to impact the tidal flood defence, the applicant must obtain a Flood Risk Activity Permit from the Environment Agency.

Informative Flood Risk Activity Permit 1

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Neighbouring properties

Members are requested to note that no new representations from the public have been received since the publication of the agenda and that the neighbour consultation period expires on 14 June 2024.

3. Planning Analysis and Head of Planning Comments

Flood Risk

Paragraph 165 of the 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.

With the exception of previously developed sites along the Thames Riverside and other regeneration sites which have already been evaluated in accordance with the sequential and exception tests, Policy CS18 (LPCS) 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.

The application site is located partially on the River Thames and partially on the river front and is within Flood Zone 3. Therefore, it has a high probability of flooding. As a change of use, the proposal is not subject to the sequential or exception tests, but due to its location in Flood Zone 3, the application has been accompanied by a flood risk assessment. This document concludes that the LV21 vessel would not flood but because St Andrews Quay does not benefit from flood defences, it could flood to a depth of two metres. It highlights that such flooding would affect access/egress to the boat. As such, the document states that a flood evacuation plan is required and that the applicant should sign up to the Environment Agency's Flood Warning Service and the Met Office Severe Weather Warning Service.

The EA do not object to the principle of the proposed development in terms of flood risk and highlight that any works to the formal tidal flood defence would require a Flood Risk Activities Permit (FRAP).

KCC Flood and Water Management have not raised an objection in principle to the proposed development but seek the submission of a Flood Risk Evacuation Plan, in line with the recommendations of the Flood Risk Assessment.

The application site stops short of the formal tidal flood defence and as such, there would be no adverse impacts to it. However, the FRAP details can be brought to the attention of the applicant in an informative attached to any planning permission granted. The potential for flooding adversely affecting the access to the LV21 can be mitigated by the implementation of a flood evacuation plan. Therefore, in the event that members resolve to grant planning permission for this proposal, a condition would be attached requiring the submission and approval of a flood evacuation plan.

Overall, it is considered that the proposal would mitigate any potential flood risk and would be in accordance with Policies CS18 and CS19 (LPCS) and Section 14 of the NPPF (2023).

Ecology and Biodiversity

Paragraph 180 of the NPPF 2023 sets out that the planning system should conserve and enhance the environment by protecting and enhancing valued landscapes, sites of biodiversity value and by minimising impacts on, and providing net gains for, biodiversity.

Paragraph 186 of the NPPF 2023 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

Policy CS12 (LPCS) states that sites designated for their biodiversity value will be protected and that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought within new development. Policy CS19 (LPCS) requires new development to avoid adverse environmental impacts from pollution, to not pose an unacceptable risk or harm to the water environment and to protect and, where opportunities arise, enhance biodiversity.

The application site is partly within the River Thames foreshore (an intertidal mudflat) and an area laid to concrete along the riverside. Whilst the concrete area has no biodiversity value, at low tide, the LV21 vessel would sit on the foreshore, which is a priority habitat. The application site is not located within a SSSI Impact Risk Zone.

Natural England considers that the proposed development would not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes and highlights that priority habitats are of particular importance for nature conservation. The PLA has raised concerns regarding impacts of the proposal on the foreshore and requires details of mitigation to be provided. The EA do not object to the proposed development on biodiversity grounds, provided that a pre-commencement condition requiring a plan for the protection from foul discharge and the biodiversity enhancement of the vessel is submitted and approved.

The proposed development would result in a relatively small area of the foreshore being affected and due to the operation of tides, the vessel would not sit permanently on the protected habitat. A foul discharge and biodiversity enhancement plan would ensure that there are no adverse impacts to biodiversity. However, given that this part of the foreshore falls within a priority habitat, to ensure the proposal does harm the priority habitat, an ecological impact assessment has been requested. This will ensure that the impacts of the priority habitats are assessed adequately, with the assessment providing details of any precautionary mitigation or enhancements which are required. With any mitigation or enhancements being needed being suitably conditioned.

Members are requested to note that, as the LV21 has been in situ for a number of years, any planning permission granted would effectively result in the retention of the LV21. Therefore, it would be unenforceable for a biodiversity condition to be pre-commencement. Instead, the foul discharge and biodiversity management plan would be required to be submitted and approved within three months of the date of any planning permission granted.

Overall, subject to an ecological impact assessment being provided, that mitigates or enhances impacts on the priority habitat, and with any outcomes from the assessment suitably being conditioned, it is considered that there would be no adverse impacts to biodiversity and the proposed development would be in accordance with Policy CS12 (LPCS) and paragraphs 180 and 186 of the NPPF 2023.

Other Issues raised by the PLA

The PLA raise concerns that the proposed development would allow a different boat to be moored at the application site in place of the LV21. The application details refer only to the permanent mooring of the LV21 but it is acknowledged that the description of the proposal is more general. The application site is of considerable size and could accommodate a much larger boat, the impacts of which have not been considered. Rather, the assessment of the proposal has focussed specifically on the impacts of the permanent mooring of the LV21. Therefore, should members resolve to grant planning permission, a condition would be attached setting out that only a vessel of a similar or lesser scale to LV21 vessel can be moored at the application site.

The PLA also raise concerns regarding access arrangements, in the event that the LV21 is moved up or down stream. However, they also highlight that safe ship-shore access would be an issue dealt with in a River Works License (RWL). The application site includes three existing concrete access ramps. At present access to the vessel is afforded via a metal access platform located at the central access ramp. It would appear that the metal access platform could be moved to either of the two other existing access ramps, to afford access to the boat if it is relocated. As such and because safe ship-shore access would be regulated by the PLA, it is considered that the proposed access arrangements would be acceptable.

4. Conclusion

The proposed development would result in the retention of an important cultural feature, in a highly accessible town centre location. The proposal would not detract from the character or appearance of the High Street & Queen Street and the Riverside Conservation Areas or harm the setting of the surrounding listed buildings. There would be no detriment to highway safety, residential amenity or the King Charles III England Coast Path.

Subject to the submission and approval of conditions related to a flood risk evacuation plan and foul discharge and biodiversity management plan, there would be no adverse flood risk or biodiversity impacts.

Overall, subject to the positive resolution of the outstanding ecological matter pertaining to the Priority Habitat, the proposal would be to be a sustainable form of development that accords with national and local planning policy.

5. Recommendation

That the Head of Planning in consultation with the Chair and Vice Chair is given delegated authority to issue the planning permission and impose conditions and informatives, subject to:

- The submission of an ecological impact assessment and consideration of associated ecological matters
- Consideration of any comments received from outstanding consultees, representations from the public
- Finalisation of planning conditions and informatives, including taking into consideration the outcome of the ecological impact assessment

That the Head of Planning is delegated authority to make changes to the wording of the

committee's decision (such as to delete, vary or add conditions, informatives or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Should the Head of Planning consider that a different decision could have been reached by the Committee (having considered any further consultation responses or representations received) the application is to be reported back to the next meeting of Planning Committee.

Suggested conditions

1. The development as carried out shall accord with the following approved plans:

Application for Planning Permission form;
Drawing no. 4004-LBXXXXDU101001 Rev. 2 Location plan;
Drawing no. 4004-LBXXXXDU101002 Rev. 2 Block plan;
Drawing no. 4004-LBXXXXDU102000 Rev. 1 Indicative floorplans;
Drawing no. 4004-LBXXXXDU104000 Rev. 1 Indicative elevation
Drawing no. 4004-LBXXXXDU105001 Rev. 1 Indicative section;
Planning Statement February 2024;
Heritage Statement January 2024;
Flood Risk Assessment with Evacuation Plan;
Letter from the agent dated 07 February 2024; and
Letter from the agent dated 14 May 2024.

Reason For the avoidance of doubt and in the interests of proper planning.

2. Within three months of the date of this permission, a Flood Risk Evacuation Plan (in line with the recommendations set out in the submitted Flood Risk Assessment Report) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved plan at all times.

Reason In order to mitigate flood risk impacts and in accordance with Policies C18 and CS19 of the Gravesham Local Plan Core Strategy (2014).

3. Within three months of the date of this permission, a plan for the protection from foul discharge and biodiversity enhancement of the vessel, shall be submitted to and approved in writing by the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:
 - Details to be submitted to describe how foul water/ sewage will be precluded from entering the watercourse with a management and disposal plan.
 - Enhancement strategy and management plan to include biodiversity enhancement of the vessel. This could include (magnetically affixed) hanging reef structures for fish, and/or opportunities for birds.

The development shall be operated in accordance with the approved plan at all times.

Reason To protect the River Thames habitat and to avoid damaging the site's nature conservation fisheries value and in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

4. Notwithstanding the details on the approved plans and application form, a boat of a similar or lesser scale the Lighthouse Vessel 21 is the only boat that can be permanently moored at the

application site.

Reason In order to ensure that any alternative boat or any intensification of the use of the site may be the subject of a planning application which the Local Planning Authority would wish to determine on its merits and in the interests of protecting heritage assets, residential amenity, highway safety, biodiversity and flood risk in accordance with Policies CS11, CS12, CS18, CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

5. The use hereby permitted shall only be operated between the hours of 08.00 and 23.30 on Mondays to Sundays.

Reason In order to ensure that any intensification of the use may be the subject of a planning application which the Local Planning Authority would wish to determine on its merits and to protect residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Suggested informatives

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 KCC HIGHWAYS & TRANSPORTATION

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.

5 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.

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/ukxi/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>

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

6 KCC WEST KENT PUBLIC RIGHTS OF WAY OFFICER

English Coastal Path ECP/8 is adjacent to the vessel and is not affected by the application. Please note that the ECP should not be obstructed in any way and no furniture or fixtures may be erected on or across the ECP without consent.

7 COMMERCIAL REFUSE ARRANGEMENTS

Storage facilities provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.

8 ENVIRONMENT AGENCY

The tidal Thames frontage features a flood defence line which should provide a 1 in 1000 year level of protection to much of the neighbouring land. At St Andrews Gardens, much of the flood defence line is formed by high ground and a low wall which both run inland of the river wall, where the moorings are located.

As much of the river wall is not a formal tidal flood defence, we would not object to the change in moorings along this length. However, directly west of St Andrew's Garden the formal tidal flood defence is formed by the river wall which features a higher crest level where it fronts the pub garden.

From the submitted drawings, it would appear that the proposed moorings do not interact with the tidal flood defence. Were any of the proposed construction activities to impact the tidal flood defence, the applicant must obtain a Flood Risk Activity Permit from the Environment Agency.

Informative Flood Risk Activity Permit 1

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.